

**Information Collection Request:
National Pretreatment Program**

OMB Control No. 2040-0009, EPA ICR No. 0002.15

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Abbreviations and Acronyms

AA	approval authority
ANPR	Advanced Notice of Proposed Rulemaking
BLS	Bureau of Labor Statistics
BMP	best management practice
BMR	baseline monitoring report
CA	control authority
CBI	confidential business information
CFR	<i>Code of Federal Regulations</i>
CIU	categorical industrial user
CWA	Clean Water Act
CWT	Centralized Waste Treatment
DSS	Domestic Sewage Study
EPA	Environmental Protection Agency
FDF	Fundamentally Different Factors
FR	<i>Federal Register</i>
gpd	gallons per day
ICR	Information Collection Request
IU	industrial user
IWS	Industrial Waste Survey
kg	kilogram
MAIL	Maximum Allowable Industrial Loading
mgd	million gallons per day
MP&M	Metal Products and Machinery
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
NRDC	Natural Resources Defense Council
NSCIU	nonsignificant categorical industrial user
O&M	operation and maintenance
OA	oversight authority
OMB	Office of Management and Budget
OST	Office of Science and Technology
OW	Office of Water
OWM	Office of Wastewater Management
P2	pollution prevention
PCS	Permit Compliance System
PFPR	Pesticide Formulating, Packaging, and Repackaging
PIRT	Pretreatment Implementation Review Task Force
POTW	publicly owned treatment works
QNCR	Quarterly Noncompliance Report
RCRA	Resource Conservation and Recovery Act
SBA	Small Business Administration
SBREFA	Small Business Regulatory Enforcement Fairness Act
SIC	Standard Industrial Classification
SIU	significant industrial user
SNC	significant noncompliance
TEC	Transportation Equipment Cleaning
TRI	Toxics Release Inventory
TTO	total toxic organics

1. Identification of the Information Collection

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

Title: National Pretreatment Program
OMB Control No: 2040-0009
EPA ICR No: 0002.15

1(b). Short Characterization

This Information Collection Request (ICR) calculates the burden and costs associated with managing and implementing the National Pretreatment Program as mandated under sections 402(a) and (b) and 307(b) of the Clean Water Act (CWA or the Act). This ICR includes all existing tasks under the National Pretreatment Program, as amended by the U.S. Environmental Protection Agency's (EPA) Streamlining Rule.¹

EPA's Office of Wastewater Management (OWM) implements the National Pretreatment Program on the basis of requirements first promulgated in the CWA in June 1978. The CWA requires EPA to develop these regulations to establish responsibilities among federal, state, and local government, industry, and the public to implement pretreatment standards to control pollutants that *pass through* or *interfere* with publicly owned treatment works' (POTW) treatment processes or that may contaminate sewage sludge. The regulations have been revised numerous times since they were first published in 1978; currently, they consist of 20 sections and several appendices. The most recent revision, the Streamlining Rule (*Federal Register* [FR] vol. 70, page 60134), was published on October 14, 2005, and became effective November 14, 2005.

Unlike other environmental programs that rely on federal or state governments to implement and enforce specific requirements, the National Pretreatment Program places most of the responsibility on local municipalities. Specifically, the program requires all POTWs with design flows of more than 5 million gallons per day (mgd), as well as small POTWs with design flow less than 5 mgd that receive discharges from significant industrial users (SIUs), which may pass through or interfere with the operation of the POTW, or are otherwise subject to National Pretreatment Standards, to establish local pretreatment programs. POTWs enforce all national Pretreatment Standards and Requirements, as well as any more stringent local requirements determined necessary to protect the POTW and its workers, through local programs. States may opt to implement statewide pretreatment programs in lieu of requiring POTWs to do so. In statewide programs, data are exchanged between industrial users (IUs) and these state *control authorities*.

Each control authority, in turn, must have its program approved by the entity responsible for overseeing implementation and enforcement of the National Pretreatment Program. An *approval authority* is either a state, provided it is authorized by EPA to implement the National Pollutant Discharge Elimination System (NPDES) and National Pretreatment Program, or an EPA regional office. EPA regional offices are the approval authorities for states that opt to implement

¹ 70 FR 60134, October 15, 2005.

statewide pretreatment programs rather than requiring their POTWs to implement programs. Data are routinely exchanged between approval authorities and control authorities to ensure that the National Pretreatment Program is being properly implemented.

This ICR estimates the program burden and costs for December 2011, through November 2014.

The total annual respondent burden associated with this ICR is estimated to be 1.81 million hours per year. The total annual respondent costs associated with this ICR are estimated to be approximately \$77.7 million. The estimated annual costs and burden are distributed as follows: 138,657 hours and \$5.5 million for states, 864,513 hours and \$25.5 million for POTWs, and 803,346 hours and \$46.7 million for IUs. The agency burden for the federal government totals 21,741 hours annually or approximately \$0.85 million. The total number of respondents for this ICR is 24,411, of which 36 are states, 1,548 are POTWs (approved programs), and 22,827 are SIUs. The total annual number of responses for these respondents is 98,438.

2. NEED FOR AND USE OF THE COLLECTION

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

Section 402(b) of CWA requires EPA to develop national pretreatment standards to control industrial discharges into sewage systems. The purpose of these standards is to prevent pollutants from *passing through* or *interfering* with treatment plant operations that might result in damage to the environment or a threat to public health. As detailed below, several serious problems can occur when industrial wastes are discharged into sewage systems.

- *Pass through of toxic pollutants into receiving waters.* Industrial pollutants that pass through treatment systems into receiving waters can cause fish kills, destroy aquatic habitat, increase the risk of cancer in humans, and render receiving waters unsuitable for drinking or recreation.
- *Interference with treatment plant operations.* Municipal wastewater treatment systems are designed to handle typical household waste and biodegradable commercial and industrial wastes. Toxic industrial compounds that do not pass directly through the system might interfere with plant operations.
- *Contamination of sewage sludge.* Toxic compounds remaining in sewage sludge might render it unsuitable for certain disposal methods, such as land application, placement on a surface disposal site, or incineration.
- *Corrosion of pipes and equipment.* Industrial discharges with extremely high or low pH values can cause corrosion in the sewage collection system or the treatment plant, resulting in the need for premature repair or replacement of pipes and equipment.
- *Explosion of highly volatile wastes.* Industrial wastes can explode under particular conditions within the sewage collection system or treatment operations as a result of inadvertent mixing of highly volatile compounds, causing widespread damage to treatment facilities and posing a serious risk to plant operators.

- *Interaction of wastes to produce toxic gases.* Industrial discharges such as highly acidic wastes can interact with other wastes in the collection system, causing the release of toxic gases.

EPA has developed National Pretreatment Program standards for circumstances common to all sewage systems, as well as those serving specific industries. National standards apply regardless of whether the source is subject to other federal, state, or local pretreatment standards. The regulations establish general and specific discharge standards (40 CFR 403.5(a) and (b)) that apply to all IUs. The general prohibitions forbid the addition of inadequately treated wastes and forbid the discharge of pollutants that might interfere with or pass through the treatment works, thereby disrupting treatment capability. The specific prohibitions forbid the discharge of pollutants that

- Create a fire or explosion hazard
- Are highly corrosive
- Obstruct the treatment processes or system flows
- Cause interference or pass through
- Increase the temperature of wastewater entering the plant to above 104 degrees Fahrenheit.
- Cause worker health or safety problems
- Are trucked or hauled to the POTW (except as allowed by the POTW).

In addition to the national pretreatment standards, EPA has developed specific standards for certain industrial categories; they are called *categorical pretreatment standards*. These standards specify quantities or concentrations of certain pollutants or pollutant properties that IUs in certain industrial categories may discharge to a POTW. The categorical standards may also specify other steps that categorical industrial users (CIUs) must take to protect POTWs. EPA develops these categorical standards to restrict the discharge of certain toxic pollutants that the Agency has identified as posing the greatest threat to human health or the environment. Facilities subject to categorical standards must also comply with national pretreatment standards. Certain categorical standards allow CIUs to submit periodic certifications or develop pollution prevention plans to reduce or take the place of analytical sampling requirements.

Finally, EPA requires the *control authority (CA)*, which is usually the POTW, to develop and enforce limits according to local, site-specific situations. These local limits ensure that IUs meet general and specific prohibitions detailed at 40 CFR 403.5(a) and (b). They are federally enforceable pretreatment standards, as defined in section 307(d) of the CWA. If the local limits are more stringent than the categorical standards, the more stringent limit applies and is enforceable as a federal standard. The monitoring, recordkeeping, and reporting requirements for these three types of pretreatment standards (general, specific, and local limits) are explained in more detail in section 4.

EPA, together with the various *approval authorities* and *control authorities*, implements these standards through the National Pretreatment Program. These entities need information to

- Authorize state and local programs
- Monitor and enforce compliance with the national standards

- Determine the applicability of categorical standards
- Develop and enforce local limits

Overall, EPA reduced the amount of information to be collected in these areas in its Streamlining Rule (70 FR 60134). The rule, however, did impose a few new data collection requirements for IUs voluntarily requesting coverage under the pretreatment program, for best management practice (BMP)-based standards, and for those subject to provisions concerning *equivalent mass* and *equivalent concentration limits*. The rule may also impose a one-time requirement for a POTW that wants to take advantage of the flexibility requirements under the rule by requiring the POTW to modify its pretreatment program procedures and authority.

The information collection requirements discussed in this ICR are authorized by sections 301, 307(b), 308, 402(a), and 402(b) of the CWA. These sections provide for state administration of the NPDES program, which controls point source discharges of pollutants to waters of the United States. According to the CWA, states must also develop programs to ensure POTW compliance with the requirements of the national pretreatment regulations. Under the same authority, certain POTWs must identify all IUs that discharge pollutants subject to categorical standards under section 307(b) of the Act and must develop a pretreatment program to ensure compliance with these standards.

The administration of the National Pretreatment Program involves three levels of authority, as described below.

- *Oversight Authority (OA)*. EPA regional offices oversee state pretreatment programs. They may also assume the responsibilities of the approval authority (AA) or control authority (CA) if states or POTWs do not have authorized pretreatment programs.
- *Approval Authority (AA)*. A state with an approved NPDES program must obtain approval authority for its pretreatment program. The AA approves POTW pretreatment programs, oversees POTW program implementation, and assumes the responsibility of the CA for POTWs that do not have a pretreatment program.
- *Control Authority (CA)*. The CA is responsible for implementing the pretreatment program, including establishing control mechanisms for compliance assessment and enforcement of the national standards, categorical standards, and local limits. A POTW with a pretreatment program approved by the AA becomes the CA. If the POTW does not obtain such approval, the state or the EPA region assumes the responsibility of the CA.

Exhibit 1 shows the possible combinations of authority, while Exhibit 2 outlines the responsibilities of each authority.

Exhibit 1. Authority under the pretreatment program

POTW with Approved Pretreatment Program	State with Approved Pretreatment Program	Control Authority	Approval Authority	Oversight Authority
Yes	Yes	POTW	State	EPA
Yes	No	POTW	EPA	EPA
No	Yes	State	State	EPA
No	No	EPA	EPA	EPA

Exhibit 2. Responsibilities of each authority

<p>Oversight Authority (EPA)</p> <ul style="list-style-type: none"> ▪ Evaluates pretreatment programs on a national basis and oversees state pretreatment programs to ensure that they meet federal requirements. ▪ Approves state pretreatment program requests. ▪ Acts as AA or CA in cases where states or POTWs do not have pretreatment programs.
<p>Approval Authority (Approved States or EPA Regions)</p> <ul style="list-style-type: none"> ▪ Reviews POTW pretreatment programs to determine adequacy. ▪ Assists POTWs in ensuring compliance with pretreatment requirements. ▪ Audits/inspects approved POTWs to assess compliance (may also inspect IUs). ▪ Takes appropriate action against POTWs that fail to implement or enforce pretreatment standards at IUs not in compliance (where POTW does not take action). ▪ Acts as CA in cases where the POTW does not have a pretreatment program.
<p>Control Authority (Approved POTWs, Approved States, or EPA Regions)</p> <ul style="list-style-type: none"> ▪ Has primary responsibility for implementing the pretreatment program. ▪ Ensures that IUs comply with discharge limitations, reporting requirements, and certification requirements. ▪ Inspects or reviews self-monitoring reports from IUs. ▪ Enforces against noncomplying IUs.

The procedures and requirements of the National Pretreatment Program are specified at 40 CFR Part 403. The general framework of Part 403 is as follows:

Section	Title
403.1	Purpose and Applicability
403.2	Objectives of General Pretreatment Regulations
403.3	Definitions
403.4	State or Local Law
403.5	National Pretreatment Standards: Prohibited Discharges
403.6	National Pretreatment Standards: Categorical Standards
403.7	Removal Credits
403.8	Pretreatment Program Requirements: Development and Implementation by POTW

- 403.9 POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval
- 403.10 Development and Submission of NPDES State Pretreatment Programs
- 403.11 Approval Procedures for POTW Pretreatment Programs and POTW Granting of Removal Credits
- 403.12 Reporting Requirements for POTWs and Industrial Users
- 403.13 Variances from Categorical Pretreatment Standards for Fundamentally Different Factors
- 403.14 Confidentiality
- 403.15 Net/Gross Calculation
- 403.16 Upset Provision
- 403.17 Bypass
- 403.18 Modification of POTW Pretreatment Programs
- 403.19 Provisions of Specific Applicability to the Owatonna Waste Water Treatment Facility
- 403.20 Pretreatment Program Reinvention Pilot Projects Under Project XL²

Certain CIUs are required at 40 CFR Chapter I, Subchapter N, to submit periodic certifications or develop pollution prevention plans to reduce or eliminate monitoring requirements. Applicable provisions may be found in the following parts of title 40 of the CFR:

Part	Title
413	Electroplating Point Source Category
423	Steam Electric Power Generating Point Source Category
430	Pulp, Paper, and Paperboard Source Category Including Bleached Papergrade Kraft and Soda Subcategory (Subpart B).
433	Metal Finishing Point Source Category
437	Centralized Waste Treatment Point Source Category
439	Pharmaceutical Manufacturing Point Source Category
442	Transportation Equipment Cleaning Point Source Category
455	Pesticide Chemicals
465	Coil Coating Point Source Category
466	Porcelain Enameling Point Source Category
467	Aluminum Forming Point Source Category
469	Electrical and Electronic Components

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

In general, EPA, states, and POTWs use the information collected under the National Pretreatment Program for program development and implementation purposes. Exhibits 3A–3C summarize the information collected by type and indicate how and by whom the information is used. Users of the information include oversight authorities, approval authorities, control authorities, POTWs, IUs, and the public.

Exhibit 3A. Uses of data collected for program development

² Project XL is covered by a separate ICR, the *Regulatory Reinvention Pilot Projects under Project XL: Pretreatment Program*, OMB Control Number 2010-0026, EPA ICR Number 1755.05.

Type of Data Collected	From	To	Authority/ Citation (40 CFR)	Uses of the Data
State pretreatment program approval request	State	OA	403.10	To evaluate the adequacy of the state's pretreatment program in terms of legal authority, procedural requirements, and appropriate staff and funding
POTW pretreatment compliance schedule progress report	POTW	AA	403.8, 403.9, 403.12(k)	To determine whether the POTW is on schedule in developing its program so that the AA can provide assistance or take enforcement action, if necessary
POTW pretreatment program approval request	POTW	AA	403.8(b), 403.9	To evaluate the adequacy of the POTW's pretreatment program in terms of legal authority, justification of local limits, compliance monitoring, administrative procedures, and appropriate staff and funding
Maintain pretreatment program information*	AA, OA, POTW	Stored on-site	403.11(f), 403.14	To provide public access to information characterizing the pretreatment program (e.g., information about POTW program approval submissions)

*This is a recordkeeping requirement, not a reporting requirement. Though no submission is required, AAs, OAs, and POTWs incur burden.

Oversight authorities evaluate state pretreatment programs based on information about the programs' legal authority, procedural requirements, and staff and funding appropriateness. In addition, oversight authorities use information about an IU to determine whether a particular categorical standard or subcategory applies to the IU.

Approval authorities use information collected under the pretreatment program to identify and locate IUs that might be subject to national pretreatment standards. Approval authorities also use information about IUs to protect the POTW and its workers by prohibiting ignitable, obstructive, or reactive discharges from IUs. These authorities also use the data to determine whether a POTW's pretreatment program is adequate and properly implemented. In addition, approval authorities use the information to monitor a POTW's compliance with pretreatment program requirements.

Control authorities use data from IUs to determine the types and amounts of pollutants that industries are discharging to a POTW, to track IU compliance with installation schedules for pretreatment equipment, and to ensure IU compliance with applicable certification requirements. Control authorities also use IU data to monitor an industry's compliance with pretreatment standards, to enforce these standards, to note changes in the volume or nature of pollutants, and to evaluate the effects of an anticipated bypass. In addition, control authorities use IU data to determine whether the POTW needs to take steps to reduce the risks of slug, spill, and batch discharges.

Control authorities use information from approval authorities to determine their obligations under the national pretreatment regulations, specifically those for operating and maintaining equipment and those requiring sampling and reporting of pollutant levels.

IUs use information received from control authorities to understand the pollutant levels that must not be exceeded in their discharges and related treatment, sampling, and reporting requirements.

The public also uses information received under the National Pretreatment Program when notices of significant noncompliance (SNC) by IUs or control authorities are published in local newspapers.

Exhibit 3B. Uses of data collected for program implementation

Type of Data Collected	From	To	Authority/ Citation (40 CFR)	Uses of the Data
Baseline monitoring report	IU	CA	403.12(b)	To ensure compliance with the standards by each source; to determine whether schedules for compliance are reasonable; and to establish, verify, or expand records on the types and extent of industrial contributions to POTWs
IU compliance schedule progress report	IU	CA	403.12(c)	To determine compliance with scheduled deadlines for installation of pretreatment technology and categorical standards
IU compliance attainment report	IU	CA	403.12(d)	To determine compliance with final applicable pretreatment standards and whether IU needs additional operation and maintenance (O&M) or pretreatment to attain standards
IU resampling compliance report	IU	CA	403.12(g)	To demonstrate return to compliance.
IU request for coverage under general control mechanism	IU	CA	403.8(f)(1) (A)(2)	To determine whether an IU qualifies for a general permit
IU self-monitoring compliance report	IU	CA	403.12(e), 403.12(h)	To ensure continued IU compliance with the pretreatment standards and to determine whether enforcement actions are necessary
Pollution prevention plan (Voluntary)	IU	CA	455.41	To ensure that IUs covered by the Pesticides Formulating, Packaging, and Repackaging effluent guidelines have prepared a pollution prevention plan as an alternative to zero discharge

Exhibit 3B. Uses of data collected for program implementation (continued)

Type of Data Collected	From	To	Authority/ Citation (40 CFR)	Uses of the Data
Periodic certifications	IU	CA	Varies**	To ensure IUs practicing reduced monitoring comply with certification requirements and meet criteria for reduced monitoring
POTW monitoring records and documentation of best management practices (BMPs)*	POTW	Stored on site	403.12(o), 403.14(c)	To allow AA to verify POTW compliance with national Pretreatment Standards and Requirements
IU monitoring records and documentation of BMPs*	IU	Stored on site	403.12(o)	To allow CA to verify IU compliance with national standards and requirements
Annual POTW reports	CA	AA	403.12(i)	To adequately oversee POTW pretreatment programs and resulting national implementation status; also, to ensure compliance with National Pretreatment Standards and Requirements
Pretreatment Compliance Inspection (PCI)	AA	OA	Compliance Monitoring Strategy	The PCI evaluates the POTW's implementation of its authorized pretreatment program. It includes a review of the POTW's records on monitoring, inspections, and enforcement activities for its industrial users. The PCI may be supplemented with industrial user inspections.
POTW program modifications	CA	AA	403.18	To modify pretreatment programs on the basis of local conditions and to provide AAs with opportunities to accept or deny such requests
IU slug load notification	IU	CA	403.12(f)	To enable the POTW to plan and carry out protective actions immediately after a change in volume or character of an IU discharge
Notification of significant change affecting equivalent mass limits or concentration limits	IU	CA	403.6(c)(9)	To ensure that the CA has a reasonable basis for calculating mass or concentration limits based on a production-based standard
Notification of changed discharge	IU	CA	403.12(j)	To ensure that the CA has the necessary information to adequately notify the NPDES permitting authority of substantial changes in discharge
Upset notification	IU	CA	403.16	To inform the CA of descriptions of known upsets at the IU. Reporting of upsets is required particularly if IU wishes to establish the affirmative defense of the upset for an action

Type of Data Collected	From	To	Authority/ Citation (40 CFR)	Uses of the Data
				brought for non-compliance
Bypass notification	IU	CA	403.17	To inform the CA of the intentional diversion of wastestreams from any portion of an IU's treatment facility

Exhibit 3B. Uses of data collected for program implementation (continued)

Type of Data Collected	From	To	Authority/ Citation (40 CFR)	Uses of the Data
Notification of changed monitoring location	IU	CA	403.6(e)(4)	To inform the CA of any change in location of an IU's monitoring point(s) so that the CA may carry out its compliance monitoring and enforcement responsibilities
Determination of non-significant categorical industrial users (NSCIUs) and middle tier CIUs (Voluntary)	CA IU	AA, IU CA	403.3(v)(2), 403.8(f)(2)(v), 403.12(e), (g), (i), and (q)	For CA to determine whether IU is an NSCIU or middle tier CIU and thus subject to less stringent reporting, inspection, and sampling requirements
Issuance of discharge permits or other control mechanisms for SIUs	CA	IU	403.8(f)	To give SIUs notice of all pretreatment requirements and to improve enforcement
Inspection and sampling of IU effluent (including slug control plans)	CA	AA	403.8(f)(2)(v)	To monitor industrial discharges to POTW treatment facilities
Public notification of significant noncompliance	CA	Public	403.8(f)(2)(viii)	To inform the public of instances of significant noncompliance
Prevention and control plan for spills and batch discharges	IU CA	CA AA	403.8(f)(2)(vi)	For CAs to notify SIUs of the need for planning to minimize the risk of slug, spill, and batch discharges. Documentation of the POTW's activities must be made available to the AA upon request so the AA can determine whether the POTW is adequately evaluating whether its SIUs need slug discharge control plans.
Evaluation of the need to revise local limits	CA	AA	403.5(c)	To evaluate whether CAs have developed appropriate local limits to control toxic and hazardous pollutants
POTW enforcement response plan	CA	AA	403.8(f)(5)	To assist in determining whether CAs have effective enforcement programs
*This is a recordkeeping requirement, not a reporting requirement. Though no submission is required, IUs incur burden.				
**See section 2(a) of this ICR.				

Exhibit 3C. Uses of data collected for program/categorical determinations

Type of Data Collected	From	To	Authority / Citation (40 CFR)	Uses of the Data
Categorical determination request	IU, CA	AA/OA	403.6(a)	To enable the AA/OA to determine the applicability of a categorical standard or subcategory to an IU
Alternative limits modification request	IU	CA	403.6(e)	To notify the CA of any material or significant change in the values used to calculate an alternative limit
Fundamentally different factors variance request	IU, CA	OA	403.13	To provide plant-specific data necessary for a CA to determine whether an IU's production processes or technologies are fundamentally different from the representative facilities used to determine the limits specified in a categorical standard and, if so, to adjust the limits. This information provides the empirical data used to evaluate the appropriateness of national standards.
Net/gross adjustment request	IU	CA	403.15	To enable CA to determine whether an applicable pretreatment standard should be revised (i.e., to ensure that an IU is not required to remove a greater amount of a pollutant than is already present in its intake water)
Removal credit approval request	POTW	AA	403.7	To enable AA to authorize a POTW to calculate a revised categorical standard reflecting pollutant removals already resulting from specific POTW design capabilities
Removal credit self-monitoring report	POTW	AA	403.7	To enable AA to monitor ongoing POTW pollutant removals, which form the basis for revised categorical standards for the POTW's users

3. Nonduplication, Consultations, and Other Collection Criteria

3(a). Nonduplication

EPA has examined all other reporting requirements contained in the CWA and 40 CFR Part 403. In addition, the Agency has examined the following sources to determine whether similar or duplicative information is available elsewhere:

- Permit Compliance System
- Management Information and Data Systems Division Inventory of Automated Systems
- Environmental Information Clearinghouse

- Inventory of ICRs

EPA did not find any similar or duplicative reporting requirements. No other mechanism for obtaining information on continued compliance with pretreatment standards is available.

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

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

This ICR was published in the Federal Register on August, 25, 2011 (76 FR 53123). The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. EPA did not receive any comments on this ICR.

3(c). Consultations

On June 26, 1978, EPA promulgated the General Pretreatment Regulations (43 FR 27736). Between February 1977 and June 1978, 4 public hearings and 16 public meetings concerning the proposed regulations were held. In addition, EPA received more than 400 individual comments. In response to the comments received, EPA modified the reporting requirements in the final General Pretreatment Regulations to minimize the burden on POTWs.

On October 29, 1979, EPA proposed amendments to the General Pretreatment Regulations (44 FR 62260). After considering numerous comments submitted on the proposed amendments, EPA developed and published the amended General Pretreatment Regulations on January 28, 1981 (46 FR 9404). These amendments were scheduled to take effect on March 13, 1981; however, the effective date was temporarily deferred to March 30, 1981, by a Presidential memorandum (46 FR 11972). On March 27, 1981, EPA indefinitely postponed the amendments' effective date.

Later that year, the Natural Resources Defense Council (NRDC) filed a suit, in which it challenged EPA over the Agency's deferral of the amendments to the General Pretreatment Regulations without having first given public notice. On July 8, 1982, the court held in *NRDC v. EPA* (No. 81-2068) that EPA's suspension violated the Administrative Procedure Act. The court ordered EPA to reinstate all pretreatment amendments retroactive to March 30, 1981. In the meantime, two stakeholder groups had recommended that EPA promulgate certain portions of the regulations. In response to these and other comments, EPA put most of the amendments into effect.

On February 3, 1984, EPA established the Pretreatment Implementation Review Task Force (PIRT). The mission of PIRT was to provide EPA with recommendations for addressing day-to-day problems faced by POTWs, states, and industries in implementing the National Pretreatment Program. PIRT was composed of 17 representatives of POTWs, states, industry, environmental groups, and EPA regional offices. The group produced a set of recommendations, summarized in a final report to the Administrator.³ EPA revised the general pretreatment and NPDES

³ For a detailed summary of PIRT's recommendations, see the January 30, 1985, EPA publication *Pretreatment Review Task Force: Final Report to the Administrator*.

regulations (40 CFR Parts 122 and 403) on October 17, 1988 (53 FR 40610) in response to PIRT's recommendations.

The 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) excluded coverage of solid and dissolved wastes in domestic sewage, meaning such wastes did not have to meet RCRA standards for hazardous waste treatment, storage, or disposal. EPA was required under the amendments to prepare a report to Congress on the extent to which excluded wastes pass through POTWs.

EPA subsequently submitted the Domestic Sewage Study (DSS) to Congress on February 7, 1986. The report contained information on 160,000 waste dischargers from 47 industrial categories and the residential sector. The report also provided information on the effectiveness of existing government controls for wastewater discharges, especially federal and local pretreatment programs and categorical pretreatment standards. In the DSS, EPA agreed with retaining the domestic sewage exclusion; however, it recommended that CWA authorities be applied to protect against hazardous waste discharges to POTWs.

EPA published an Advance Notice of Proposed Rulemaking (ANPR) on August 22, 1986 (51 FR 30166), to improve methods for controlling hazardous waste discharges to POTWs under the NPDES and general pretreatment programs. To solicit comments on the ANPR, the Agency held three public meetings—one each in the District of Columbia, Chicago, and San Francisco. The Agency summarized the comments received in the *Federal Register* on June 22, 1987. It later proposed pretreatment program changes on November 23, 1988 (53 FR 47632), and it published a final rule on July 24, 1990 (55 FR 30082).

On November 25, 1992, pursuant to section 405 of the CWA, EPA promulgated a regulation (40 CFR Part 503) to protect public health and the environment from the reasonably anticipated adverse effects of certain pollutants in sewage sludge (58 FR 9248, February 19, 1993 – Standards for the Use or Disposal of Sewage Sludge – Final Rule). This regulation established requirements for the following final uses or disposal of sewage sludge:

- Land application either to condition the soil or to fertilize crops grown in the soil
- Final disposal on the land
- Incineration

Also on November 25, 1992, EPA amended the Part 403 general pretreatment regulations to add a new Appendix G, which included two tables of pollutants that are eligible for a removal credit if the other procedural and substantive requirements of 40 CFR Part 503 and 40 CFR 403.7 are met. The first table (Appendix G—Section I) lists, by use or disposal practice, the pollutants regulated in Part 503 and eligible for removal credit authorization. The second table (Appendix G—Section II) lists, by use or disposal practice, additional pollutants that are eligible for a removal credit if the concentration of the pollutant in sewage sludge does not exceed a prescribed concentration. The pollutants in Appendix G—Section II are the pollutants that EPA evaluated and opted not to regulate during development of the Part 503 regulation (58 FR 9381–5).

On March 5, 1993, Leather Industries of America, Inc., filed a petition with the U.S. Circuit Court of Appeals for the District of Columbia Circuit seeking review of the pollutant limits for chromium in Tables 1–4 of 40 CFR 503.13(b). On June 17, 1993, the City of Pueblo, Colorado, filed a petition for review with the U.S. Court of Appeals for the 10th Circuit challenging the selenium pollutant limits in Tables 1–3 of 40 CFR 503.13(b). This latter case was subsequently transferred to the D.C. Circuit. On November 15, 1994, the D.C. Circuit remanded the cumulative pollutant loading rate for chromium in Table 2 and the pollutant concentration limit for chromium and selenium in Table 3 to the Agency for modification or additional justification (*Leather Industries of America, Inc. v. Environmental Protection Agency*, 40 F.3d 392, D.C. Cir., 1994).

Effective October 25, 1995, and as a result of EPA’s reconsideration of certain issues remanded by the U.S. Court of Appeals for additional justification or modification, the Agency amended 40 CFR Part 503 to delete the land application pollutant limits for chromium and to change the land application pollutant concentration limit for selenium. Accordingly, EPA also amended the list of pollutants (in Appendix G of 40 CFR Part 403) for which a removal credit may be available (60 FR 54764-70).

In 1995, EPA initiated a review of the general pretreatment regulations to identify opportunities for reducing the implementation and management burden on affected parties. The 1995 effort culminated in two phases of “streamlining” the pretreatment regulations: “Streamlined Procedures for Modifying Approved Publicly Owned Treatment Works Pretreatment Programs” and “Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution.”

On July 30, 1996, EPA proposed amendments to the General Pretreatment Regulations to revise the procedures for modifying the requirements of approved POTW Pretreatment Programs incorporated into NPDES permits issued to POTWs (61 FR 39804). The revisions are designed to reduce the administrative burden and cost associated with maintaining approved pretreatment programs without affecting environmental protection. The final rule was published in the *Federal Register* on July 17, 1997, and became effective on August 18, 1997 (62 FR 38406).

On July 22, 1999, EPA proposed to revise several provisions of the General Pretreatment Regulations that address restrictions on and oversight of IUs that introduce pollutants into POTWs (64 FR 39564). EPA also proposed changes to certain program requirements to make them consistent with NPDES requirements. The proposals would reduce the regulatory burden on both IUs and state and POTW CAs without affecting environmental protection. By finalizing the rule, EPA was to achieve better environmental results at a lower cost by allowing CAs to better focus oversight resources where they will do the most good. EPA received 221 comment letters in response to the proposed rule. In addition, the Agency met with key stakeholder groups during the development of the final rule. EPA published the final changes to the General Pretreatment Regulations (Final Pretreatment Streamlining Rule) on October 14, 2005 (70 FR 60134).

On October 6, 2000, EPA published (65 FR 59738) a final rule to implement a project under the Project XLC program for certain facilities in Steele County, Minnesota. The terms of the project

were defined in a Final Project Agreement, which was made available for public review and comment through a *Federal Register* notice on December 29, 1999 (64 FR 73047) and signed on May 31, 2000. In addition, EPA promulgated a site-specific rule, applicable to only the Steele County sponsors who are participating industrial users, to facilitate implementation of the project. This site-specific rule provides regulatory changes under the CWA to implement the Community XL project. EPA received no public comments on the proposed rule.

On October 6, 2000, EPA proposed (65 FR 59791) a rule that set forth the mechanism through which POTWs that complete the Project XL process can seek modification of their programs following the procedures in 40 CFR 403.18 and implement the new local programs as described in their Project XL Final Project Agreement. EPA received a total of three comments regarding this rule. The final rule was published on October 3, 2001 (66 FR 50334).

On August 31, 2001, EPA published (66 FR 46162) a proposed rule establishing the framework under which it would accept electronic reports from regulated entities to satisfy certain document submission requirements in EPA's regulations. The final rule was published on October 13, 2005 (70 FR 59848). For the proposal, EPA provided a 6-month public comment period, which closed on February 27, 2002. During that time, EPA received 184 sets of written comments on the proposed rule.

On October 14, 2005, EPA published (70 FR 60199) an ANPR seeking comment on two issues concerning the removal credits provisions in the General Pretreatment Regulations. EPA requested comments on whether to amend the list of pollutants for which removal credits are available to add certain pollutants. Comments had to be received on or before December 13, 2005.

The active ICR (OMB Control No. 2040-0009, EPA ICR No. 0002.13) was published in the *Federal Register* on June 27, 2007 (72 FR 35227-35230). The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. EPA received no comments.

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

EPA considers the reporting requirements associated with the pretreatment program (both the one-time and ongoing monitoring and reporting requirements) the minimum necessary for effective administration of the program. EPA also considers the reporting requirements the minimum necessary to ensure effective control of hazardous wastes and to implement RCRA section 3018(b). Any alternative to the present set of minimal requirements would entail an increase in reporting burden to respondents.

In addition, EPA considers the specific requirements for SIUs and for reporting the discharge of RCRA hazardous substances preferable to repealing the domestic sewage exclusion.

3(e). *General Guidelines*

The information collection requirements of the National Pretreatment Program are in accordance with the Paperwork Reduction Act guidelines at 5 CFR 1320.5(d)(2). Only one provision exceeds the OMB guidelines. According to 40 CFR 403.12(f), IUs must notify the POTW

immediately of any slug loading. Generally, IUs make such reports by telephone. This is an emergency provision that aims to provide POTWs with adequate time to respond to a potentially deleterious situation.

3(f). Confidentiality

The following reporting requirements may contain confidential business information (CBI), proprietary information, or information containing compromising trade secrets:

- Pretreatment Baseline Monitoring Report (BMR)
- IU Compliance Schedule Report
- POTW and IU Maintenance of Monitoring Records
- Pretreatment Categorical Determination Request
- Pretreatment Fundamentally Different Factors (FDF) Variance Request

In such cases, the respondent has the right to request that the information be treated as CBI. EPA and its agents will handle all data so designated in accordance with the requirements at 40 CFR 403.14(a):

In accordance with 40 CFR Part 2, any information submitted to EPA pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

The pretreatment regulations, however, stipulate at 40 CFR 403.14(b) that industrial effluent data “... shall be made available to the public without restriction.”

3(g) Sensitive Questions

The reporting requirements for the National Pretreatment Program do not require respondents to respond to questions of a sensitive nature.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a). Respondents/NAICS Codes

Data associated with this ICR are collected and maintained at the IU, POTW, state, and federal levels. Respondents include POTWs, certain classifications of IUs, and states submitting requests for program approval.

The Standard Industrial Classification (SIC) code for sewerage systems (POTWs) is 4952; the corresponding North American Industry Classification (NAICS) code for such systems is 22132 (Sewage Treatment Facilities). The SIC code for state agencies implementing the National Pretreatment Program is 9511 (Air and Water Resources and Solid Waste Management), while the corresponding NAICS code is 92411 (Administration of Air and Water Resources and Solid Waste Management Programs).

Exhibit 4 provides a list of SIC/NAICS codes for various industrial categories whose members are potentially subject to the national pretreatment regulations. Please note that auxiliary systems (those that provide services to the primary establishment, such as electrical power to a factory) cannot be categorized in a single SIC or NAICS code. For auxiliary systems, the SIC or NAICS code is that of the primary establishment or industry.

Exhibit 4. Affected industries and industrial classifications

Affected Industry	SIC Code(s)*	NAICS Code(s)**
Adhesive/Sealant	2891	32552
Aluminum Forming	3353, 3354, 3355, 3357, 3363	331315, 331316, 331319, 331521
Asbestos Manufacturing	2621, 3292	33634, 327999
Battery Manufacturing	3691, 3692	335911, 335912
Builder's Paper and Board Mills	267	322222, 322299
Carbon Black Manufacturing	2895	325182
Cement Manufacturing	3241	327310
Centralized Waste Treatment	4953	562211, 562219
Coal Mining	1221, 1222, 1231, 1241	212111, 212112, 212113, 213113
Coil Coating	3411, 3479, 3492	332431, 332812
Copper Forming	3351, 3357, 3463	331421, 331422, 332112
Dairy Products Processing	2021, 2022, 2023, 2024, 2026	311511, 311512, 311513, 311514, 311520
Electrical and Electronic Components	3671, 3674, 3679	334411, 334413, 334419
Electroplating	3471, 3672	332813, 334412
Explosives Manufacturing	2892	325920

Exhibit 4. Affected industries and industrial classifications (continued)

Affected Industry	SIC Code(s)*	NAICS Code(s)**
Feedlots	0211	112112
Ferrous Alloy Manufacturing	3313	331112
Fertilizer Manufacturing	2873, 2874, 2875	325311, 325312, 325314
Foundries	332, 3365, 3366	331511, 331512, 331513, 331524, 331525
Fruits and Vegetables Processing	2033, 2034, 2035, 2037	311411, 311421, 311422, 311423

Glass Manufacturing	3211, 3221, 3296	327211, 327212, 327993
Grain Mills Manufacturing	2041, 2043, 2044, 2045, 2046, 2047	311111, 311211, 311212, 311213, 311221, 311230
Gum and Wood Chemicals	2861	325191
Ink Formulating	2893	325910
Inorganic Chemicals	2812, 2813, 2816, 2819	325120, 325131, 325181, 325188
Iron and Steel Manufacturing	3312, 3315, 3316, 3317, 3479	331111, 331210, 331221, 331222, 332812
Leather Tanning and Finishing	3111	316110
Meat Processing	2011, 2013, 2077	311611, 311612, 311613
Metal Finishing	Industry groups: 34, 35, 36, 37, and 38	Industry subsectors 332, 333, 334, and 336
Metal Molding and Casting	3321, 3322, 3324, 3325, 3365, 3366, 3369	331511, 331512, 331513, 331524, 331525, 331528
Non-Ferrous Metals Forming and Metal Powders	3356, 3357, 3363, 3497, 3499	331422, 331491, 331521, 332117, 332999
Ore Mining and Dressing	1011, 1021, 1031, 1041, 1044, 1061, 1094, 1099	212210, 212221, 212222, 212231, 212234, 212291, 212299
Organic Chemicals, Plastics, and Synthetic Fibers	286	325132, 325211, 325192, 32511, 32512, 325193, 325212, 325199
Paint Formulating	2851	325510
Paving and Roofing (Tars and Asphalt)	2951, 2952, 3996	324121, 324122, 326192
Pesticides Formulating, Packaging, and Repackaging	287	325314
Pesticides Manufacturing	2879	325320
Petroleum Refining	2911	324110
Pharmaceuticals Manufacturing	2833, 2834	325411, 325412
Phosphate Manufacturing	2819, 2874	325188, 325312
Photographic	7221, 7335, 7384, 7819	512199, 541921, 541922, 812921, 812922
Plastics and Synthetics	3081, 3082, 3083, 3084, 3085, 3086, 3087	325991, 326112, 326113, 326121, 326122, 326140, 326150, 326160

Exhibit 4. Affected industries and industrial classifications (continued)

Affected Industry	SIC Code(s)*	NAICS Code(s)**
Porcelain Enameling	3431, 3469, 3479, 3631, 3632, 3633, 3639	332116, 332812, 332998, 335221, 335222, 335224, 335228
Printing and Publishing	2731	51223, 51113, 323117
Pulp, Paper, and Paperboard	2611, 2621, 2631	322110, 322121, 322122, 322130
Rubber Processing	2822	325212
Seafood Processing, Canning & Preserving	2091, 2092	311711, 311712
Soaps and Detergents Manufacturing	2841	325611
Steam Electric Power Generating	4911	221112

Affected Industry	SIC Code(s)*	NAICS Code(s)**
Textile Mills (410)	2211, 2221, 2231, 2241, 2251, 2252, 2253, 2254, 2257, 2258, 2259, 2261, 2262, 2269, 2273, 2281, 2282, 2284, 2295, 2296, 2297, 2298, 2299	313111, 313112, 313113, 313210, 313221, 313222, 313230, 313241, 313249, 313311, 313312, 313320, 314110, 314121, 314129, 314911, 314912, 314991, 314992, 314999
Timber Products and Processing	2421, 2435, 2436, 2491, 2493, 2499	321114, 321211, 321212, 321219
Transportation Equipment	4491, 4499, 4741, 7699	484230, 488210, 488320, 488390
* Note that some industrial sectors are categorized by only two- or three-digit SIC codes.		
** This table might not include all applicable NAICS codes for industries with one or more codes.		

Of the IUs that are respondents, some are considered SIUs on the basis of certain criteria. SIUs are defined at 40 CFR 403.3(v) as any of the following types of facilities:

- All IUs subject to categorical pretreatment standards (unless the CA finds that the IU is an NSCIU).
- All IUs not subject to categorical pretreatment standards that
 - Discharge an average of 25,000 gallons per day (gpd) or more of process wastewater (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - Contribute a process wastestream equal to or greater than 5 percent or more of the receiving treatment plant’s average dry weather hydraulic or organic capacity; or
 - Have a reasonable potential to adversely affect the POTW’s operation or violate any pretreatment standard or requirement as determined by the CA.

4(b). Information Requested

4(b)(i). Data Items

Information is required under the National Pretreatment Program to facilitate (1) program development, (2) program implementation, and (3) program/categorical determinations. Exhibit 5 outlines the reporting and recordkeeping requirements in each of these areas. Please note that most of the information requirements, particularly those associated with program development and program/categorical determinations, are one-time requirements that most states, POTWs, and IUs have already met.

Exhibit 5. Reporting and recordkeeping requirements for the pretreatment program

Program Area	Requirement	Regulatory Citation (40 CFR)	From	To	Frequency/Retention
Program development	POTW pretreatment program approval request	403.8(b), 403.9	POTW	AA	One time

Program Area	Requirement	Regulatory Citation (40 CFR)	From	To	Frequency/Retention
	POTW pretreatment compliance schedule progress report	403.8, 403.9, 403.12(k)	POTW	AA	One time
	State pretreatment program approval request	403.10	State	OA	One time
	Maintain pretreatment program information	403.11(f), 403.14	OA, AA, POTW	Stored on-site	For minimum of 3 years
Program implementation	Baseline monitoring report	403.12(b)	IU	CA	One time
	IU compliance schedule progress report	403.12(c)	IU	CA	One time
	IU compliance attainment report	403.12(d)	IU	CA	One time
	IU resampling compliance requirements	403.12(g)	IU	CA	Once per effluent violation
	IU request for coverage under general control mechanism	403.8(f) (1) (ii)(A) (2)	IU	CA	One time
	IU self-monitoring compliance report	403.12(e), 403.12(h)	IU	CA	Every 6 months or as requested by CA
	Pollution prevention plan	455.41	IU	CA	One time, as needed
	Centralized Waste Treatment initial certification statement	437.41	IU	CA	One time
	Periodic certifications	varies**	IU	CA	Varies from once every 6 months to once every 5 years
	Maintain POTW monitoring records and documentation of BMPs	403.12(o), 403.14(c)	POTW/CA	Stored on site	For minimum of 3 years
	Maintain IU monitoring records and documentation of BMPs	403.12(o)	IU	Stored on site	For minimum of 3 years
	Annual POTW reports	403.12(i)	CA	AA	Annually
	Pretreatment Compliance Inspection (PCI)	Compliance Monitoring Strategy	AA	OA	At least 3 every 5 years. Assumed Annually for 80%

Exhibit 5. Reporting and recordkeeping requirements for the pretreatment program (continued)

Program Area	Requirement	Regulatory Citation (40 CFR)	From	To	Frequency/Retention
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Program implementation (continued)	IU slug load notification	403.12(f)	IU	CA	As needed
	POTW program modifications	403.18	CA	AA	Once per occurrence
	Notification of significant change affecting equivalent mass limits or concentration limits	IU	CA	403.6 (c)(9)	Once per occurrence
	Notification of changed discharge	403.12(j)	IU	CA	Once per occurrence
	Bypass notification	403.17	IU	CA	Once per occurrence
	Notification of changed monitoring location	403.6(e) (4)	IU	CA	Once per occurrence
	Determination of NSCIUs and middle tier CIUs	403.3(v) (2), 403.8(f) (2)(v), 403.12(e), (g), (i), and (q)	CA IU	AA, IU CA	One time, as needed
	Issuance of discharge permits or other control mechanisms for SIUs	403.8(f)	CA	IU	Once every 5 years
	Inspection and sampling of IU and SIU effluent	403.8(f)	CA	AA	
	Random sampling and analysis of IUs, surveillance				Intermittent
	Inspection and sampling of SIUs				Annually
	Evaluation of SIUs for slug control plan				At least once, as needed
	Public notification of significant noncompliance	403.8(f) (2) (viii)	CA	Public	Annually
	Slug control plan	403.8(f) (2) (vi)	IU	CA	One time, as required
	Evaluation of the need to revise local limits	403.5(c)	CA	AA	Once every 5 years
POTW enforcement response plan	403.8(f)	CA	AA	One time	
Notification of RCRA discharge	403.12(p)	IU	CA, EPA, State	One time, as needed	

Exhibit 5. Reporting and recordkeeping requirements for the pretreatment program (continued)

Program Area	Requirement	Regulatory Citation (40 CFR)	From	To	Frequency/Retention
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Program/ categorical determination	Categorical determination request	403.6(a)	IU, CA	OA, AA	One time (voluntary)
	Alternative limits modification	403.6(e)	IU	CA	Once per occurrence
	Removal credit approval request	403.7	POTW	AA	Intermittent (voluntary)
	Removal credit self-monitoring report	403.7	POTW	AA	Annually or as specified by AA
	Fundamentally different factors variance request	403.13	IU, CA	OA	One time (voluntary)
	Net/gross adjustment request	403.15	IU	CA	Intermittent (voluntary)

* The IU submits the initial certification statement once, then submits annual certification statements thereafter.

** See section 2(a) of this ICR.

Program Development

The reporting requirements for program development apply to states and POTWs and include the POTW Pretreatment Program Approval Request, POTW Pretreatment Compliance Schedule Progress Report, and State Pretreatment Program Approval Request.

The regulations at 40 CFR 403.10 require states to develop a pretreatment program, provided EPA granted the state NPDES program authority before the National Pretreatment Program was established. All other states are required to apply for pretreatment program approval at the same time they apply for NPDES program authority. In a state's request for approval, the state must demonstrate that it has developed the legal, procedural, and administrative bases for the program and that it has the necessary funding and staff to operate the program. Once EPA approves the program, the state becomes the AA. EPA regional offices are responsible for administering the pretreatment program in states without approved programs. Currently, 36 states have approved pretreatment programs.

All POTWs that have design flows of more than 5 mgd and receive pollutants from IUs, which may pass through or interfere with the operation of the POTW, or are otherwise subject to National Pretreatment Standards, must develop local pretreatment programs. The IU is to reduce, eliminate, or alter harmful industrial pollutants prior to discharging to the POTW system vis-à-vis the program. POTWs with design flow of less than 5 mgd that receive discharges from IUs may also be required to develop a local program if the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant to prevent POTW interference or pass through from occurring. POTWs in a state that acts as the CA for all POTWs in the state (a 403.10(e) state) are exempt from this requirement. In cases where POTWs do not have a pretreatment program, the approved pretreatment state or the EPA regional office assumes the responsibility of the CA.

The AA must approve local pretreatment programs. The POTW must demonstrate to the satisfaction of the AA that it possesses the legal authority and has adequate resources, procedures, and staff to implement the program. Procedural activities include, but are not limited to, surveying existing IUs, developing local limits for pollutants of concern, and developing an enforcement response plan. When a POTW is developing its program, it is to provide the AA with a schedule indicating the dates on which it expects to complete or implement each major program component. Before obtaining final approval, the POTW must certify that it has met all program requirements as specified at 40 CFR 403.8. The regulations at 40 CFR 403.9 describe the POTW documents that must be submitted to the AA for program approval and the procedures that the AA must follow to approve the POTW pretreatment program.

The AA must retain all submissions for pretreatment program approval and removal credits approval, as well as any comments related to these submissions. The AA must make this information available to the public upon request.

Program Implementation

Once the POTW receives program approval, the POTW or the agency responsible for administering the pretreatment program (CA) is required under section 402(b) of the CWA to ensure IU compliance with the national pretreatment standards. Specific CA reporting and recordkeeping requirements include the following:

1. Annual POTW reports
2. POTW program modifications
3. Determination of NSCIUs and middle tier CIUs⁴
4. Issuance of discharge permits or other control mechanisms for SIUs⁵
5. Inspection and sampling of industrial user effluent⁶
6. Public notification of significant noncompliance
7. Evaluation of the need to revise local limits
8. POTW enforcement response plan
9. SIU notification of applicable standards and requirements
10. Maintain monitoring records and documentation of BMPs

The Streamlining Rule also provided opportunities for CAs to specify equivalent mass-based limits or equivalent concentration-based limits for CIUs. If the CA voluntarily chooses to take advantage of the flexibility in the national pretreatment regulations, it must make a one-time calculation of the limit for any CIU it determines is eligible. The

⁴ The Streamlining Rule introduced two new categories of IUs to the National Pretreatment Program for the purpose of reducing implementation and reporting burdens on the IUs that fall into these categories. Control authorities may designate an IU that never discharges more than 100 gpd of total categorical wastewater as a non-significant categorical industrial user (NSCIU). CAs may also classify some CIUs as middle tier CIUs, meaning they are subject to more stringent reporting requirements than those for NSCIUs but less than those for CIUs that are SIUs. These voluntary regulatory changes reduce the number of respondents for many National Pretreatment Program requirements. In turn, these changes reduce program management and implementation burdens on CAs, AAs, and OAs.

⁵ Ibid.

⁶ Ibid.

CIU, however, must provide the CA with data to make the calculation, such as actual average daily flow rates for all wastestreams, as determined from a continuous effluent flow monitoring device, and the facility's long-term average production rate.

The Streamlining Rule also included a provision for a CA to reduce sampling frequency requirements for CIUs when it determines that a required pollutant is not present or is not expected to be present in the CIU's wastestreams. The CA must make such monitoring reduction determinations through analysis of sample results at least once every 5 years.

Before EPA's Streamlining Rule was promulgated, CAs were to evaluate the need for IUs to have slug control plans once every 2 years. The Streamlining Rule revised this requirement, and now the CA is required to conduct this evaluation at least once.

IUs also have a number of reporting and recordkeeping requirements with respect to program implementation. These include the following:

1. Baseline Monitoring Report (BMR)
2. CIU Compliance Schedule Progress Report
3. CIU Compliance Attainment Report ("90-day Compliance Report")
4. IU Resampling Compliance Report
5. IU Request for Coverage under General Control Mechanism
6. IU Self-Monitoring Compliance Report
7. Pollution prevention plan
8. Periodic certifications
9. Maintain monitoring records and documentation of BMPs
10. IU slug load notification
11. Notification of changed discharge
12. Bypass notification
13. Notification of changed monitoring location
14. Slug control plan
15. Notification of RCRA discharge

Within 180 days after the effective date of a categorical standard, an affected industry (a CIU) must submit a BMR, which is to include, in part, measurements of pollutant concentrations in the CIU's wastestream. If the CIU cannot meet pretreatment standards, it usually has up to 3 years to finance, construct, and operate pollution control equipment or facilities necessary to achieve compliance. CIUs are to submit a schedule of expected compliance achievement in each BMR.

In addition to BMRs, CIUs are to submit Compliance Schedule Progress Reports and a Compliance Attainment Report. In Compliance Schedule Progress Reports, CIUs indicate the extent to which they have met compliance deadlines. They are to justify any milestones not met. CIUs submit a Compliance Attainment Report to their respective CAs when they have achieved all milestones and are in full compliance with applicable pretreatment standards.

Some POTWs may choose to issue general control mechanisms to SIUs with similar operations and meeting other criteria. To be covered under a general control mechanism, a SIU must file a written request for coverage with the CA.

On an ongoing basis, SIUs are to monitor for regulated pollutants and report the results to the CA at least semiannually (twice a year). These reports are termed IU or SIU Self-Monitoring Reports. CAs have the discretion to require more frequent monitoring and reporting than that required under federal law. Certain IUs may provide periodic certifications or develop pollution prevention plans to reduce or eliminate monitoring requirements. Both IUs and CAs must maintain self-monitoring reports and certifications for a minimum of 3 years. Both entities must also maintain records documenting the design and implementation of BMPs when these are used.

An IU must notify its CA of any pollutant released at a flow rate and/or pollutant concentration that will cause interference with the POTW or will violate a general or specific prohibition of the IU's permit. Such an occurrence, known as slug loading, must be reported *immediately* to enable the POTW to take appropriate protective actions (40 CFR 403.12(f)). The IU also is to promptly notify the POTW and CA in advance of any substantial change in the volume or character of pollutants in its discharge. If a CIU wishes to use "upset" as an affirmative defense to an action brought for noncompliance, the CIU is to notify the POTW and CA within 24 hours of becoming aware of an upset or unanticipated bypass. If the CIU provides notice orally, it has 5 days to follow up with a written notice. If an IU knows in advance of the need for a bypass, it is to submit prior notice to the POTW, if possible at least 10 days before the date of the bypass. Finally, an IU must also notify the POTW, the state, and EPA if it discharges any substance defined as hazardous under RCRA.

Program/Categorical Determinations

CAs use information reported under this program area to determine whether specific pretreatment program requirements are applicable to an IU *or* to revise specific requirements imposed on an IU. Information is reported in this program area in the form of the following requests:

- Categorical Determination Requests
- Alternative Limits Modification Requests/Combined Wastestream Formula provision
- Fundamentally Different Factors Variance Requests
- Net/Gross Adjustment Requests
- Removal Credit Approval Requests
- Removal Credit Self-Monitoring Reports

Even though the information is required once a request is made, the decision to make such a request is voluntarily made by the IU, the POTW, or an interested third party during the implementation phase of a particular categorical standard.

An IU, or a POTW on behalf of an IU, may request that the OA determine whether the IU is subject to a particular categorical standard. If the CIU mixes its process effluent with

other wastewater prior to treatment, it must obtain written concurrence from the CA to apply alternative discharge limits to the mixed effluent; such alternative limits are calculated using the Combined Wastestream Formula at 40 CFR 403.6(e). If an IU (or the interested party) can demonstrate that circumstances exist that which were not considered when the categorical standard was developed, it may request a Fundamentally Different Factors Variance through the procedures at 40 CFR 403.13. If an IU can certify that its intake waters already contain a restricted pollutant, it may request a Net/Gross Adjustment to obtain credit for the amount of the given pollutant that occurs in its intake waters. (The latter request is restricted to those cases where the intake and the discharge from the POTW are in and on the same body of water.)

Finally, a POTW may apply to its AA at any time for authorization to grant removal credits. To qualify, the POTW must certify that the pollutant(s) being controlled by the categorical standard is (are) being consistently treated and removed at the POTW, thereby rendering additional treatment by the CIU unnecessary. In such cases, the AA may revise the applicable numerical standard(s) for CIUs discharging to that facility. If a POTW is granted removal credits, it must monitor and report the results of its analyses to certify that pollutant removal is ongoing.

4(b)(ii). Respondent Activities

Activities undertaken by respondents (such as IUs, POTWs, states, and EPA regions) to fulfill their respective obligations under the National Pretreatment Program are described in this section. The activities are described by program area (i.e., program development, program implementation, and program/categorical determinations). In general, the discussion follows the order of activities as they are presented in Exhibit 5.

Program Development

State Pretreatment Program Approval Request

A state seeking approval for its pretreatment program must demonstrate that it has established the necessary legal, administrative, and procedural bases for effective monitoring and oversight of POTW programs. Requests are submitted to the Regional Administrator, who determines whether they meet the requirements of 40 CFR 403.10 and section 402(b) of the CWA. State requests must include three copies of the following items:

1. A statement by the state's Attorney General (or the attorney for state agencies with independent counsel) that the laws of the state provide adequate authority to implement the program, together with copies of all relevant state statutes and regulations.
2. A listing of the full- and part-time personnel available to implement the program and a description of associated funding levels.
3. Any modifications or additions to the Memorandum of Agreement (required at 40 CFR 123.24) that may be necessary for EPA and the state to implement the program.

The EPA Regional Administrator is to notify the state that EPA has received its submission and is reviewing it according to the process established under 40 CFR 123.62. If EPA approves a state's submission, the state is to base its pretreatment program on the information in its submission. If EPA does not approve the state program, it will act as the AA for POTW pretreatment programs in that state (and will act as the CA in areas without approved POTW pretreatment programs).

POTW Pretreatment Compliance Schedule Progress Report

Certain POTWs must establish a pretreatment program as stated at 40 CFR 403.8(a). These are POTWs (or combination of POTWs operated by the same authority) that

- Have a total design flow greater than 5 mgd and
- Receive industrial pollutants from IUs that pass through or interfere with POTW operations or
- Receive industrial pollutants from IUs that are otherwise subject to pretreatment standards.

The Administrator may require other POTWs to develop a pretreatment program if circumstances warrant such action. POTWs in states where the state is the CA are exempt from the requirement to develop a pretreatment program.

The compliance schedule contains suggested dates to begin and complete major program components leading to the development and implementation of a POTW pretreatment program. Items like legal authority, technical information, program procedures, and organizational and funding mechanisms are to be included. The number of activities to be reported in the compliance schedule varies among states and regions. The elapsed time between major events in the compliance schedule may be no more than 9 months.

Within 14 days of the deadline for each major event in the compliance schedule and within 14 days of the final compliance date for completing the program, the POTW must submit a progress report to the appropriate AA stating whether it met the deadline. If the POTW did not meet the deadline, it must explain when it will achieve compliance, explain its reasons for delay, and explain the steps it is taking to return to the established schedule.

POTW Pretreatment Program Approval Request

A POTW applying for program approval must provide documentation of the following seven items in its final submission:

1. *Industrial Waste Survey (IWS)*. The POTW must identify and evaluate the nondomestic dischargers to its treatment system. To conduct the IWS, the POTW must:
 - Compile a master list of potential IUs in the service area
 - Identify and locate each IU and collect information related to the type of industry and the quality and quantity of discharge
 - Summarize the data collected for use in developing the pretreatment program

2. *Legal Authority.* The POTW must have adequate legal authority to apply and enforce the requirements of the pretreatment regulations and any other state or local rules needed to control nondomestic discharges.
3. *Technical Elements/Local Limits.* The POTW must analyze discharges to its treatment system and establish local effluent limits to protect the operation of its treatment plant(s), the quality of its receiving water, and the quality of its sewage sludge.
4. *Compliance Monitoring.* The POTW must develop procedures for monitoring and inspecting its SIUs to determine compliance/noncompliance.
5. *Procedures.* The POTW must develop administrative procedures to implement its pretreatment program.
6. *Resources.* The POTW must have sufficient resources (funds, equipment, and personnel) to operate an effective and ongoing program.
7. *Enforcement Response Plan.* The POTW must develop a plan that contains detailed procedures for investigating and responding to instances of IU noncompliance.

The AA reviews the submission and determines its adequacy, according to the requirements at 40 CFR 403.8(f). If the AA determines that the submission is inadequate, it notifies the POTW of any defects and provides applicable compliance information. The regulations at 40 CFR 403.9 describe the POTW documents that must be submitted to the AA for program approval and the procedures that the AA must follow to approve the POTW pretreatment program.

Within 30 days of approval pursuant to 40 CFR 403.8(f)(6), the CA is to inform its SIUs in writing of their status and of all applicable requirements. This gives SIUs notice of all requirements pertaining to them.

Maintain Pretreatment Program Information

The AA must retain and make available to the public the POTW pretreatment program approval submissions and any requests for removal credits. The AA must also keep any comments received regarding these submissions.

Program Implementation

Baseline Monitoring Report

According to 40 CFR 403.12(b), all IUs subject to categorical standards must submit a BMR to the CA within 180 days after the effective date of the applicable standard. In the case of new sources, the BMR must be submitted at least 90 days prior to commencement of discharge. At their discretion, CAs may require some noncategorical IUs to submit similar reports. The BMR for CIUs must include the following information:

- Facility identifying information
- List of environmental control permits
- Description of operations
- Flow measurement data

- Measurement of regulated pollutants
- Certification (or noncertification) of compliance with the pretreatment standards
- Compliance schedule, if additional pretreatment or O&M is required to meet standards

This information is submitted only once, after promulgation of a categorical standard. If a CIU has already submitted this information during the Industrial Waste Survey or in a permit application, the CIU is not required to resubmit the information.

For BMRs and Compliance Attainment Reports, the regulations at 40 CFR 403.12(g)(4) require a minimum of four grab samples for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds at facilities for which historical sampling data do not exist. Furthermore, the regulations at 40 CFR 403.12(g)(3) specify that all other pollutant samples must be collected as 24-hour composite samples through flow-proportional composite sampling techniques, unless the CA authorizes time-proportional composite sampling or grab sampling.

CIU Compliance Schedule Progress Report

As part of a CIU's BMR, a CIU that cannot currently meet all categorical pretreatment standards must submit a compliance schedule indicating the minimum amount of time it needs to construct and operate additional pretreatment. The schedule is to contain commencement and completion dates for major milestones. The completion date in the schedule is to be no later than the compliance date established for the applicable categorical pretreatment standard.

In addition to the compliance schedule (submitted with the BMR), CIUs are to provide progress reports within 14 days of completing each major milestone. The periodic progress reports enable CAs to ensure that the CIU is progressing toward compliance with categorical standards. In its progress reports, the CIU is to demonstrate compliance with specific deadlines. If it has not met a deadline, the CIU must provide the date on which it expects to achieve the milestone, the reason for the delay, and the steps it is taking to return to the established schedule. No more than 9 months is to elapse between deadline dates for specific milestones.

CIU Compliance Attainment Report (90-day Compliance Report)

CIUs are to submit a report to the CA within 90 days following the date for final compliance with applicable categorical pretreatment standards. In the case of a new source (as defined at 40 CFR 403.3(m)), the CIU must submit the final report within 90 days of commencing discharge of wastewater to the POTW. The compliance attainment report must include the following:

- *Flow Measurement Data.* The measured average daily and maximum daily flow, in gallons per day, to the POTW from process and other wastestreams.
- *Pollutant Data.* The results of sampling and analysis identifying the nature and concentration (or mass, if required) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations (or mass, if required) are to be reported.

- *Certification Statement.* A statement reviewed by an authorized representative of the CIU, and certified to by a qualified professional, indicating whether the CIU is meeting pretreatment standards on a consistent basis and, if not, whether additional O&M or additional pretreatment is required for the CIU to meet the pretreatment standards.

Industrial User Self-Monitoring Compliance Report and Resampling Compliance Report

CIUs subject to categorical pretreatment standards are required to submit BMRs, Compliance Attainment Reports, Self-Monitoring Compliance Reports, and Resampling Compliance Reports. Noncategorical SIUs are required to submit Self-Monitoring Reports and, if a violation was detected, Resampling Compliance Reports. Qualifying NSCIUs may submit annual certification statements in lieu of self-monitoring compliance reports. All IUs, regardless of type, are to provide sampling data that are representative of conditions occurring during the reporting period. IUs are to perform sampling and report sampling in accordance with the procedures specified at 40 CFR 403.12 and 40 CFR Part 136. In general, categorical and noncategorical SIUs are to provide reports semiannually unless the CA has requested reports at a higher frequency. The CA may reduce the reporting requirements to once per year for some CIUs if the conditions at 40 CFR 403.3(v)(2) or 40 CFR 403.12(e)(3) are met.

If sampling performed by an IU indicates a violation, the IU is to notify the CA within 24 hours of becoming aware of the violation. The IU is also to repeat the sampling and analysis and submit the results of the repeat analysis to the CA within 30 days of becoming aware of the violation. Where the CA has performed the sampling and analysis in lieu of the IU, the CA must perform the repeat sampling and analysis within 30 days of becoming aware of the violation, unless it notifies the IU of the violation and requires the IU to perform the repeat analysis. If an IU monitors any regulated pollutant at the appropriate sampling location more frequently than required by the CA, the results of this monitoring are to be included in the IU's compliance reports.

In cases where a pretreatment standard requires compliance with a BMP (or pollution prevention alternative), the CA is to require the IU to submit documentation that will enable the CA to determine the compliance status of the IU. The CA may also authorize monitoring waivers to some IUs subject to categorical pretreatment standards, provided the conditions at 40 CFR 403.12(e) are met. The CA must specify the monitoring waiver in the CIU's permit or individual control mechanism. The waiver is valid for only the duration of the permit; in no case may the waiver be valid for longer than 5 years. CIUs granted monitoring waivers must certify in their self-monitoring reports that they have not experienced any increase in the pollutant due to their activities. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in a CIU's operations, the CIU is to immediately comply with the base monitoring requirements for the pollutant (the requirements specified in the categorical pretreatment standard) or other more frequent monitoring requirements imposed by the CA.

Pollution Prevention Plan

The Pesticides Formulating, Packaging, and Repackaging (PFPR) Regulations at 40 CFR 455.41 allow facilities to develop a Pollution Prevention Plan (P2 plan) and submit a P2 Alternative certification in lieu of complying with the zero discharge requirement. The paperwork required for compliance with the P2 Alternative includes an initial certification statement, which must include required descriptions of the IU's products and processes, P2 practices, and treatment systems. IUs must modify the plan as needed to reflect any changes since their last compliance report.

Minimum Monitoring Requirements for Indirect Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category

This burden was migrated from OMB Control No. 2040-0243, EPA ICR No. 1878.02. It presents estimates of the burden and costs to the regulated community and pretreatment approval and control authorities for monitoring, reporting, recordkeeping, and follow-up actions associated with implementing the minimum monitoring requirements of the Pulp, Paper and Paperboard Effluent Limitations Guidelines and Standards (Cluster Rules; 40 CFR Part 430), which were published on April 15, 1998 for mills in the Bleached Papergrade Kraft and Soda Subcategory (Subpart B) and the Papergrade Sulfite Subcategory (Subpart E).

Pollution Prevention Compliance Alternative; Transportation Equipment Cleaning Point Source Category (40 CFR Part 442).

This burden was migrated from OMB Control No. 2040-0235, EPA ICR No. 2018.02. It presents estimates of the burden and costs from the TEC rule that established technology-based effluent limitations guidelines, new source performance standards, and pretreatment standards for the discharge of pollutants into waters of the United States and into POTWs by existing and new facilities that perform TEC operations. TEC facilities are defined as those facilities that generate wastewater from cleaning the interior of tank trucks, closed-top hopper trucks, rail tank cars, closed-top hopper rail cars, intermodal tank containers, tank barges, closed-top hopper barges, and ocean/sea tankers used to transport materials or cargos that come into direct contact with the tank or container interior. Facilities that do not engage in cleaning tank interiors are outside the scope of the rule.

Best Management Practices for the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper and Paperboard Point Source Category

This burden was migrated from OMB Control No. 2040-0207, EPA ICR No. 1829.03. It presents estimates of the burden and costs to the regulated community (bleached papergrade Kraft, soda, and sulfite mills) and pretreatment control authorities for data collection and recordkeeping associated with implementing the best management practices requirements of the Pulp and Paper Effluent Limitations Guidelines and Standards (40 CFR 430.03).

CWT Initial Certification Statement

Under Subcategory D of the Centralized Waste Treatment (CWT) regulations at 40 CFR 437.41, facilities that accept waste in multiple subcategories may opt to develop and submit a demonstration that their treatment systems obtain removal equivalent to that which is the basis for the separate subcategory limits. The CIU must include in its demonstration (1) a list and description of the subcategories of wastes accepted at the facility, (2) the treatment systems in place at the facility, and (3) the conditions under which the treatment systems operate for each subcategory of waste accepted. The CIU's demonstration must also include data to support the CIU's claim that its treatment systems achieve *equivalent treatment*, as defined under the CWT regulations.

In the preamble to the CWT regulations (65 FR 81267, December 22, 2000), EPA reported "that 37 facilities accept wastes from multiple subcategories" and thus are likely to be "subject to the multiple wastestream subcategory." EPA estimated that 34 of the 37 facilities are indirect dischargers (91.5 percent of 37 facilities) and were likely to complete the initial CWT certification statement during the 3-year period of the previously approved ICR (EPA ICR No. 0002.11). This burden is no longer included in this pretreatment ICR.

IU Request for Coverage under General Control Mechanism

CAs may at their discretion use general control mechanisms in implementing their local pretreatment programs, provided the conditions at 40 CFR 403.8(f)(1)(iii) are met. Applicable IUs must file a written request with their CA for coverage under a general control mechanism. The request for coverage must identify the following information:

- Contact information
- Production processes
- Types of wastes generated
- Location for monitoring all wastes covered by the general control mechanism
- Any request for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge
- Other information requested by the POTW/CA.

The CA is to retain a copy of the general control mechanism, documentation supporting the CA's determination that the IU meets the criteria for a general control mechanism, and a copy of the IU's written request for coverage. The CA must retain these materials for 3 years after the expiration date of the general control mechanism. A CA may not control an SIU through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for CIUs whose limits are based on the Combined Wastestream Formula or net/gross calculations.

Periodic Certifications

CIUs in some industrial categories are eligible under their respective categorical standards to submit certifications exempting them from monitoring for one or more

pollutants. Certification requirements exist for the following industrial categories and subcategories:

- *Aluminum Forming and Coil Coating Categories.* A CIU may choose to submit an annual certification requesting exemption from cyanide monitoring if the first cyanide sample collected during the calendar year contains less than 0.07 mg/L of cyanide and the owner or operator certifies in writing that no cyanide is used.
- *Canmaking Subpart of Coil Coating Category.* The CIU is required to submit a notification if the alloy it uses in making cans contains less than 1 percent manganese. Periodic analyses of cyanide are not required if the first wastewater sample taken in each calendar year contains less than 0.07 mg/L for cyanide and the owner or operator certifies in writing that no cyanide is used.
- *Pharmaceutical Manufacturing Category (for Fermentation Product and Chemical Synthesis Products subcategory only).* A CIU may choose to submit a certification requesting exemption from monitoring for cyanide and other regulated pollutants provided such pollutants are not used or generated at the facility.
- *Pesticide Chemicals Category.* A CIU may choose to submit a certification for a pollution prevention allowable discharge that states that the pollution prevention alternative is being implemented in the manner set forth in the CIU's control mechanism.
- *Porcelain Enameling Category.* A CIU may choose to submit an annual certification requesting exemption from chromium monitoring if the first sample collected during the calendar year contains less than 0.08 mg/L of chromium and the owner or operator certifies in writing that chromium is not used.
- *Pulp and Paper Categories.* Certain CIUs may choose an alternative monitoring program by certification once every 5 years if they use a totally chlorine-free process. Certain facilities in this category may also submit certifications in lieu of monitoring for pentachlorophenol and trichlorophenol, provided they do not use these compounds as biocides.
- *Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Category.* Facilities that choose to certify any or all of their fiber lines with their pretreatment control authority, in lieu of chloroform minimum monitoring required by 40 CFR Part 430, will be required to submit periodic reports certifying that the fiber line(s) are operating within the range of certain process and operating conditions identified during the initial compliance demonstration period.
- *Steam Electric Category:* CIUs may choose to provide a demonstration and certification that regulated parameters are not detectable in the final discharge (except for chromium and zinc).
- *Electroplating, Metal Finishing, and Electrical and Electronic Components Categories:* CIUs may choose to submit a total toxic organics (TTO) certification semiannually in lieu of performing TTO monitoring; however, such facilities must also develop and submit a toxic organic management plan.

- *Centralized Waste Treatment Category.* CIUs that opt for regulation under Subpart D of the CWT regulations must certify annually that they are operating their treatment systems to provide equivalent treatment as set forth in their initial certification.

For the purposes of this ICR, EPA assumes that a periodic certification requires a CIU 1 hour to complete. This estimate is consistent with those contained in the *Information Collection Request for the NPDES/Compliance Assessment/Certification Information* (EPA ICR No. 1427.07, OMB No. 2040-0110).

Maintain Monitoring Records and Documentation of BMPs

IUs and POTWs are to maintain records of all information resulting from monitoring activities specified in 40 CFR 403.12, including documentation associated with BMPs. The records for samples are to include the following:

- Date, location, method, and time of sampling, and names of the person or persons taking the samples
- Dates of analyses
- Names of person or persons performing the analyses
- Analytical techniques/methods used
- Results of the analyses

IUs and POTWs are to retain the records, including documentation associated with BMPs, for a minimum of 3 years. IUs and POTWs are to make these materials available for inspection and copying by the AA and OA (and the POTW in the case of an IU). The period of retention is extended during the course of any unresolved litigation regarding the IU or POTW or when stipulated by the AA or the OA.

In addition, POTWs must retain copies of all BMRs, Compliance Schedule and Attainment (90-day Compliance) Reports, periodic IU Self-Monitoring Reports, and periodic certifications. The POTW must retain these records for a minimum of 3 years and must make these documents available upon request to the AA and OA for inspection. As with sampling data, the retention time is extended during the course of any unresolved litigation regarding the discharge of pollutants by an IU or the operation of the POTW pretreatment program, or upon the request of the AA/OA.

Annual POTW Reports

POTWs with approved pretreatment programs are to provide the AA with an annual report that describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The POTW is to submit this report no later than 1 year after approval of the POTW's pretreatment program, and at least annually thereafter. The report is to include, at a minimum, the following:

- An updated list of the POTW's IUs, including names and addresses, or a list of deletions and additions keyed to a previously submitted SIU list [see 403.8(f)(6) and 403.12(i)]. The POTW is to identify which IUs are subject to categorical pretreatment standards and to specify which standards are applicable to each IU. The POTW is

also to indicate the IUs that are subject to local standards that are more stringent than the categorical pretreatment standards and the IUs that are subject to only local requirements. Finally, the POTW is to identify the categorical IUs subject to reduced reporting requirements and the IUs classified as NSCIUs.

- A summary of the status of IU compliance over the reporting period.
- A summary of compliance and enforcement activities, including inspections, conducted by the POTW during the reporting period.
- A summary of changes to the POTW's pretreatment program, which have not been previously reported to the AA.
- Any other relevant information requested by the AA.

POTW Program Modifications

An AA or a POTW with an approved pretreatment program may initiate program modifications at any time to reflect changing conditions at the POTW. Program modifications are necessary anytime there is a significant change in the operation of a POTW pretreatment program that differs from the information in the POTW submission approved previously by the OA or AA. The term *substantial modification* is defined at 40 CFR 403.18(b), and such modifications include the following:

- Modifications that relax POTW legal authorities (except for modifications that directly reflect a revision to 40 CFR Part 403 or 40 CFR Chapter I, Subchapter N).
- Changes that relax a POTW's local limits, with the exception of modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading (MAIL) of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported pursuant to paragraph (d) of 40 CFR 403.18. MAIL means the total mass of a pollutant that all IUs of a POTW (or a subgroup of IUs identified by the POTW) may discharge pursuant to limits developed under 40 CFR 403.5(c).
- Changes to the POTW's IU control mechanism.
- Decreases in the frequency of self-monitoring or reporting required of IUs.
- Decreases in the frequency of IU inspections and sampling by the POTW.
- Changes to the POTW's confidentiality procedures.
- Other modifications designated as substantial by the AA on the basis that the modification could have a significant impact on the operation of the POTW's pretreatment program, could result in an increase in pollutant loadings at the POTW, or could result in less stringent requirements being imposed on IUs of the POTW.

If the AA approves the substantial modification to the POTW's program, it is to publish a notice of approval (unless the notice of request of for approval states that the request will be approved if no comments are received by a date specified in the notice; no substantive comments are received; and the request is approved without change). The POTW is to notify the AA of any nonsubstantial program modifications 45 days prior to implementation by the POTW. The AA, in turn, has 45 days in which to notify the

POTW of its decision to approve or disapprove the nonsubstantial modification. If the AA does not notify the POTW within 45 days, the POTW may implement the nonsubstantial modification. The AA is to incorporate all modifications into the POTW's NPDES permit upon approval.

Industrial User Slug Load Notification

Under 40 CFR 403.12(f), all IUs are required to immediately notify the POTW of all discharges that could cause problems to the POTW, including any slug loadings by the IU. The specific discharge prohibitions are defined at 40 CFR 403.5(b) and include the following:

- Pollutants that create a fire or explosion hazard in the POTW, including wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified at 40 CFR 261.21.
- Pollutants that will cause corrosive structural damage to the POTW, and in no case discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
- Solid or viscous pollutants in amounts that will cause obstruction to the flow in the POTW resulting in interference.
- Any pollutant, including oxygen-demanding pollutants (e.g., biochemical oxygen demand) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW.
- Heat in amounts that will inhibit biological activity in the POTW resulting in interference, and in no case heat in such quantities that the temperature at the POTW exceeds 104 °F (40 °C), unless the AA, upon request of the POTW, approves alternative temperature limits.
- Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- Any trucked or hauled pollutants, except at discharge points designated by the POTW.

The term *interference* is defined at 40 CFR 403.3(k) as a discharge that inhibits or disrupts the POTW; its treatment process or operations; or its processes, uses, and disposal of sludge. Such discharges cause the POTW to violate the requirements of its NPDES permit or prevent sewage sludge use or disposal in compliance with statutory provisions and regulations or permits.

The term *pass through* is defined at 40 CFR 403.3(p) as “a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).”

Notification of Changed Discharge

IUs are to promptly notify the CA (and the POTW if the POTW is not the CA) in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the IU has submitted initial notification under 40 CFR 403.12(p).

Upset Notification

IUs are required to immediately notify CAs of all discharges that could cause problems to the POTW under 40 CFR 403.12(f) (see slug load notification requirements). The regulations more specifically define the term *upset* as “an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the CIU. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action.” Reporting an upset is particularly required if the CIU wishes to establish the affirmative defense for an action brought for noncompliance with categorical pretreatment standards.

The pretreatment regulations at 40 CFR 403.16 specify the conditions CIUs must meet to demonstrate that an upset has occurred and for which an affirmative defense may be brought for noncompliance with categorical pretreatment standards if the CIU demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that

- An upset occurred and the CIU can identify the cause(s) of the upset.
- The facility was at the time being operated in a prudent manner and in compliance with applicable O&M procedures.
- The CIU has submitted required information to the POTW and CA within 24 hours of becoming aware of the upset. If the CIU provides the information orally, it must submit a written report within 5 days. The type of information the CIU must provide includes:
 - A description of the indirect discharge and cause of noncompliance
 - The period of noncompliance, including the exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue
 - The steps being taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In the event of an upset, the CIU is to control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, is lost, or fails.

Bypass Notification

The pretreatment regulations at 40 CFR 403.17 require IUs to notify the POTW of a *bypass*, which is defined as “the intentional diversion of wastestreams from any portion of an IU’s treatment facility.” If the IU knows of the need for a bypass in advance, it is to submit prior notice to the POTW, if possible at least 10 days before the date of the bypass. For an unanticipated bypass, the IU is to notify the POTW orally within 24 hours from the time it became aware of the bypass. The IU must follow up with a written notice to the POTW within 5 days.

Notification of Significant Change Affecting Equivalent Mass Limits or Concentration Limits

The pretreatment regulations at 40 CFR 403.6(c)(9) specify that any IU operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production-based standard must notify the CA within two business days after the IU has a reasonable basis to know that the production level will significantly change within the next calendar month. Any IU not notifying the CA of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

Notification of Changed Monitoring Location

This requirement affects CIUs that treat wastes from multiple processes. The regulations at 40 CFR 403.6(e)(4) enable the CIU to change monitoring locations from segregated wastestreams to the combined wastestream. The CIU may change monitoring points only after receiving approval from the CA. The CA must ensure that any change in a CIU’s monitoring point(s) will not allow the CIU to substitute dilution for adequate treatment to achieve compliance with applicable standards.

Determination of NSCIUs and Middle Tier CIUs

EPA finalized several revisions to the pretreatment regulations as part of the Streamlining Rule. One provision allows CAs to reduce certain oversight responsibilities, including permitting, sampling, and inspection requirements, for a newly established class of indirect dischargers, the *nonsignificant categorical industrial user* (NSCIU). The rule also allows CAs to reduce the reporting requirements for another new class of indirect dischargers, the *middle tier* CIUs. Both provisions are optional, so neither the state nor the CA is required to incorporate these changes into its pretreatment program.

These provisions might affect local pretreatment programs that accept wastes from indirect dischargers eligible for the NSCIU and/or the middle tier CIU categories. Local programs and states that choose not to implement these provisions are not affected. These provisions also potentially affect qualifying CIUs..

The regulations at 40 CFR 403.3(v)(2) stipulate that for a CIU to qualify as an NSCIU, the CIU must never discharge more than 100 gpd of total categorical wastewater and must also

- Have consistently complied with all applicable categorical Pretreatment Standards and Requirements, and

- Annually submit a certification statement (40 CFR 403.12(q)) together with any additional information necessary to support the certification statement, and
- Never discharge any untreated concentrated wastewater

The regulations at 40 CFR 403.12(e)(3) stipulate that a CIU may be designated by the CA as a middle tier CIU if its discharge of categorical wastewater does not exceed the following:

- 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller, and
- 0.01 percent of the design dry weather organic treatment capacity of the POTW, and
- 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed by the POTW

To classify a CIU as a middle tier CIU, the CA must also demonstrate that the CIU has not been in SNC for any time in the past 2 years and that the reduced reporting requirements would still result in data that are representative of conditions occurring at the facility and in the discharge during the reporting period.

An indirect discharger that has been designated a NSCIU by its CA is no longer an SIU, so there is no requirement to control it through a permit or other control mechanism. But if the CA determines that an existing NSCIU no longer meets a required criterion for being categorized as nonsignificant, the IU becomes an SIU and must be issued a control mechanism. The CA always has the option of issuing a control mechanism to a non-SIU.

A middle tier CIU is still an SIU. CAs must issue control mechanisms to CIUs in the middle tier category.

With respect to reporting, inspection, and sampling requirements for NSCIUs, the following conditions apply:

- The CA may reduce sampling and reporting requirements for an NSCIU as it deems appropriate, but the facility must annually report and certify that it still meets the definition of an NSCIU, including certification that it complied with the applicable categorical pretreatment standards during the reporting period.
- The CA must evaluate, at least once per year, whether each NSCIU still meets the nonsignificant criteria at 40 CFR 403.3(v)(2).
- NSCIUs are still categorical dischargers and, as such, are still required to comply with applicable categorical pretreatment standards.

With respect to reporting, inspection, and sampling requirements for middle tier CIUs, the following conditions apply:

- The CA may reduce the submission frequency of the required periodic monitoring report for middle tier CIUs from a minimum of twice a year to a minimum of once a year.
- Reports submitted at this reduced frequency must still be based on data that are representative of the conditions occurring during the entire reporting period, consistent with 40 CFR 403.12(g)(3).
- The CA may also reduce its own obligation to inspect and sample middle tier CIUs from once a year to once every 2 years.
- Middle tier CIUs are still categorical dischargers and, as such, are still required to comply with applicable categorical pretreatment standards.

The CA is not required to adopt these provisions. If the CA chooses not to implement these new CIU categories, it need not do anything. However, if the CA wants to implement the provisions, it must submit a program modification to the AA before it may implement the new classifications for CIUs.

Issuance of Discharge Permits or Other Control Mechanisms for SIUs

The pretreatment regulations at 40 CFR 403.8(f)(1) require the POTW to issue discharge permits or equivalent individual control mechanisms to SIUs. These discharge permits must include, at a minimum, the following:

- A statement of duration of the permit (in no case more than 5 years)
- A statement of non-transferability without prior POTW approval and provision of a copy of the existing control mechanism to the new owner or operator
- Effluent limits, including BMPs, based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law
- Applicable monitoring, sampling, reporting, notification, and recordkeeping requirements, including identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with 40 CFR 403.12(e)(2), or a specified waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type
- Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance schedule
- Requirements to control slug discharges if determined necessary by the POTW

EPA's Streamlining Rule provided opportunities for CIUs to make a one-time submission of information requesting equivalent mass limits. To be eligible for equivalent mass limits, CIUs must demonstrate that they employ water conservation methods and technologies that substantially reduce water use during the term of their control mechanism; that they currently use control and treatment technologies adequate to achieve compliance with categorical pretreatment standards (without using dilution as a substitute for treatment); that they provide sufficient information to establish, based on

data from a continuous effluent flow monitoring device, the facility's actual average daily flow rate for all wastestreams and the facility's baseline long-term average production rate, both of which are representative of current operating conditions; that they do not have daily flow rates, production rates, or pollutant levels that fluctuate to such a degree that an equivalent mass limit cannot be appropriately established to control the discharge; and that they have been in consistent compliance with all applicable categorical pretreatment standards. After equivalent mass limits are in effect, the CIU must maintain and operate its treatment technologies adequately to achieve compliance with the equivalent mass limits, record the facility's flow rates using a continuous effluent flow monitoring device, record the facility's production rates, notify the CA whenever production rates are expected to vary by more than 20 percent from the baseline production rate, and employ the same or comparable water conservation methods and technologies already implemented.

EPA's Streamlining Rule also provided opportunities for CIUs to make a one-time submittal of information requesting equivalent concentration limits. CAs establishing concentration-based pretreatment standards instead of flow-based mass limits must document that dilution is not being used as a substitute for treatment (see 40 CFR 403.6(d), 414.111(a), Parts 419 and 455). In addition, the CA is required to adjust permit limits using the combined wastestream formula in 40 CFR 403.6(e) when the wastestream used for demonstrating compliance with the permit limits is mixed with non-process wastewater or wastewater from other processes.

Inspection and Sampling of IU Effluent

CAs must randomly sample and analyze the effluent from IUs and conduct surveillance activities to identify, independent of information supplied by the IUs, occasional and continuing noncompliance with pretreatment standards. The regulations at 40 CFR 403.8(f)(2)(v) stipulate that POTWs are to inspect and sample the effluent from each SIU at least once a year, with the following exceptions:

- For CIUs that certify that a pollutant is "neither present nor expected to be present," the CA would need to sample for the applicable pollutants only once during the duration of the CIU's individual control mechanism.
- Where the POTW has determined that an IU meets the criteria for classification as an NSCIU, the POTW would need to evaluate at least once per year whether the IU continues to meet the criteria.
- For CIUs subject to reduced reporting requirements under 40 CFR 403.12(e)(3), the POTW would randomly sample and analyze the effluent and conduct inspections at least once every 2 years. If the CIU no longer meets the conditions for reduced reporting, the POTW would need to immediately begin sampling and inspecting the CIU at least once a year.

Public Notification of Significant Noncompliance

The regulations at 40 CFR 403.8(f)(2)(viii) require a POTW to publish a list of IUs that have been in SNC during the previous 12 months in a newspaper(s) of general circulation

that provides meaningful public notice in the area in which the violations occurred. An SIU is in SNC if its violation meets one or more of the following criteria:

- Chronic violations of wastewater discharge limits (66 percent or more of all the measurements taken for the same pollutant during a 6-month period exceeds by any magnitude a numeric pretreatment standard or requirement, including instantaneous limits)
- Technical Review Criteria (TRC) violations (33 percent or more of all of the measurements taken for the same pollutant during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC [TRC = 1.4 for biochemical oxygen demand; total suspended solids; and fats, oil and grease and 1.2 for all other pollutants except pH])
- Any other violation of a pretreatment standard or requirement that the POTW determines has caused, alone or in combination with other discharges, interference or pass through
- Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge
- Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance
- Failure to provide within 45 days after the due date required reports such as Baseline Monitoring Reports, 90-day Compliance Reports, periodic self-monitoring reports, and reports on compliance with schedules
- Failure to accurately report noncompliance
- Any other violation or group of violations, which may include a violation of BMPs, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program

Slug Control Plan

The pretreatment regulations at 40 CFR 403.8(f)(2)(vi) require POTWs to evaluate through inspections (see above) whether each SIU needs a plan or other action to control slug discharges. For IUs identified as significant before November 14, 2005, the POTW was to complete the evaluation by October 14, 2006. POTWs are to evaluate additional SIUs within 1 year of their *significant* designation. The regulations define a *slug discharge* as “any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.” An IU must notify the POTW immediately of any changes at its facility affecting the potential for slug discharges. If the POTW decides that a slug control plan is needed, the plan must include the following elements:

- Description of discharge practices, including non-routine batch discharges

- Description of stored chemicals
- Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate the general pretreatment prohibition at 40 CFR 403.5(b), along with procedures for follow-up written notification within 5 days
- If necessary, procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response

Evaluation of the Need to Revise Local Limits

Every 5 years, POTWs must report to the AA on the need to revise local limits [40 CFR 122.44(j)(2)(ii)]. This information is necessary for the AA to evaluate whether POTWs have developed appropriate local limits to control toxic and hazardous pollutants.

POTW Enforcement Response Plan

The regulations at 40 CFR 403.8(f)(5) require every approved POTW to develop and implement an enforcement response plan. The plan is to describe the POTW's procedures for investigating and responding to instances of IU noncompliance, the types of escalating enforcement responses the POTW will take in response to all anticipated types of IU violations, and the time periods within which such responses will take place. The plan is to identify by title the officials responsible for each type of response and adequately reflect the POTW's primary responsibility to enforce all applicable Pretreatment Standards and Requirements.

Notification of RCRA Discharge

Each IU must notify its POTW and federal and state hazardous waste permitting authorities of any discharge into the POTW of a substance that is a listed or characteristic waste under section 3001 of RCRA [40 CFR 403.12(p)]. In addition, the IU is to estimate the volume of hazardous waste it expects to discharge in the next 12 months. This reporting requirement applies to all IUs, including small-quantity generators (less than 100 kilograms RCRA waste per calendar month); the requirement implements section 3018(d) of RCRA.

Program/Categorical Determination

Categorical Determination Request

Within 60 days after the effective date of a pretreatment standard for a subcategory under which an IU may be included, the IU or POTW may request that EPA (or a state with pretreatment program approval) provide written certification of whether the IU falls within the particular subcategory. If an IU adds or changes a process or operation that may be included in a subcategory, the existing IU must request this certification before commencing discharge from the added or changed processes or operation. A new source must request this certification before commencing discharge. Where a request for certification is submitted by a POTW, the POTW must notify any affected IU of the

submission. The IU may provide written comments on the POTW submission to the state or EPA within 30 days of notification.

The applications for a category determination must contain a statement that (1) describes which categories and subcategories might be applicable and (2) cites evidence and reasons why a particular subcategory is applicable and others are not.

The application is to be certified by an official of the organization submitting the application, as described at 40 CFR 403.6(a)(2)(ii). EPA or the state notifies the applicant if its request is deficient and provides the applicant at least 30 days to correct the deficiency. EPA or the state denies the request if the deficiencies are not corrected in the allotted time frame.

EPA or the state makes final decisions on complete applications within 60 days of their receipt. EPA or the state sends a copy of the determination to the affected IU and applicable POTW. The IU (of POTW if applicant) may submit a petition to contest the decision of EPA or the state.

Alternative Limits Modification Request

Before treating regulated wastewater, some CIUs mix process effluent with wastewater that is not from the regulated process. The pretreatment regulations at 40 CFR 403.6(e) allow for CAs, or the CIU with the written concurrence of the CA, to establish fixed alternative discharge limits. When deriving alternative categorical limits, the CA or CIU is to calculate both an alternative daily maximum value (using the daily maximum values specified in the appropriate categorical pretreatment standard) and an alternative consecutive sampling day average value (using the monthly average values specified in the appropriate categorical pretreatment standards). The CIU is to comply with the alternative daily maximum and monthly average limits fixed by the CA until the CA modifies the limits or approves a CIU's modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An IU must immediately report any such material or significant change to the CA. Where appropriate, new alternative categorical limits are to be calculated within 30 days.

Removal Credit Approval Request

The pretreatment regulations at 40 CFR 403.7 provide that any POTW receiving wastes from an IU to which a categorical pretreatment standard applies may, at its discretion, grant removal credits to reflect removal by the POTW of the pollutants specified in the categorical pretreatment standards. Pollutants that are eligible for removal credits, contingent to the intended POTW sludge use or disposal practice, are listed in Appendix G to 40 CFR 403. The POTW may grant a removal credit equal to or, at its discretion, lower than its consistent removal rate. Upon being granted a removal credit, each affected CIU is to calculate its revised discharge limits in accordance with specified criteria. Removal credits may be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard only if the categorical pretreatment standard so specifies.

To obtain a removal credit, the POTW must have an approved pretreatment program or have such approval pending. The POTW submits a removal credit request and supporting information to the Approval Authority, either the EPA or the state with pretreatment program authority. According to 40 CFR 403.7, the POTW's request must include the following information:

- A list of pollutants for which removal credits are proposed
- POTW influent and effluent data demonstrating consistent pollutant removal
- A description of the POTW's analytical methods used in sampling
- The calculations involved in determining the POTW's consistent pollutant removal
- A list of the industrial subcategories for which discharge limits will be revised
- The calculations used to determine revised categorical standards
- A certification that the POTW has an approved pretreatment program or qualifies for an exemption to this requirement
- A description of the POTW's current sludge management practices and certification that granting removal credits will not cause a violation of an applicable sludge requirement
- Certification that granting removal credits will not cause a violation of the POTW's NPDES permit.

Within 20 days after determining that the request submitted meets the requirements at 40 CFR 403.7(d) and 40 CFR 403.9(d), the AA is to issue a public notice that the request has been received. Notices of the request are mailed to the agencies responsible for developing plans under CWA section 208; to federal and state fish, shellfish, and wildlife resource agencies; and to any other interested persons requesting notification. The public notice period lasts for at least 30 days, during which time all written comments are to be submitted to the AA. In addition, the AA is to publish the request in a newspaper of general circulation that provides meaningful public notice within the POTW's jurisdiction. If the public expresses significant interest in the issues involving the POTW's request for a removal credit, the AA Director must hold a public hearing to consider the POTW's removal allowance request. After the 30-day notice, but within 180 days, the AA Director approves or denies the removal allowance request and notifies the POTW of the decision.

Removal Credit Self-Monitoring Report

A POTW that has obtained removal credit approval must submit to the AA an initial report that demonstrates consistent pollutant removal and sludge quality maintenance. Thereafter, the POTW must continue to substantiate its removal credit with periodic reports to the AA. These reports are to be submitted at least annually.

The reports are necessary to establish the POTW's rate of consistent removal and, as specified in section 307(b)(1) of the CWA, to demonstrate that the POTW's sludge use and disposal practices will not be adversely affected. According to the regulations at 40

CFR 403.7, each report must include POTW influent and effluent data demonstrating consistent pollutant removal.

AAs are to evaluate each report to determine whether the POTW's pollutant removal and sewage sludge quality maintenance continue to justify the approved removal credit. If the POTW has not justified the removal credit, the AA may rescind the removal credit after notifying the POTW.

Fundamentally Different Factors Variance Request

The pretreatment regulations at 40 CFR 403.13 enable an AA to issue a variance to an IU (or POTW on behalf of an IU) from the limits specified in a categorical pretreatment standard due to fundamentally different factors (FDF). In certain cases, an individual discharger's production processes or technologies might be fundamentally different from the representative facilities used to determine the limits. The IU must submit a specific categorical pretreatment standard variance request when it believes that factors relating to its discharge are fundamentally different from those considered when EPA established the categorical standard. A POTW or other interested party may also submit an FDF variance request.

The factors that may be considered fundamentally different are outlined at 40 CFR 403.13(d). They include the following:

- Nature or quality of pollutants contained in the raw waste load of the IU's process wastewater
- Volume of the IU's process wastewater and effluent discharged
- Non-water-quality environmental impact of control and treatment of the IU's raw waste load
- Energy requirements of the application of control and treatment technology
- Age, size, land availability, and configuration as they relate to the IU's equipment or facilities, the processes employed, process changes, and engineering aspects of the application of control technology
- Cost of compliance with the required control technology

The FDF variance request must contain the following data:

- The name and address of the person making the request
- Identification of the interest of the requester affected by the categorical pretreatment standard for which the variance is requested
- Identification of the POTW currently receiving waste from the IU for which alternative discharge limits are requested
- Identification of the categorical pretreatment standards applicable to the IU
- A list of each pollutant or pollutant parameter for which an alternative discharge limit is sought

- The alternative discharge limits proposed by the requester for each pollutant or pollutant parameter for which an alternative discharge limit is sought
- A description of the IU's existing water pollution control facilities
- A schematic flow representation of the IU's water system, including water supply, process wastewater systems, and points of discharge
- A statement of facts clearly establishing the reason that the variance request should receive approval, including detailed supporting data, documentation, and evidence necessary to fully evaluate the merits of the request (e.g., technical and economic data collected by EPA and used in developing each pollutant discharge limit in the pretreatment standard)

As specified at 40 CFR 403.13(g)(2), an IU must submit a variance request within 180 days of the categorical pretreatment standard's promulgation. If the IU has requested a categorical determination as provided by 40 CFR 403.6(a), the FDF request must be submitted within 30 days after the categorical determination. The AA is to circulate the variance request to all interested parties (public review). Following this public comment period of not less than 30 days, the AA is to approve or deny the variance request.

Net/Gross Adjustment Request

The pretreatment regulations at 40 CFR 403.15 specify the conditions under which a CA may adjust a CIU's categorical pretreatment standard based on the presence of the applicable pollutant in the CIU's intake water. The adjustments given are called *net/gross credits*. When granting an adjustment, the CA revises the applicable pretreatment standard to offset the pollutant load already present in the CIU's intake water. If the CIU, however, has treatment technologies in place that will partially or entirely remove the pollutant in question, the CA adjusts the standard only to the extent that the pollutant is not removed by the CIU's treatment technology.

CAs are not to grant credit for generic pollutants, such as biochemical oxygen demand, total suspended solids, and oil and grease, unless the CIU demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water, or unless appropriate additional limits are placed on process water pollutants at the outfall or elsewhere. CAs are to grant credits only to the extent necessary for CIUs to meet applicable categorical standards, up to a maximum value equal to the influent value. The CA may require additional monitoring to determine eligibility for credits and compliance with adjusted standards. Finally, the CA may grant credits only if the intake water is withdrawn from the same water body into which the POTW discharges. The CA, however, may waive this requirement if it finds that no environmental degradation will result.

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

5(a). Agency Activities

EPA personnel complete a number of tasks in implementing the National Pretreatment Program. These tasks and the associated burden and costs for conducting them are outlined in section 6(c) of this ICR.

EPA regional offices operate as the oversight authority (OA) under the National Pretreatment Program. In this role, they approve state program requests, and they review and approve various program implementation requests, such as pretreatment categorical determination requests and FDF requests.

EPA regional offices also operate as the AA in states that do not have approved pretreatment programs. As the AA, a regional office reviews POTW pretreatment programs for adequacy, audits and inspects approved POTWs, enforces against POTWs for failure to implement pretreatment regulations, and enforces pretreatment standards when IUs are not in compliance (where the POTW has not taken action). An AA may also inspect IUs to assess compliance.

EPA regional offices also act as the CA in instances where neither the state nor the POTW has an approved pretreatment program. As CA, a regional office has primary responsibility for implementing the pretreatment program. A regional office, acting as CA, notifies SIUs of their status and obligations under the program, reviews applications for control mechanisms, and determines the IUs that must act to reduce the risk of spills or batch discharges. The CA also ensures that IUs comply with discharge limitations and reporting requirements, inspects IUs, reviews self-monitoring reports from IUs, enforces against non-complying IUs, and notifies the public when IUs are in significant noncompliance.

5(b). Collection Methodology and Management

In general, IUs and POTWs provide written requests and reports. IUs and POTWs give oral notices in emergencies; however, the IUs and POTWs follow these notices with written ones. EPA uses the Permit Compliance System and the Integrated Compliance Information System to store, track, and access pretreatment-related program information.

5(c). Small Entity Flexibility

In developing this ICR, EPA considered the requirement of the Small Business Regulatory Enforcement Fairness Act (SBREFA) to minimize the burden of information collections on small entities. Small entities include small businesses, small organizations, and small government jurisdictions, all of which are defined as follows in section 601 of the Regulatory Flexibility Act:

- A *small business* is any business that is independently owned and operated and not dominant in its field, as defined by the Small Business Administration (SBA) Regulations under section 3 of the Small Business Act.

- A *small organization* is any non-profit enterprise that is independently owned and operated and not dominant in its field.
- A *small governmental jurisdiction* is the government of a city, county, town, township, village, school district, or special district that has a population fewer than 50,000. This definition may also include Indian tribes.

The reporting requirements for pretreatment program development affect only state governments and municipal governments (i.e., POTWs). Requirements for pretreatment program implementation and program/categorical determinations involve some small businesses. The information requested, however, is not available from other sources and is essential for implementing the pretreatment program.

Overall, the burden for small industries is likely to be inherently smaller than that for other IUs because their facilities are less complex. Reporting burdens are less for SIUs than for CIUs. Under the Streamlining Rule, EPA modified some of the sampling requirements for CIUs to provide greater flexibility; these changes will benefit some of the smaller CIUs. Under the Streamlining Rule, EPA also provided states and POTWs opportunities to remove from regulatory requirements CIUs that never discharge more than 100 gpd of total process wastewater. POTWs and states may also categorize some CIUs as *middle tier*, meaning they, too, may be subject to fewer reporting requirements. A number of small facilities are likely to fall into these categories.

5(d). Collection Schedule

Many reporting requirements associated with the National Pretreatment Program are one-time only. Therefore, the frequency of data collection is relevant to only the following requirements:

- IU and SIU self-monitoring reports
- Periodic certifications
- Annual POTW reports, including updating the SIU list
- Pretreatment Compliance Inspection (PCI)
- Issuance of control mechanisms for SIUs
- Inspection and sampling the effluent of IUs and SIUs
- Public notification of significant noncompliance
- Evaluation of the need to revise local limits
- Prevention and control plan for spills and batch discharges
- Removal credit self-monitoring reports

Exhibit 5 (in section 4) summarizes reporting requirements for the pretreatment program.

6. ESTIMATING BURDEN AND COST OF COLLECTION

This section estimates the burden and cost to states, POTWs, and IUs for complying with the National Pretreatment Program requirements detailed in section 4. This section also discusses the assumptions used to estimate costs and burden in addition to describing the change in burden compared with the 2007 National Pretreatment Program ICR (OMB Control No. 2040-0009,

EPA ICR No. 0002.13). Additional detail about assumptions is provided in Appendix A. Detailed burden and cost calculations are shown in Appendix B.

6(a). Respondent Burden

EPA's Streamlining Rule resulted in changes to respondent reporting and recordkeeping burden. Specifically, the Streamlining Rule enables CAs to designate certain NSCIUs and other CIUs as *middle tier CIUs*. Those CIUs designated as NSCIUs and Middle tier CIUs may have reduced reporting burdens. Based on data from annual reports, award applications, public comments, and other EPA sources, 9.3 percent of existing CIUs discharge more than 0 gpd, but less than 100 gpd. An additional 5.7 percent of existing CIUs are zero dischargers. Approximately 30 percent of existing CIUs are assumed to have flows more than 100 gpd, but less than 5,000 gpd and less than 0.01 percent of their POTW's design flow (referred to as *middle tier CIUs*).

Based on discussions between EPA OWM and EPA regional staff, all zero-discharging CIUs may be considered NSCIUs. Based on data collected from eight POTW programs, EPA estimates that 71 percent of small CIUs currently monitor more frequently than the minimum requirement of twice a year. Therefore, this ICR assumes that the monitoring and reporting frequency will not change for IUs that already monitor and report more frequently than the current minimum requirement, twice a year. In addition, EPA estimates that CAs will not reduce the frequency with which they issue permits, monitor, or conduct inspections for these systems (i.e., 71 percent of small CIUs). NSCIUs (the remaining 29 percent along with all zero-discharging CIUs) will complete annual certifications in lieu of annual monitoring and reporting. To gather data to complete this certification, IUs with flows greater than zero will monitor once every 5 years, on average. CAs will discontinue control mechanism issuance and formal inspections for this 29 percent of NSCIUs with flows greater than zero (along with all zero-discharging CIUs); instead, CAs will conduct an annual 2-hour evaluation, as required by the revised regulations.

EPA estimates that 29 percent of the middle tier CIUs will be authorized to reduce their monitoring and reporting requirements from semiannually to annually. This estimate is based on the estimate that 71 percent are currently subject to monitoring and reporting requirements that exceed the minimum requirements. In addition, this ICR assumes that for 29 percent of potential middle tier CIUs, CAs will reduce inspections to once every 2 years instead of once a year.

The Streamlining Rule also enables zero-discharging CIUs that previously reported data semiannually to instead conduct an annual certification. CAs, in turn, will shift from issuing control mechanisms and conducting annual inspections of these facilities to conducting an annual evaluation. EPA estimates that the burden for this evaluation to be 2 hours.

6(a)(i). Burden to States

For the 3-year ICR period, the annual reporting and recordkeeping burden for states (including the burden for states as users of the data) is estimated to be 138,657 hours. Exhibit 6 at the end of section 6(a) shows the annual burden hours on an activity-specific basis, and Appendix A summarizes the assumptions EPA made in developing the estimates. The following paragraphs briefly describe the bases for the burden estimates.

Program Development

State Pretreatment Program Approval Request

Pursuant to consultation with the National Pretreatment Coordinator and EPA regional offices, EPA does not anticipate any states to seek pretreatment program authority during this 3-year ICR period.

Program Implementation

Issuance of SIU Discharge Permits

EPA assumes that all approved pretreatment states (36) will issue some permits to SIUs. EPA assumes that some of these states might issue general control mechanisms in place of individual permits. The number of responses per year is calculated based on information submitted by states and EPA regions that indicate that states directly regulate 9.62 percent of all SIUs. (See Appendix A for additional information about this assumption.) CAs will no longer be required to issue permits to NSCIUs. Because some SIUs can now be regulated with general control mechanisms, EPA estimates that 2 percent of SIUs will no longer require an individual permit. Thus, the number of responses for each state will fall by 2 percent. EPA also estimates that it takes 20 burden hours for a CA to issue a discharge permit; this estimate is carried forward in this ICR.

Inspection and Sampling of SIUs

Inspection: EPA estimates that all 36 pretreatment states will provide oversight for some SIUs. This ICR assumes 8 burden hours to perform one inspection per year for 9.62 percent of all SIUs. Middle-Tier SIUs will be inspected less frequently (every other year instead of every year). This includes the time necessary to collect an effluent sample.

Sampling and Analysis: All pretreatment states are assumed to perform in-house analyses for the SIUs that they regulate. This ICR estimates an average sample analysis burden of 15.2 hours. This burden was estimated based on regional feedback during the development of the ICR for the Streamlining Rule, and it is carried forward in this ICR. PFPR facilities opting for the pollution prevention option are excluded because there are no monitoring requirements.

Public Notification of Significant Noncompliance

In this ICR, EPA estimates that only the five states that directly implement the pretreatment program at the local level (40 CFR 403.10(e) states) will be required to publish notices of SNC for their POTWs. EPA estimates that, on average, approximately 11 POTWs per state (a total of 55 POTWs in the five 403.10(e) states) receive discharges from SIUs. One-third of the POTWs in these states (approximately 18 POTWs, or 4 per state) are estimated to have SIUs in SNC in a given year. EPA estimates that 3 burden hours are required to complete this activity.

Evaluation of the Need to Revise Local Limits

This ICR assumes that only the five 40 CFR 403.10(e) states will be required to develop local limits for their POTWs. Each POTW for which the state has assumed CA

responsibility (55 total) will require local limits development once every 5 years. The Agency estimates a burden of 50 hours for this activity.

Program/Categorical Determination

There is no burden for states associated with program/categorical determinations.

States as Users of the Data

Under the National Pretreatment Program, AAs (or the state acting as a CA) must receive, review, and store various requests and reports filed by IUs and POTWs. Table B-8 in Appendix B calculates the burden to state agencies as users of these data.

When states are the AA (i.e., for 73.85 percent of pretreatment programs), the states review reports generated by pretreatment POTWs. Therefore, the associated review burden for IU and POTW activities described below and in Appendix B (Table B-3) for which reports or data are submitted to states (as AAs) has been apportioned accordingly. The numbers of respondents and responses are linked directly to the corresponding activities.

In addition to AA activities, states are the CAs for approximately 9.62 percent of SIUs. As CAs, the states are responsible for receipt and review of 9.62 percent of all reports, certifications, and data submitted by SIUs. Table B-8 in Appendix B, therefore, includes burden for these activities. Exhibit 6 shows the total state review burden associated with the aforementioned activities.

Recordkeeping

Maintain Pretreatment Program Information

This ICR assumes that each pretreatment state (as the AA) spends 50 hours per year maintaining records from POTW pretreatment programs. In addition, states act as CAs for 9.62 percent of SIUs. An additional burden of 5 hours per SIU per year (i.e., 5 * 2,197) is included for states acting as CAs. (See Appendix B, Table B-5, for the calculations.)

The Streamlining Rule amended the pretreatment regulations to require that states maintain records for IUs regulated under general control mechanisms, for IU's initial samples to demonstrate pollutants not present nor expected to be present, and for POTWs that request a significant modification. Because states already maintain records on IUs under individual permits, IU sampling records, and records on POTW significant modification requests, EPA does not expect the Streamlining Rule changes to result in changes in the recordkeeping burden.

6(a)(ii). Burden to POTWs

For the 3-year ICR period, the annual reporting and recordkeeping burden for POTWs (including the burden for POTWs as users of the data) is estimated to be 864,513 hours. Exhibit 7 (at the end of section 6(a)) shows the annual burden hours on an activity-specific basis, and Appendix B details these burden calculations. The following paragraphs briefly describe the bases for the burden estimates.

Program Development

POTW Pretreatment Program Approval Request

EPA regions have indicated that they expect 64 new programs over the next 3 years. EPA estimates that preparing a program approval request will require 250 burden hours. The regulations also require all approved POTWs to develop and implement enforcement response plans describing procedures for investigating and responding to IU noncompliance. EPA assumes that POTWs will have completed this requirement as part of their approval request and therefore has not included any additional burden for this activity. This burden was included in the 250 hours for a new program.

The Streamlining Rule did not make any changes to the pretreatment regulations that affect program development burden.

POTW Pretreatment Compliance Schedule Progress Report

EPA expects 46 POTWs per year to be under pretreatment-related compliance schedules. The Agency estimates that each schedule will require the submission of three reports (responses) per year. EPA estimates that each report will require 5 burden hours to complete.

Program Implementation

Annual POTW Report

For this program activity, EPA assumes one report per program per year. EPA further estimates that report preparation will take each POTW 40 burden hours.

POTW Program Modifications

EPA estimates that 20 percent of approved programs will request program modifications of some type each year. EPA estimates that preparing program approval requests will take each POTW 40 burden hours.

Issuance of Discharge Permits or Other Control Mechanisms for SIUs

Because SIU control mechanisms typically have 5-year terms, EPA estimates that each year POTWs (as CAs) will issue control mechanisms to 20 percent of the SIUs that are regulated by POTWs (90.4 percent of all SIUs). Under Streamlining, POTWs will not be required to issue permits to NSCIUs. In addition, because POTWs may regulate some SIUs with general control mechanisms, EPA estimates that 2 percent of SIUs will no longer require an individual control mechanism. Thus, the number of responses for each POTW will fall by 2 percent. EPA estimates that POTWs will require 20 hours to issue a control mechanism. EPA's estimate of the number of SIUs to be covered by general control mechanisms is carried forward from the Pretreatment Streamlining ICR. EPA's estimate of the number of hours POTWs will require to issue individual control mechanisms is carried forward from the Pretreatment Program ICR.

Inspection and Sampling of CIU and SIU Effluent

Inspection: This ICR assumes 8 burden hours to perform one inspection per year for all SIUs regulated by POTWs. Middle tier CIUs will be inspected less frequently (every

other year instead of every year). This includes the time necessary to collect an effluent sample. This assumption was carried forward from the previous ICR.

Sampling and Analysis: EPA assumes that in-house sampling and analysis will require 15.2 hours. PFPR facilities opting for the pollution prevention option are excluded because there are no monitoring requirements.

Mass Limits

POTWs establishing equivalent mass limits as an alternative to concentration limits to meet concentration-based categorical pretreatment standards must determine whether the application of a mass limit is appropriate. POTWs will perform these demonstrations. Currently, 14 Pretreatment Standards categories are expressed as concentration limits alone and are therefore eligible for equivalent mass limits under 40 CFR 403.6(c)(5). The following categories are included in this list:

- Inorganic Chemicals (§ 415)
- Fertilizer manufacturing (§ 418)
- Petroleum refining (§ 419)
- Steam Electric Power Generating (§ 423)
- Leather Tanning (§ 425)
- Glass Manufacturing (§ 426)
- Rubber Manufacturing (§ 428)
- Metal Finishing (§ 433)
- Pharmaceutical Manufacturing (§ 439)
- Transportation Equipment Cleaning (§ 442)
- Paving and Roofing Materials (§ 443)
- Commercial Hazardous Waste Combustors Subcategory of the Waste Combustors Point Source Category (§ 444)
- Carbon Black Manufacturing (§ 458)
- Electrical and Electronic Components (§ 469)

EPA estimates that there are approximately 12,000 such facilities and that 1 percent of them will request that the POTW assess flow variability, an assessment that will require 8 burden hours to complete. These estimates are carried forward from the assumptions in the recalculation of the entire pretreatment program, which was done as part of the Pretreatment Streamlining ICR (EPA ICR No. 0002.12) and is explained at the beginning of section 6.

Equivalent Concentration Limits

CAs establishing concentration-based pretreatment standards instead of mass-based limits must document that dilution is not being used as a substitute for treatment (see 40 CFR 403.6(d) and 414.111(a) and Part 419). In addition, the CA is required to adjust permit limits using the combined wastestream formula in 40 CFR 403.6(e) when the wastestream used for demonstrating compliance with the permit limits is mixed with non-process wastewater or wastewater from other processes. The POTW will perform these demonstrations. Currently, three Pretreatment Standards categories are eligible to benefit from this provision—Organic Chemicals, Plastics and Synthetic Fibers (OCPSF);

Petroleum Refining; and Pesticide Chemical manufacturing facilities. EPA estimates that there are 420 such facilities. EPA further estimates that 4 percent of these facilities will request that the POTW assess flow variability; each assessment will require a POTW 8 burden hours to complete. These estimates are carried forward from the assumptions in the recalculation of the entire pretreatment program, which was done as part of the Pretreatment Streamlining ICR (EPA ICR No. 0002.12) and is explained at the beginning of section 6.

Evaluation of SIUs for Slug Control Plan

The final regulatory changes eliminate the requirement that POTWs evaluate the need for a slug control plan for each SIU every 2 years. POTWs may now review the need for slug control plans as part of their ongoing oversight of IUs. Therefore, EPA estimates no burden for this requirement.

Public Notification of Significant Noncompliance

EPA expects POTWs to require 3 hours for public notification activities. EPA assumes that one-third of POTWs with pretreatment programs will have SIUs in SNC in a given year..

Evaluation of the Need to Revise Local Limits

EPA assumes in this ICR that all pretreatment programs will reevaluate the need to develop local limits once every 5 years. EPA estimates that POTWs will require 50 hours to complete this activity.

SIU Notification of Applicable Standards and Regulations

At the time of promulgation of this ICR EPA has not promulgated any new categorical standards. EPA is in the process of developing new categorical standards that may be in effect during the 3-year life of this ICR. At this time the expected impacts of the new standards are not possible to be assessed. Therefore, EPA will developed burden estimates once these new standards are finalized.

Program/Categorical Determination

Removal Credit Approval Requests

Based on input from EPA regional offices, the Agency estimates three respondents per year. EPA further estimates that a POTW will require 125 hours to prepare and submit each request.

Removal Credit Self-Monitoring Reports

EPA estimates 25 respondents per year based on the number of POTWs with approved removal credit variances as reported by EPA regional offices. EPA assumes that a POTW will require 40 hours per report.

POTWs as Users of the Data

Most of the IU respondents described below and in Exhibit 8 (at the end of section 6(a)) generate reports, information, or data that CAs must receive, review, and store. Table B-9 in Appendix B calculates the burden to POTWs as users of these data. As CAs, POTWs are responsible for receiving and reviewing 90.4 percent of all reports, certifications, and

data submitted by SIUs. EPA has, therefore, apportioned the review burden for reports or data submitted by SIUs to POTWs (as CAs). The numbers of respondents and responses are linked directly to the corresponding activities. Exhibit 7 shows the total POTW review burden associated with each activity.

Recordkeeping

Maintenance of Monitoring Records

EPA expects each pretreatment POTW to spend 100 hours per year maintaining SIU monitoring records. Changes in the pretreatment regulations due to the Streamlining Rule means that POTWs will have to maintain records for IUs regulated under general control mechanisms, as well as IUs' initial samples to demonstrate pollutants neither present nor expected to be present. Because POTWs already maintain records on IUs under individual permits and IU sampling records, EPA has not estimated any additional recordkeeping burden for POTWs as a result of the Streamlining Rule.

6(a)(iii). Burden to Industrial Users

For the 3-year ICR period, the annual IU reporting and recordkeeping burden is estimated to be 803,346 hours. Exhibit 8 (at the end of section 6(a)) shows the estimated annual burden hours for each type of information collected, and Appendix B details these burden calculations. The bases for the burden estimates are detailed below.

Program Development

EPA assumes no IU reporting and recordkeeping burden program development.

Program Implementation

The program implementation burden estimates for IUs were calculated per activity, as detailed below.

Baseline Monitoring Report

For new sources, EPA assumes a 2 percent gross annual growth in the number of CIUs. EPA does not anticipate promulgation of new effluent guidelines for indirect dischargers, which would result in associated BMR requirements, during the 3 years covered by this ICR.

EPA assumes 14.3 hours for new source CIUs conducting baseline monitoring analysis and 28 burden hours for preparing a Baseline Monitoring Report.

IU Compliance Schedule Progress Report

For new sources, EPA assumes a 2 percent gross annual growth in the number of CIUs.⁷ In the recalculation of the entire pretreatment program, done as part of the Pretreatment Streamlining ICR (EPA ICR No. 0002.12) and explained at the beginning of section 6, EPA estimated that 25 percent of new sources or facilities subject to new effluent guidelines would need to complete compliance schedules. The Agency further assumed

⁷ EPA is in the process of developing new categorical standards that may be in effect during the 3-year life of this ICR. At this time the expected impacts of the new standards are not possible to be assessed. Therefore, EPA will developed burden estimates once these new standards are finalized.

an IU would require 4 hours to prepare each compliance schedule progress report. EPA is carrying forward these assumptions for this ICR.

IU Compliance Attainment Report

CIUs must complete a compliance attainment report within 90 days following the date for final compliance with a categorical pretreatment standard. New source CIUs must provide such a report within 90 days of commencing discharge of the categorically regulated wastestream to the POTW. EPA has annualized the burden for new sources over the 3-year ICR period. EPA estimates that CIUs will require 20 hours to prepare the compliance attainment reports and 14.3 hours to conduct the associated analyses.

IU Resampling Compliance Report

All IUs are required to notify the CA immediately of all discharges that could potentially cause problems for the POTW. IUs are further required to notify the CA and resample following a violation. EPA assumes that 10 percent of all IUs will need to resample every year. The 1,500 IUs with PFPR P2 certification are not included in the estimate because the resampling requirements do not apply to these facilities. EPA assumes that an IU will require 4 hours for sampling, 12 hours for analysis, and 1 hour for reporting each year.

IU Self-Monitoring Compliance Report

Under the Streamlining Rule, NSCIUs are not required to conduct periodic self-monitoring; instead, they are required to submit annual certifications. (This ICR assumes that sampling and analysis is required once every 5 years to complete this certification.) In addition, certain middle tier CIUs will monitor and report once a year instead of twice a year. These assumptions are carried forward from the Pretreatment Streamlining ICR.

The Streamlining Rule ICR assumed that a CIU will require 11.6 hours and a non-categorical SIU will require 9.5 hours to complete the report twice per year. EPA has excluded PFPR facilities opting for the P2 option from the estimate because these facilities have no monitoring requirements.

Pollution Prevention Plans

This ICR assumes that all PFPR facilities (1,500 facilities) will opt for the P2 alternative and that all 1,500 facilities have already prepared and submitted an initial certification for the P2 alternative. Consistent with the assumptions in the preamble for the PFPR rule (61 FR 57541), this ICR assumes that 10 percent of the facilities that are implementing a P2 alternative plan will submit modifications to P2 plans. The burden for the periodic certification requirements is discussed below under “Periodic Certifications.”

Minimum Monitoring Requirements for Indirect Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category

EPA estimates that 10 facilities would be subject to these requirements. EPA estimates that the burden to respondents associated with collecting, reporting and maintaining records of monitoring data is 826 hours.

Pollution Prevention Compliance Alternative; Transportation Equipment Cleaning Point Source Category.

EPA estimates that 84 facilities would be subject to these requirements.

Best Management Practices for the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper and Paperboard Point Source Category

EPA estimates that 10 facilities would be subject to these requirements.

CWT Initial Certification Statement

According to the CWT preamble (65 FR 81267), 37 facilities “accept wastes from multiple subcategories and could be subject to the multiple wastestream subcategory.” EPA estimated that 34 of the 37 facilities are indirect dischargers (91.5 percent of 37 facilities) and were likely to complete the initial CWT certification statement during the 3-year ICR period of the previously approved ICR. This burden is not included in this pretreatment ICR.

Request for Coverage Under a General Control Mechanism

This ICR assumes that 2 percent of all SIUs will be covered under a general control mechanism. EPA estimates that an IU will require 0.5 hour to complete each request.

Periodic Certifications

Below is a summary of assumptions about the universe of indirect dischargers with certification potential (the number of facilities covered by the relevant part or subpart(s) of 40 CFR, Chapter I, Subchapter N). EPA assumes in this ICR that periodic certifications require CIUs 1 hour to complete, which is consistent with the *Information Collection Request for the NPDES/ Compliance Assessment/ Certification Information* (OMB No. 2040-0110, EPA ICR No. 1427.07). Assumptions regarding the percentage of facilities that will undertake certifications activities are summarized below. Except where noted, these assumptions are also consistent with the *Information Collection Request for the NPDES/ Compliance Assessment/ Certification Information*. Assumptions regarding the number of responses per year are also explained below.

- *Aluminum Forming Point Source Category (Part 467)*. The estimated number of indirect dischargers in the Aluminum Forming Point Source Category (72 facilities) is from the *Development Document for Effluent Limitations Guidelines and Standards for the Aluminum Forming: Point Source Category* (EPA 440184073, June 1984). EPA estimates that approximately 75 percent of these 72 aluminum forming facilities will choose to submit an annual certification requesting an exemption from cyanide monitoring.
- *Canmaking (Part 465, Subpart D)*. Canmaking facilities covered by Part 465, Subpart D, are required to submit a one-time notification if the alloy used in making cans contains less than 1 percent manganese. For indirect dischargers, EPA expects few (if any) such notifications in the future. As a conservative estimate, this ICR assumes one such notification during the next 3 years.

- *Centralized Waste Treatment Point Source Category (Part 437)*. The preamble to the final Central Waste Treatment Rule indicates that 37 facilities “accept wastes from multiple subcategories and could be subject to the multiple wastestream subcategory” (65 FR 81267). Based on data in the development document for the final rule, approximately 91.5 percent of CWT facilities are indirect dischargers (pp. 4–6). In this ICR, EPA applies the overall percentage of indirect dischargers to the total number of dischargers that accept wastes from multiple subcategories to arrive at 34 indirect discharger that accept waste from multiple subcategories (37 * 91.5% = 34). EPA also assumes that 34 respondents complete initial certification statements for coverage under Part 437, Subpart D. Each of these 34 facilities must submit an annual certification. (This burden was discussed in the 2003 Pretreatment Program ICR, but it is repeated here for completeness.)
- *Coil Coating Point Source Category (Part 465)*. The estimated number of indirect dischargers in the Coil Coating Point Source Categories (41 facilities) is from the *Technical Support Document for the 2004 Effluent Guidelines Program Plan* (EPA-821-R-04-014, August 2004) (“the TSD”).⁸ EPA estimates that approximately 75 percent of these 41 coil coating facilities will choose to submit an annual certification requesting an exemption from cyanide monitoring. This information collection item does not apply to canmaking facilities (Part 465, Subpart D) because they are not required to monitor for cyanide.
- *Electrical and Electronic Components (Part 469)*. The number of indirect dischargers in the Electrical and Electronic Components Point Source Category (91 facilities) is also from the August 2004 TSD, which in turn uses Toxics Release Inventory (TRI) data. EPA estimates that approximately 50 percent of these 91 electrical and electronic components facilities will choose to submit a total toxic organic (TTO) certification in lieu of TTO monitoring. Certifications must be submitted twice a year.
- *Electroplating Point Source Category (Part 413) and Metal Finishing Point Source Category*. The estimated number of indirect dischargers in the Electroplating and Metal Finishing Point Source Categories (7,644 total) is from data compiled by EPA’s Office of Science and Technology (OST) during the development of the Metal Products and Machinery (MP&M) rule. The categories are combined because the facilities’ operations are similar. EPA estimates that approximately 75 percent of these 7,644 electroplating and metal finishing facilities will choose to submit a TTO certification semiannually in lieu of TTO monitoring. This assumption is consistent with the assumptions associated with the Metal Finishing category.
- *Pesticide Chemicals (Part 455)*. The estimated number of indirect dischargers covered by PFPR regulations (1,500 facilities) is from the preamble to the PFPR rule (61 FR 57541). Consistent with that preamble, EPA assumes in this ICR that all 1,500

⁸ The TSD estimates the number of indirect dischargers based on data from the TRI. There are limitations associated with these TRI data. Because neither small establishments (fewer than 10 employees) nor facilities that do not meet the reporting thresholds are required to report, facilities reporting to TRI might be a very small subset of an industry. Also, because facilities are identified by SIC code, not by point source category, it might be difficult or impossible to identify the point source category that is the source of the toxic wastewater releases for some SIC codes. For example, coil coating is an operation that is part of canmaking (3411, metal cans). Some of these facilities have coil coating operations, but they cannot be identified from the data in TRI.

indirect dischargers in the PFPR category will opt for the P2 alternative and that all 1,500 facilities will submit two certifications per year. These assumptions are consistent with the 1996, 2000, and 2005 pretreatment program ICRs and with the preamble to the PFPR rule (61 FR 57541). For consistency with the *Information Collection Request for the NPDES/ Compliance Assessment/ Certification Information*, EPA assumes that certifications will require IUs 1 hour each.

- *Pharmaceutical Manufacturing Point Source Category (Part 439)*. The estimated number of facilities (286) subject to guidelines for the Pharmaceutical Manufacturing Point Source Category is based on data gathered by OST during the development of the 1998 final rule. EPA estimates, on the basis of data in effluent guideline development documents, that approximately 40 percent of the pharmaceutical facilities are in a subcategory that potentially uses cyanide. Of these, EPA estimates that 75 percent will choose to submit a certification once every permit cycle (once every 5 years).
- *Porcelain Enameling Point Source Category (Part 466)*. The estimated number of indirect dischargers in the Porcelain Enameling Category (146) is from data collected by OST during development of the TSD but not included in the final TSD. The estimate includes TRI data from facilities with SIC codes 3431, 3469, 3479, 3631, 3633, 3632, and 3639, each of which reported transfers of TRI chemicals to POTWs in 2000. Although this number represents EPA's best estimate, the Agency is uncertain about the fit between these SIC codes and indirect dischargers covered in the Porcelain Enameling Category because operations in these SIC codes could be covered by the Metal Finishing Category. EPA estimates that 50 percent of these 146 porcelain enameling facilities will choose to submit an annual certification requesting an exemption from chromium monitoring
- *Pulp, Paper, and Paperboard Source Category (Part 430)*. To estimate the universe of potentially affected facilities, EPA has used estimates in this ICR from the *Supplemental Technical Development Document for Effluent Limitations Guidelines and Standards for the Pulp, Paper, and Paperboard Category: Subpart B (Bleached Papergrade Kraft and Soda) and Subpart E (Papergrade Sulfite)* and from EPA's *Guidance Manual for Pulp, Paper and Paperboard and Builders' Paper and Board Mills Pretreatment Standards* (September 21, 1984). EPA estimates that 119 of the Pulp, Paper, and Paperboard Category not including Subpart B (Bleached Papergrade Kraft and Soda) and Subpart E (Papergrade Sulfite) will choose to submit an annual certification requesting an exemption Based on EPA ICR No. 2015.02, OMB Control Number 2040-0242, EPA estimated that six Subpart B (Bleached Papergrade Kraft and Soda) facilities would certify.
- *Steam Electric Power Generating Point Source Category (Part 423)*. The estimated number of facilities in the Steam Electric Power Generating Point Source Category is from the *Development Document for Effluent Limitations Guidelines and Standards and Pretreatment Standards for the Steam Electric Point Source Category* (November 1982). EPA estimates that approximately 75 percent of these 117 facilities will choose to provide an annual demonstration and provide a certification requesting an exemption from monitoring requirements for priority pollutants other than chromium and zinc.

IU Slug Load Notification

In this ICR, EPA assumes that 100 SIUs per year will be required to provide a slug load notification. EPA estimates the average burden per CIU response to be 2 hours. The Agency further estimates that an additional 450 non-categorical SIUs per year will be required to provide a slug load notification. EPA estimates the average burden per SIU response to be 0.25 hour.

Notification of Changed Discharge

EPA assumes that 1,000 IUs per year will provide notification of a changed discharge. EPA estimates that this notification will require 4 burden hours.

Bypass Notification

In this ICR, EPA assumes that 1,427 SIUs per year will report bypasses and that CAs will require 75 percent of these SIUs (1,070 SIUs) to conduct follow-up activities. EPA assumes IUs will require 5 hours for bypass notification and 2 hours for follow-up activities.

Notification of Changed Monitoring Location

For this ICR, EPA estimates that 50 SIUs will provide notification of a changed monitoring location per year. EPA estimates the SIUs will require 1 hour to provide notification.

Slug Control Plan

EPA estimates that 10 percent of all new SIUs will need to develop a slug control plan. EPA based the number of new SIUs on an assumed growth rate of 2 percent for existing CIUs and to account for any facilities that will be covered under new categorical standards. However, no new effluent guidelines are anticipated during this ICR cycle. The Agency estimates that this activity will require 2 hours per SIU.

Program/Categorical Determination

Categorical Determination Request

The deadline for a categorical determination request has passed for all existing effluent guidelines, and no new guidelines affecting indirect discharges are anticipated during this ICR cycle. Therefore, no formal categorical determination requests are anticipated during the 3-year ICR period. A New Source must request this certification prior to commencing discharge.

Alternative Limits Modification Request

In this ICR, EPA assumes that 10 percent of all new CIUs will request alternative limits (i.e., use the combined wastestream formula). EPA estimates that an IU will require 2 hours to complete a request.

Fundamentally Different Factors Variance Request

FDF variance requests must be submitted within 180 days following publication of a new effluent guideline. EPA knows of no pending FDF variance requests associated with recently promulgated guidelines. Because no new guidelines affecting indirect dischargers are anticipated during the next 3 years, no new respondents are anticipated. In addition, no new dischargers under existing guidelines are anticipated because facilities are required to submit requests no later than 180 days after promulgation of the categorical pretreatment standard.

Net/Gross Adjustment Request

Based on information provided by EPA Regional Pretreatment Coordinators, EPA estimates that two net/gross adjustment requests will be submitted each year. The Agency further estimates that IUs will require 50 hours per request.

Recordkeeping

Maintain Monitoring Records

All SIUs must maintain monitoring records. EPA estimates that SIUs will require 2 hours per year to maintain pretreatment records. Based on changes made to the pretreatment regulations by the Streamlining Rule, IUs with general control mechanisms will have to maintain associated records. CIUs that request a variance for pollutants neither present nor expected to be present will also have to maintain sampling and reporting records. Because IUs already maintain individual permit and sampling records, EPA estimates no additional SIU reporting and recordkeeping burden.

6(b). Respondent Costs

6(b)(i). Cost to States

Exhibit 6 shows that the annual costs to states are approximately \$4.6 million. The labor costs, which account for all state costs, are based on the average hourly wage for state employees as determined by the Bureau of Labor Statistics in the *Employer Costs for Employee Compensation, Table 3- Employer costs per hour worked for employee compensation and costs as a percent of total compensation: state and local government, by selected characteristics* (June 2010), in March 2010, to be \$39.81.

Exhibit 6. Average annual state burden and costs

Activity	Annual Burden Hours	Annual Cost (\$K)			Responses
		Capital and O&M Cost	Labor Cost	Total Cost	
Program development	0	\$0.0	\$0.0	\$0.0	0.0
Program implementation	57,256	\$0.0	\$2,279.3	\$2,279.3	2,706
Program/categorical determination	0	\$0.0	\$0.0	\$0.0	0
States as users of data	68,616	\$0.0	\$2,731.6	\$2,731.6	NA
Recordkeeping	12,785	\$0.0	\$509.0	\$509.0	NA
Total	138,657	\$0.0	\$5,519.9	\$5,519.9	2,706

NOTE: Detail may not add due to independent rounding. Costs in thousands of dollars.

6(b)(ii). Cost to POTWs

Exhibit 7 shows that the annual costs to POTWs are approximately \$25.4 million. The average hourly rate for municipal employees, which account for all POTW costs, as determined by the U.S. Department of Labor, Bureau of Labor Statistics, is \$29.44 (including 50% overhead). Updated rates are derived from the U.S. Department of Labor, Bureau of Labor Statistics, in a table entitled *May 2009 National Industry-Specific Occupational Employment and Wage Estimates* and adjusted to March 2010 dollars using the ECI.

Exhibit 7. Average annual POTW burden and costs

Activity	Annual Burden Hours	Annual Cost (\$K)			Responses
		Capital and O&M Cost	Labor Cost	Total Cost	
Program development	6,015	\$0.0	\$177.1	\$177.1	159.3
Program implementation	622,971	\$0.0	\$18,338.4	\$18,338.4	27,749
Program/categorical determination	1,375	\$0.0	\$40.5	\$40.5	28
POTWs as users of data	79,353	\$0.0	\$2,335.9	\$2,335.9	NA
Recordkeeping	154,800	\$0.0	\$4,556.8	\$4,556.8	NA
Total	864,513	\$0.0	\$25,448.6	\$25,448.6	27,937

NOTE: Detail may not add due to independent rounding. Costs in thousands of dollars.

6(b)(iii). Cost to Industrial Users

Exhibit 8 shows the total costs for IUs over the 3-year ICR period. Annual costs are approximately \$46.7 million, comprised of labor and capital and O&M cost.

Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. For all IU activities, EPA used the median industrial engineer wage of \$36.11 per hour. After adjusting this rate for inflation, compensation, and overhead the rate is \$55.22 per hour. There are capital costs incurred by IUs that receive mass limits as an alternative to concentration based standards.

Exhibit 8. Average annual industrial user burden and costs

Activity	Annual Burden Hours	Annual Cost (\$k)			Responses
		Capital and O&M Cost	Labor Cost	Total Cost	
Program development	0	\$0.0	\$0.0	\$0.0	
Program implementation	757,552	\$2,318.9	\$41,831.4	\$44,150.3	67,773
Program/categorical determination	140	\$0.0	\$7.7	\$7.7	22
IUs as users of data	0	\$0.0	\$0.0	\$0.0	NA
Recordkeeping	45,654	\$0.0	\$2,521.0	\$2,521.0	NA
Total	803,346	\$2,318.9	\$44,360.1	\$46,679.0	67,796

NOTE: Detail may not add due to independent rounding. Costs in thousands of dollars.

6(c). Agency Burden and Costs

Appendix B, Table B-10, provides detailed information about the burden to the Agency as a user of the information. The total burden to the Agency is 21,741 hours per year.

The federal government (EPA regions and headquarters) incurs burden and costs to process, analyze, and maintain the information collected. EPA regions, in their role as OAs, are users of the State Program Approval Requests, Categorical Determination Requests, FDF Variance Requests, and other types of information.

Most of the respondent activities described in section 5 of this ICR generate reports, information, or data, which must be received, reviewed, and stored by an OA. Table B-10 in Appendix B calculates the burden to federal agencies (primarily EPA regions) as users of these data. Where EPA is the AA (i.e., in 26.15 percent of pretreatment programs), the Agency reviews reports generated by pretreatment POTWs. Therefore, the associated review burden for the activities detailed in Appendix B, Table B-3, and described in section 4(b)(ii), for which reports or data are submitted to federal agencies (as AAs) has been apportioned accordingly.

Appendix B, Table B-10, outlines the hours per response, number of responses per year, and total hours per year expended by the federal government (EPA) for reviewing state and POTW reports. The annual average number of hours expended by EPA as a user of the data is 21,741. Based on an average hourly rate of \$38.97⁹ for a federal employee, the estimated annual cost to EPA is \$847,264.

In addition, EPA is the OA for states acting as AAs. Data or reports generated by the activities listed in Table B-2 of Appendix B will be sent to EPA regions for review. The burden for these review activities is also included in Appendix B, Table B-10. Total annual EPA burden and cost estimates are also included in Exhibit 9.

⁹ The hourly employment cost of federal employees was determined using a methodology established in previous ICRs. According to the U.S. Office of Personnel Management, January 2010 General Schedule (2010-GS), the average annual salary of a government employee at the GS-9, Step 10, level is \$54,028. At 2,080 hours per year, the hourly wage would be \$25.98. Assuming overhead costs of 50 percent, or \$12.99 per hour, the fully loaded cost of employment for a federal employee would be \$38.97.

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

Respondents for this ICR include IUs, POTWs, and states, for a total of 24,411 respondents. This ICR estimates the number of IUs at 22,827. In addition to the IUs, this ICR assumes 36 states (31 states that authorize POTWs to implement pretreatment programs and 5 states covered by 40 CFR 403.10(e)) and 1,548 approved pretreatment programs.

The total costs and burden for these respondents are summarized in Exhibits 6, 7, and 8. Agency costs and burden are detailed in Appendix B, Table B-10.

6(e). Bottom Line Burden Hours and Cost Tables

The bottom line burden hours and costs appear in Exhibit 9 below. This exhibit summarizes the burden and cost calculations from Exhibits 6, 7, 8, and Appendix B, Table B-10. (Appendix B provides detailed cost and burden calculations.) The total annual respondent burden associated with this ICR is estimated to be 1.81 million burden hours. The corresponding total annual respondent costs are estimated to be \$77.7 million. The total national burden, including respondent burden and Agency burden, is estimated to be 1.83 million hours annually. The total national cost, for respondents and EPA, is estimated to be \$78.5 million annually.

Exhibit 9. Bottom line average annual burden and cost

Number of Respondents	24,411	=	36 States
		+	1,548 POTWs
		+	22,827 Industrial Users
Total Annual Responses	98,438	=	2,706 States
		+	27,937 POTWs
		+	67,796 Industrial Users
Total Respondent Hours	1,806,517	=	138,657 States
		+	864,513 POTWs
		+	803,346 Industrial Users
Hours per Response	18.35	=	1,806,517 Total annual hours from above
		÷	98,438 Total annual responses from above
Annual Respondent Labor Cost	\$75,328,623	=	\$5,519,929 States
		+	\$25,448,626 POTWs
		+	\$44,360,068 Industrial Users
Annual Respondent O&M and Capital Cost	\$2,318,913	=	\$0 States
		+	\$0 POTWs
		+	\$2,318,913 Industrial Users
Total Respondent Cost	\$77,647,536	=	\$5,519,929 States
		+	\$25,448,626 POTWs
		+	\$46,678,981 Industrial Users
Total Hours (Respondents & EPA)	1,828,258	=	1,806,517 Respondents
		+	21,741 EPA
Total Cost (Respondents & EPA)	\$78,494,800	=	\$77,647,536 Respondents
		+	\$847,264 EPA

NOTE: Detail may not add due to independent rounding.

6(f). Reasons for Change in Burden

This section explains the burden changes from the September 2007 ICR which is the current inventory kept by OMB. The current burden approved by OMB for the existing ICR is 1,797,087. That is 9,430 (0.5%) fewer hours than are being requested in this ICR. Most of the increase in burden is attributable to the transfer of the burden associated with Pretreatment Compliance Inspection (PCI) from the NPDES Program ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.20). There are also additional burden increases in other areas. For example, the number of state respondents has increased from 35 to 36, and the number of approved programs has increased to 1,548 from 1,512.

However, the increases in burden are partially offset by a decrease in burden attributable to the decrease in the number of SIUs. EPA revised the estimated number of SIUs and pretreatment programs after extensive consultation with the EPA regions and a thorough examination of PCS data. The revised number of SIUs drives the decrease in respondent burden because SIUs constitute the bulk of respondents. This ICR shows a shift in burden from POTWs to States as a consequence of EPA's updated estimates of SIUs regulated by POTWs and States. However, EPA does not believe this is the result of programmatic changes but simply a reflection of more accurate information about the implementation of the pretreatment program.

Other minor decreases in burden in this ICR are the result of:

- Moving the burden to participate in the Clean Water Act awards for pretreatment programs from this ICR to the Recognition Application for Sustainable Water Leadership Program (EPA ICR No. 1287.10 OMB Control No. 2040-0101)
- EPA's anticipation that no state will seek pretreatment program authority during this 3-year ICR period.

For this ICR, labor rates have been updated to March 2010 dollars. These changes affect the estimated costs of reporting and recordkeeping requirements of the National Pretreatment Program.

6(g). Burden Statement

The public reporting and recordkeeping burden for collections included in this ICR is detailed in Exhibit 9 and Appendix B. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 74.0 hours per respondent per year, or 18.35 hours per response. This burden is attributed to states, POTWs, and IUs.

Burden means the total time, effort, or financial resources expended by people to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology, and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a request for information collection unless it

displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on 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-2008-0719, 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 at <http://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-2008-0719 and OMB Control No. 2040-0009 in any correspondence.