Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)

OMB Control No. 2040-0004, EPA ICR No. 0229.20

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United States Environmental Protection Agency
Office of Wastewater Management
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1. Identification of the Information Collection

1(a) Title of the Information Collection

Title: National Pollutant Discharge Elimination System (NPDES) Program (Renewal)
OMB Control Number: 2040-0004
EPA ICR Number: 0229.20

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) renews Office of Management and Budget (OMB) Number 2040-0004 National Pollutant Discharge Elimination System (NPDES) Program ICR.

This consolidated ICR calculates the burden and costs associated with the NPDES program, identifies the types of activities regulated under the NPDES program, describes the roles and responsibilities of state governments and the Agency, and presents the program areas that address the various types of regulated activities. It is an update of the 2008 Information Collection Request for the NPDES Program (OMB Control Number: 2040-0004; EPA ICR Number: 0229.19) that consolidated the burden and costs associated with activities previously reported in nine of the 15 NPDES program or NPDES-related ICRs administered by EPA's Water Permits Division.

The objective of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the nation's waters (CWA section 101). The NPDES program, established under CWA section 402, is an important tool for controlling pollutant discharges. The CWA authorizes the Agency to issue permits for the discharge of pollutants to waters of the United States. The Agency regulates point source discharges of pollutants to waters of the United States under its NPDES program. CWA section 402(b) allows states (defined to include Indian tribes and U.S. territories) to acquire authority for the NPDES program. This authority enables them to issue and administer NPDES permits. At present, 46 NPDES-authorized states and the U.S. Virgin Islands have NPDES permit program authority[1], but only eight states have received authorization to manage the Biosolids (Sludge) Program. In states that do not have authority for these programs, the Agency issues and administers NPDES permits. Because some permit applications are processed by states and some by EPA, this ICR calculates government burden and costs for both states and EPA.

The information collection provisions associated with the NPDES Program include the following:

- Activities directly related to individual permit applications or notices of intent (NOIs) for coverage under general permits;
- Activities associated with plan development or special studies;
- Monitoring;

[1] In this ICR, references to 47 authorized States means the 46 States and the one authorized territory.

1. Identification of the Information Collection

- Reporting, including certification;
- Record-keeping;
- Activities resulting from compliance assessments or enforcement actions; and
- Activities resulting from NPDES program authorization, including approval, modifications, transfer or withdrawal of authorization.

The primary users of this information will be states authorized to administer the NPDES permitting program and EPA. It is anticipated that other government agencies, both at the state and federal level, as well as public interest groups, private companies, and individuals will also use the data.

In summary, this ICR estimates a burden of 19,666,765 hours annually for 397,703 respondents (permittees) at a cost of $948 million. Burden for the state respondents is 1,657,976 hours annually at a cost of $67 million. Agency burden is 91,568 hours annually at a cost of $3.8 million.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

The purpose of the Clean Water Act (CWA) is "to restore and maintain the chemical, physical and biological integrity of the nation's waters" [section 101(a)]. CWA section 402(a) establishes the NPDES program to regulate the discharge of any pollutant from point sources[2] into waters of the United States. Section 402(a) of the CWA, as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet the following requirements:

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

The primary mechanism to ensure that the permits are adequately protective of those requirements is the permit application process. In particular, CWA section 402(a)(2) requires EPA to prescribe permit conditions to assure compliance with requirements "including conditions on data and information collection, reporting and such other requirements as [the Administrator] deemed appropriate." EPA's application forms require applicants to submit data that help determine what those conditions should be.

The CWA also establishes an administrative framework for the NPDES permitting program. CWA section 402(b) authorizes *states* (which include U.S. territories and Indian tribes that have been authorized in the same manner as a state) to administer the NPDES program once EPA is assured that they meet minimum federal requirements. Authorizations vary by program. Table 2.1 summarizes the number of states authorized for each major program element. See Appendix E for a detailed NPDES program status by state. Authorized states are considered permitting authorities and are responsible for issuing, administering, and enforcing permits for most point source discharges within their borders. In states without an authorized NPDES program, EPA is the permitting authority and undertakes all permitting activities, although CWA section 401 requires states to certify that EPA-issued NPDES permits establish "effluent limitations, and monitoring requirements necessary to assure that any applicant...will comply with any applicable effluent limitations and other limitations (pursuant to the CWA) and with any other appropriate requirement of state law..." States, tribes, and U.S. territories may waive their right to certify permits if they wish. CWA section 510 provides that states, tribes, and territories may adopt requirements equal to or more stringent than standards established pursuant to CWA provisions.

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

Table 2.1 States with program authorization as of August 2011

Type	Number
NPDES Base Permit Program	47*
Pretreatment Program	36
General Permits Program	47*
Biosolids Program	8
Federal Facilities	43

* includes the U.S. Virgin Islands

CWA section 405 prohibits the discharge of pollutants caused by the disposal of sewage sludge except in accordance with an NPDES permit (or an authorized state permit issued to control such disposal of sewage sludge). In addition, this section establishes a comprehensive sewage sludge permitting program and requires EPA to develop technical criteria for controlling sewage sludge disposal and use. CWA section 405 allows states with sludge management authority to issue and modify permits that regulate the use and disposal of sewage sludge. EPA implements CWA section 405 through its NPDES Biosolids Program.

The 1987 Water Quality Act (WQA) added a provision to the CWA [section 402(p)] that directed EPA to establish final regulations governing stormwater discharges under the NPDES program. EPA considers stormwater requirements as part of the NPDES Permit Program and as such, included them in this consolidated ICR. The NPDES Program requires permits for stormwater discharges from certain municipal separate storm sewer systems (MS4s), industrial activities, and construction activities disturbing one acre or more. CWA section 402(p) establishes the authority for EPA to permit stormwater discharges and identifies the applicable requirements, which in some instances are different from the requirements applicable to other NPDES permittees.

The NPDES program procedures and requirements are codified in Title 40 of the *Code of Federal Regulations* [CFR] Parts 122, 123, 124, and 125 (and Parts 501 and 503 for Biosolids). Regulations governing permit requirements for NPDES discharges and sewage sludge management activities are contained in 40 CFR Parts 122, and 501, and 503, respectively. EPA has developed its NPDES discharge and sewage sludge application requirements to ensure that it obtains adequate information about applicants before it issues permits. Most application requirements are contained in forms developed by EPA. Table 4.2 provides an overview of the types of respondents required to submit NPDES application forms and identifies the form(s) that they must submit.

The specific monitoring, reporting, and record-keeping requirements for NPDES and biosolids permits are applicable to both EPA- and state-administered NPDES permit programs, NPDES permittees (including stormwater), and treatment works that treat, use, or dispose of sewage sludge. CWA section 308 provides EPA with the authority to request this type of information from permittees. While these provisions establish EPA's authority and requirement to collect pollutant information, EPA has specific needs for collecting the data. These needs include the following:

- To provide information on pollutant discharge trends;
- To provide information to permitting authorities to prioritize permit activities;
- To determine whether permittees are in compliance with their permit conditions; and
- To provide information to the permit writer to determine the need for permit limits.

A permittee generally informs the permitting authority about its discharge through a Discharge Monitoring Report (DMR). The DMR lists all the results from the permittee's required self-monitoring of pollutants. The permitting authority reviews this information and compares it with permit limits to determine compliance and/or if there is a need to develop additional limits. In addition to DMRs, permittees may be required to submit reports on violations of maximum daily discharge limitations, as specifically required in their permits. This latter reporting requirement is intended to alert the permitting authority of potential health or environmental risks that could require a timely response. The data collected by this requirement are more incident-specific than the summary information provided on the DMR. A summary of the specific monitoring, reporting, and record-keeping requirements for affected NPDES and sewage sludge entities is described in Section 4.0.

Permit modification and variance provisions are found in CWA sections 301(c), (g), (h), (k), (n); 302(b); and 316(a). Additionally, 40 CFR 122.21, 122.24, 122.41, 122.42, 122.47, 122.62, 122.63, 122.64, 124.5, 125.3, and 501.15 give states with NPDES or sewage sludge management program authority and EPA the flexibility to respond quickly and efficiently to the dynamic nature of facility operation, technology advancements, and regulatory changes.

Permits are modified to change the limits and conditions of existing permits without affecting the permit's term. Information supporting modification requests is collected during the effective term of the permit. Variances, alternatively, allow effluent limitation requirements or time deadlines to be modified or waived. During the permit development process, the permitting authority collects information from facilities to evaluate variance requests. In each case, the information collected is used to update or supplement permit application data.

Effluent limitations guidelines and standards are national wastewater limitations that apply to specific categories of industrial dischargers. The regulations are promulgated by EPA under the authority of CWA sections 301, 304, 306, and 307 and implemented through NPDES permits. In some instances, EPA establishes requirements for permittees to provide certification to the permitting authority or develop pollution prevention plans to demonstrate compliance with certain aspects of the effluent limitations guidelines and standards, often in lieu of monitoring for one or more pollutants. This ICR also integrates those certifications and planning documents.

CWA section 402(q) requires that permits, orders, and decrees that include discharges from combined sewer systems conform to the 1994 Combined Sewer Overflow Control Policy (59 *Federal Register* [FR] 18,688). The information collection activities described in this ICR provide the minimum data necessary for EPA to ensure that all municipalities with combined sewer systems are (1) developing and implementing combined sewer overflow (CSO) control programs that are consistent with the CSO Control Policy, and (2) that these CSO control programs will meet the requirements of the CWA and will achieve compliance with applicable state water quality standards (WQS).

On November 16, 1990, Congress enacted the Great Lakes Critical Programs Act (CPA). Section 101 of the CPA amends Section 118 of the CWA and directs EPA to publish water quality guidance for the Great Lakes System. Provisions of the Guidance are codified in 40 CFR Part 132. The Guidance establishes minimum water quality criteria, implementation procedures, and antidegradation provisions for the Great Lakes System.

In 2008, in response to a court order removing a regulatory exclusion, EPA developed permitting requirements for discharges incidental to the normal operation of a vessel into certain inland waters or the territorial sea of the United States under the NPDES program. The Vessel General Permit (VGP) covers discharges incidental to the normal operation from non- military, non-recreational commercial vessels greater than 79 feet in length. The VGP defines effluent limits for multiple discharge categories and specifies certain practices for various vessel categories.

All non-military, non-recreational commercial vessels operating in a capacity of transportation are eligible for coverage under the VGP. The types of vessels covered under the VGP include cruise ships, ferries, barges, oil tankers or petroleum tankers, bulk carriers, cargo ships, container ships, other cargo freighters, refrigerant ships, research vessels, and emergency response vessels including firefighting and police vessels, greater than 79 feet in length. The permit does not cover commercial fishing vessels (regardless of size) unless they are carrying ballast water, vessels of the armed forces of the United States, recreational vessels, or vessels less than 79 feet in length. The current VGP expires on December 19, 2013.

EPA is currently developing the next VGP which would cover discharges incidental to the normal operation of all non-military, non-recreational commercial vessels greater than 79 feet, including commercial fishing vessels. The next VGP is anticipated to become effective December 19, 2013. Similar to the current VGP, the next VGP will define effluent limits for multiple discharge categories as well as recordkeeping, reporting and monitoring requirements for a subset of vessel classes. In addition, EPA is developing the small vessel general permit (sVGP) which would cover discharges incidental to the normal operation of all non-recreational, non-military commercial vessels less than 79 feet in length. Small commercial vessels are substantially different in operation from larger commercial vessels, and the sVGP contains simpler provisions than the VGP. Primarily, the sVGP would require technology-based effluent limits expressed as best management practices (BMPs). Congressional action provided a moratorium on the permitting of incidental discharges (except ballast water) from vessels less than 79 feet and commercial fishing vessels until December 2013, which coincides with the expiration of the current VGP. The proposed permitting framework would be expanded to include this universe of approximately 120,000 -140,000 smaller vessels and commercial fishing vessels.

2(b) Practical Utility/Users of the Data

This ICR includes information used primarily by permitting authorities and permittees. Much of these data must be submitted to permitting authorities, while other information must be maintained on-site by the permittee. Although different permittees submit widely differing information, this information can be categorized into two sets: identification information and

information related to the facility's discharges or practices. Permitting authorities use the information in the ways discussed below.

Permitting authorities collect and use information such as the name, location, and description of facilities to uniquely identify each applicant seeking individual or general permit coverage and to establish a contact person. This information varies in detail and scope according to the type of respondent.

EPA and authorized states store basic permit information in EPA's Permit Compliance System (PCS) and the Integrated Compliance Information System (ICIS-NPDES) database. PCS and ICIS-NPDES are used to track permit limits, permit expiration dates, monitoring data, enforcement and compliance data, and other data and to provide EPA with a nationwide inventory of permit holders. EPA and most states store basic information for stormwater permittees in databases separate from ICIS-NPDES. EPA uses this information to develop reports on permit issuance, backlog, and compliance rates. EPA also uses the information to respond to public and congressional inquiries, develop and guide its policies, support enforcement action, formulate its budgets, and manage its programs to ensure national consistency in permitting. For the most part, states and territories are authorized to implement the NPDES permitting program, manage and use the data in a similar fashion to EPA and, as a result, incur similar types of burdens.

To meet its obligations under the CWA, National Historic Preservation Act (NHPA), and Endangered Species Act (ESA), and to promote those acts' goals, EPA must ensure that discharges covered under EPA-issued NPDES permits are protective of historic properties, endangered and threatened species, and critical habitat. These applicants are required to assess the effects of their stormwater discharges on historic properties, federally listed endangered and threatened species, and designated critical habitat. Information from this assessment for stormwater applicants is provided in the Notice of Intent (NOI) and therefore contained in the NOI database. Authorized states are not required to meet the ESA and NHPA obligations, and therefore no ESA or NHPA burden is associated with state- (or territory)-issued permits.

From the applications and requests for supplemental information, permitting authorities gather information about industrial processes, treatment systems, pollutant characteristics, discharge rates and volumes, sewage sludge use and disposal practices, sewage sludge quality, and other data such as pollution prevention practices. Additional information collection requirements that might be necessary to implement state-, tribal-, or EPA-promulgated provisions consistent with the CWA, the Great Lakes Guidance, and other EPA regulatory requirements include monitoring (pollutant-specific and whole effluent toxicity or WET), pollutant minimization programs, bioassays to support the development of water quality criteria, antidegradation policy/demonstrations, and regulatory relief options (i.e., variances from water quality criteria).

The information is used to develop effluent limitations, compliance schedules, and other routine and special conditions in permits. EPA may use these data to reevaluate testing requirements or to develop or revise effluent standards on a national basis. EPA may also use NOI and stormwater pollution prevention plan (SWPPP) data as part of a compliance evaluation to ensure that the permittee adheres to procedures laid out in the documents.

NPDES permits may not be issued for a period more than five years. The reapplication process is the primary mechanism for obtaining up-to-date information on discharges and sewage sludge quality, particularly for new pollutants. Although existing permittees provide pollutant data from self-monitoring activities in routine reports, these reports are usually limited to pollutants listed in existing permits. Permitting authorities use reapplication data to identify new pollutants or other information that could lead the permit writers to take the following actions: specify additional permit limitations, assess compliance with applicable effluent and sewage sludge guidelines, and place appropriate special conditions in permits.

Permittees use discharge monitoring data or sewage sludge quality data (in the case of publicly owned treatment works [POTWs] and privately owned treatment works [PrOTWs]) to perform routine operations at their facilities and evaluate facility performance. In addition, they might need to collect this information to comply with state-specific program requirements or, in the case of POTWs, to administer pretreatment programs.[3] For these reasons, most permittees collect additional data (i.e., product quality and production efficiency information) that may or may not be included with monitoring reports or required by their permits. Collection and reporting of data to permitting authorities also improves permittee accountability to remain in compliance with their established permit conditions.

As noted above, discharge monitoring data provides EPA and states with authorized NPDES and sewage sludge management programs with the information necessary to assess permittee compliance. Self-monitoring data also helps the permitting authority modify or develop permit limits. Permitting authorities may also require other types of monitoring data, such as influent monitoring data to evaluate a plant's operational aspects; ambient stream monitoring data to measure a permit's effectiveness in protecting water quality; internal waste stream data when monitoring at the point of discharge is impractical or infeasible; or visual monitoring (including underwater surveys) that might be necessary to determine compliance with permit limits.

EPA and states analyze monitoring data when establishing permit conditions. For example, NPDES permit writers may revise permit requirements on the basis of data from monitoring reports. Furthermore, EPA and states have referred to DMR data on pollutants when developing lists of waters impaired by pollutants and point source dischargers that may cause or contribute to degradation of the quality of those waters.

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

[3] POTWs—especially larger POTWs—often accept wastewater from industries. To meet their NPDES pollutant discharge limitations and satisfy the sewage sludge conditions in their permits, some of these POTWs administer pretreatment programs, in which they regulate industrial wastewater entering their facilities. POTWs impose pollutant discharge limitations on industries as part of their pretreatment programs. Information requirements associated with the pretreatment program are included in a separate ICR (OMB Control No. 2040-0009, ICR No. 0002.08).

If noncompliance with permit conditions is detected, the permitting authority will determine the appropriate enforcement response based on the nature and severity of the violation, the overall frequency of noncompliance, and the degree of seriousness of the violation.

There are several exceptions to the general flow of compliance assessment data from the permittee to the permitting authority. EPA may require additional information in the form of a section 308(a) letter (for further explanation, see Section 4(b)(vi) of this ICR).

Another exception to the compliance data information flow from permittee to permitting authority occurs in the case of the NPDES stormwater permitting program where the regulatory requirement is for records retention rather than reporting. This activity is reflected in this ICR as a record-keeping activity.

Use of the data provided in each type of modification or variance request varies greatly because the information requirements of these items are so diverse. In general, EPA and authorized states use the information to determine whether the conditions or requirements that would warrant a modification or variance exist, and the progress toward achieving the goals of the CWA will continue if the modification or variance is granted.

Information submitted by municipalities under the CSO Control Policy provide NPDES permitting authorities with the necessary information to determine whether a municipality's CSO control program is adequate to achieve compliance with CWA requirements and applicable state WQS, to establish permit terms and conditions for CSOs, to track performance, to identify and assess violations, and to target inspection and enforcement actions. The information is also used by EPA Regions and states to develop and evaluate the success of their CSO Control Strategies. EPA will also use this data to measure its performance in achieving the goals of the CSO Control Policy.

Information collected by EPA is used to evaluate the adequacy of a state's NPDES or sludge program, and to provide EPA with the information necessary to fulfill its function of statutory oversight over state program performance and individual permit actions. EPA will also use this information to evaluate states' requests for full or partial program authorization and program modifications. To evaluate the adequacy of a state's proposed program, appropriate information must be provided to ensure that proper procedures, regulations, and statutes are in place and consistent with CWA requirements.

In a Memorandum of Agreement (MOA), EPA Regions and authorized states define which permits the Region will review and which permits it will not review. Generally, the Region must be provided the opportunity to review all permits for major facilities, all general permits, and a

small percentage of permits for minor facilities.[4] The information submitted by states consists of all appropriate data necessary for permit review—application forms, fact sheets, draft permits, and the like. EPA uses the information submitted by states to review state-issued permits for compliance with federal laws. Sewage sludge noncompliance reports serve the same purposes as NPDES effluent noncompliance reports. However, sewage sludge reports are required only annually.

EPA's ongoing monitoring of authorized state programs ensures continued compliance with the goals and requirements of the CWA and state programs. EPA uses information about permittees' noncompliance to do the following:

- Evaluate the effectiveness of state compliance enforcement programs;
- Support its own enforcement actions, if any, against dischargers in authorized states; and
- Generate and publish noncompliance rates to be used in reports to offices within EPA and to OMB and Congress.

[4] EPA uses discharge volume and the strength of organic waste (i.e., population equivalent) to distinguish facilities as major or minor dischargers. A major municipal discharger discharges at least one million gallons of wastewater a day or serves a population equivalent of 10,000. EPA uses a formula based on the following discharge characteristics to classify nonmunicipal dischargers as majors or minors: toxic pollutant potential; flow; conventional pollutant potential; public health impact; water quality impact; and proximity to coastal waters. EPA assigns weighted numerical values to each discharge characteristic on the basis of its environmental risk potential. Each nonmunicipal facility receives a total numerical value, which is the sum of the weighted values. EPA categorizes nonmunicipal facilities with values greater than 80 points (0 to 265 scale) as major dischargers. Facilities with point totals below this threshold are classified as minor dischargers. All facilities that are not majors are categorized as minor dischargers. However, in some instances, where the receiving water quality is of significant concern, EPA may reclassify some minor dischargers as majors.

3. Non-duplication, Consultations, and Other Collection Criteria

3(a) Non-duplication

Almost all information requested from respondents under this ICR is required by statute or regulation and, in most cases, is not available from other sources. EPA has examined all other reporting and record-keeping requirements contained in the CWA and 40 CFR Parts 122, 123, 124, 125, 403, 501, and 503. EPA also has consulted the following sources of information to determine if similar or duplicate information is available elsewhere:

- The EPA Inventory of ICRs;
- The Government Information Locator Service; and
- The Toxics Release Inventory (TRI).

EPA has also examined potentially similar reporting requirements for notice of spills under the Resource Conservation and Recovery Act (RCRA) for duplication of the CWA requirement. EPA believes that any duplication between NPDES and RCRA reporting of pollutant releases is negligible because they focus on different areas of a facility (RCRA focuses on on-site activities, and NPDES focuses on discharge outfalls).

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

This ICR was published in the *Federal Register* on December 28, 2012 (76 FR 81488). The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. No comments were received.

3(c) Consultations

EPA finalized all regulations containing the requirements addressed in this ICR after receiving comments from the public and the regulated community. EPA headquarters staff responsible for program oversight in the applicable program areas were contacted to provide revised information, data, and review for this ICR.

When this ICR was open for public comments in 2008 (EPA ICR No. 0229.19) EPA received a total of two comments.

3(d) Effects of Less Frequent Collection

EPA recognizes the importance of balancing the need for data collection efforts against respondent burden and costs. From the inception of the NPDES program, cost has been one of the major factors considered in establishing application requirements, monitoring conditions, and report contents and frequencies. In the past several years, the executive and legislative branches of the U.S. government have stressed the need to evaluate the costs and benefits of regulation and the financial impact on the regulated community, state, and local government. EPA regularly seeks new opportunities to reduce burden on the regulated community.

3. Non-duplication, Consultations, and Other Collection Criteria

The information needed to meet permitting, monitoring, reporting, and information collection requirements related to the NPDES Program is submitted one time, at a regular frequency, or as needed. EPA and authorized states need current information about permittees, discharge characteristics, enforcement actions, and program performance to fulfill oversight responsibilities. In addition, EPA must track permits, compliance activities, and enforcement actions to ensure that state programs are carrying out the provisions of the CWA in a timely manner. The NPDES burden described in this ICR identifies the burden that EPA has determined as necessary. For example, less frequent reporting would not provide enough data for EPA to effectively provide guidance for state programs, to review or comment on state actions, or to intervene in compliance or enforcement cases, as necessary.

EPA and states also have made extensive use of general permits, which tend to have less burdensome monitoring and reporting requirements than individual permits. In fact, the majority of stormwater permittees, which compose more than three quarters of all NPDES permittees, are covered under general permits.

Permitted facilities must reapply for NPDES and sewage sludge management permits before their existing permits expire, generally once every 5 years. The CWA prohibits NPDES permits from having terms longer than 5 years. Less frequent permit applications would not provide the permitting authority with sufficiently current data to establish effective limitations or conditions when reissuing permits. Less frequent permit issuance would also hinder the ability of EPA and the regulated community to take advantage of technological improvements as they occur. Permits must contain conditions that reflect, for example, the following criteria:

- New industrial processes and waste treatment technologies;
- New kinds of discharges (such as toxic chemicals);
- New detection methods; and
- Changes in the quality of receiving waters.

EPA strives to minimize monitoring-related workloads. For example, EPA developed an automated procedure that preprints relevant permittee information, such as discharger name and address, pollutants to be monitored, and effluent limitations on the DMR form before sending it to the permittee; EPA is also piloting netDMR, which will further streamline reporting. Permittees are required to record only their monitoring results and to report any violations. EPA continues its efforts to minimize permittee burden associated with monitoring data collection and reporting requirements. However, EPA has determined that the information currently required is at or near the minimum that is necessary to adequately evaluate permittee compliance.

Some of the information in this ICR that is required to be submitted is collected only after the permittee violates a permit condition or after a certain condition occurs. For example, noncompliance reports are submitted when the facility experiences a bypass, an upset, or a violation of a daily maximum limit. Responses to section 308(a) letters are submitted only when requested by the Administrator, in response to events such as a spill of oil or a hazardous substance, or whenever EPA has reason to believe it needs additional information to determine

compliance. Compliance schedule reports are submitted only when a permit contains a compliance schedule and when a milestone identified in the permit is reached to determine the permittee's compliance with that milestone. Also, alternate level reports are submitted only when there is an expected change in the production level at the facility. Therefore, frequency of information collection is not an issue for the reporting requirements in this category.

In certain instances, permittees may choose to submit information when requesting a modification or variance from otherwise applicable requirements. The information collection and reporting requirements associated with NPDES permit modifications and variances are specific, would not be supplied in any other report or application, and are submitted as needed. In most cases, the decision to submit information is made by the NPDES permittee or permit applicant. The exceptions are (1) when outside events trigger the need for a permit modification, and (2) when the Administrator decides to invoke a reporting requirement, such as a request for permit revocation and reissuance. Because information is submitted only when needed, less frequent data collection would not provide the permitting authority and EPA headquarters with sufficient information to meet their responsibilities under the CWA.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.5(d)(2). Requests for supplemental information for the purposes of emergency response or enforcement activities are exempt from the Paperwork Reduction Act requirements.

3(f) Confidentiality

Permit applications and other respondent reports can contain confidential business information. If this is the case, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR Part 2, and EPA's *Security Manual* Part III, Chapter 9, dated August 9, 1976. Any claim of confidentiality must be asserted at the time of submission. However, CWA section 308(b) specifically states that effluent data may not be treated as confidential.

3(g) Sensitive Questions

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

4. The Respondents and the Information Requested

4(a) Respondents/Standard Industrial Classification (SIC) Codes

The Clean Water Act (CWA), enacted in 1972, requires operators of point source discharges of pollutants to waters of the United States to obtain a permit to discharge. In response, EPA developed NPDES regulations that provide the mechanisms for permitting these discharges. In addition to permitting point source discharges, EPA promulgated revisions to the NPDES permit regulations at 40 CFR Parts 122 and 124, to expand EPA's authority to include sewage sludge use and disposal standards in permits and to issue permits to treatment works that do not have a discharge (termed sludge-only facilities) to waters of the United States.

EPA issues NPDES permits except where a state can demonstrate that it has adequate legal, technical, and financial capabilities in place to administer the NPDES program. To date, 46 states and one U.S. territory are authorized by EPA to administer some of or the entire NPDES program. EPA continues to be the permitting authority in the other 4 states and remaining territories. Eight states have authorized NPDES sludge management programs. For the number of states authorized by program area, see Table 2.1; and for a detailed NPDES program status by state, see Appendix E. The authorized states and territories are considered respondents for evaluating paperwork burden in this ICR.

In calculating the average number of states with existing programs, the following was assumed:

- During the next 3 years, no states will request full or partial NPDES program authority.
- During the next 3 years, the average number of states and territories with NPDES authority will be 47.
- During the next 3 years, one state will request a sewage sludge program. Because there are eight currently authorized programs, the addition of the new state will result in an average of 8.3 authorized programs operating per year.

All states plus five U.S. territories, the District of Columbia, and 581 federally recognized Indian tribes (for a total of 637 respondents per year) are required to certify, in accordance with CWA section 401, that EPA-issued permits will result in compliance with the state, territory, or tribe's water quality requirements.

All NPDES permittees, whether permitted by EPA or a state, are also respondents in this ICR. These permittees include non-stormwater and stormwater permittees covered under both individual and general permits. In addition, the NPDES regulations exempt or waive certain activities from the requirement to obtain NPDES permit coverage provided certain conditions are met. Operators of these waived and exempted facilities are also respondents in this ICR. Certain NPDES-regulated activities are not included in this ICR (i.e., burden is included in separate ICRs) and include animal feeding operations (CAFOs and CAAPs) and cooling water intakes.

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

A relatively large portion of permitted non-stormwater facilities are classified in the Sanitary Service industry group (NAICS 221320, SIC 495); these include POTWs and PrOTWs, most of them under NAICS 22132, SIC 4952 (Sewerage Systems).

Unlike sanitary services, which are described by a single NAICS/SIC code, nonmunicipal (industrial) dischargers may be categorized into many NAICS/SIC codes. Industrial categories covered by NPDES permits include facilities in more than 800 industrial classifications. Some industrial sectors that discharge pollutants directly to waters of the United States are covered by effluent limitation guidelines; the specific categories of dischargers are shown on Table 4.1.

Table 4.1 Industrial sectors and corresponding 40 CFR Part

40 CFR Part	Sector name
406	Grain Mills Manufacturing
407	Canned and Preserved Fruits and Vegetable Processing
408	Canned and Preserved Seafood (Seafood Processing)
409	Sugar Processing
410	Textile Mills
411	Cement Manufacturing
412	Concentrated Animal Feeding Operations (CAFO)
413	Electroplating
414	Organic Chemicals, Plastics and Synthetic Fibers (OCPSF)
415	Inorganic Chemicals
417	Soaps and Detergents Manufacturing
418	Fertilizer Manufacturing
419	Petroleum Refining
420	Iron and Steel Manufacturing
421	Nonferrous Metals Manufacturing
422	Phosphate Manufacturing
423	Steam Electric Power Generation
424	Ferroalloy Manufacturing
425	Leather Tanning and Finishing
426	Glass Manufacturing
427	Asbestos Manufacturing
428	Rubber Manufacturing
429	Timber Products Processing
430	Pulp, Paper and Paperboard
432	Meat and Poultry Products
433	Metal Finishing
434	Coal Mining
435	Oil and Gas Extraction
436	Mineral Mining and Processing
437	Centralized Waste Treatment
438	Metal Products and Machinery
439	Pharmaceutical Manufacturing
440	Ore Mining and Dressing (Hard Rock Mining)
442	Transportation Equipment Cleaning
443	Paving and Roofing Materials (Tars and Asphalt)
444	Waste Combustors
445	Landfills
446	Paint Formulating

4. The Respondents and the Information Requested

4(a) Respondents/Standard Industrial Classification (SIC) Codes

40 CFR Part	Sector name
447	Ink Formulating
451	Concentrated Aquatic Animal Production (Aquaculture)
454	Gum and Wood Chemicals
455	Pesticide Chemicals Manufacturing, Formulating and Packaging
457	Explosives Manufacturing
458	Carbon Black Manufacturing
459	Photographic
460	Hospitals
461	Battery Manufacturing
463	Plastic Molding and Forming
464	Metal Molding and Casting (Foundries)
465	Coil Coating
466	Porcelain Enameling
467	Aluminum Forming
468	Copper Forming
469	Electrical and Electronic Components
471	Nonferrous Metals Forming and Metal Powders

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

The NPDES regulations also require permits covering different types of stormwater discharges, including discharges from municipal separate storm sewer systems (MS4s), discharges associated with industrial activity, and discharges associated with construction activity. MS4s requiring NPDES permits include those defined by the regulations at 40 CFR 122.26 and include large, medium, and regulated small MS4s. The types of industrial activities required to obtain NPDES permit coverage for stormwater discharges include the following:

- Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards
- Heavy industrial manufacturing NAICS codes 321 (except 33711), 322 (except 3222 and 32229), 325 (except 3254 and 3255) 324, 3161, 327 (except 327215), 331, 332312, and 3366; SIC codes 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and 373
- Mineral and metal mining and certain oil and gas exploration, production, processing or treatment, and transmission activities: NAICS codes 2122, 21221, 2121, 211, and 2123; SIC codes 10, 1011, 12, 13, and 14
- Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA
- Landfills, land application sites, and open dumps that receive or have received any industrial wastes including those that are subject to regulation under Subtitle D of RCRA
- Recycling facilities NAICS codes 42114 and 42193; SIC codes 5015 and 5093
- Steam electric power generating facilities, including coal handling
- Transportation facilities classified as NAICS codes 482, 485, 484 (except 49313-481), 491, 483, 481, and 42271; SIC codes 40, 41, 42 (except 4221–45), 43, 44, 45, and 5171, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations
- Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system
- Light industrial activity NAICS codes 311, 3122, 314, 3159, 33711, 33711, 33712, 32221, 32229, 323, 3254, 3255, 326, 316 (except 3161), 327215, 332 (except 332312), 3332, 3353, 336 (except 3366), 3391, 33999, 49313, 49312, and 49311; SIC codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221, 4222, and 4225

The NPDES regulations also require operators of construction activities that clear, grade, or excavate equal to or greater than 1 acre of total land area to obtain permit coverage. The largest portion of construction activities are carried out by builders, local developers, and contractors. Relevant classifications may include NAICS code 23, SIC code 15 (Building Construction General Contractors and Operative Builders), NAICS code 234, SIC code 16 (Heavy Construction Other Than Building Construction Contractors), and NAICS code 23593, SIC code 1794 (Excavation Work).

The NPDES regulations also provide authority for the permitting authority to designate additional discharges of stormwater that are a significant contributor of pollutants; contribute to a violation of WQS; or for which additional controls are needed based on wasteload allocations that are part of a total maximum daily load (TMDL) [40 CFR 122.26(a)(i)(v) and 122.26(a)(9)(c) and (d)]. Activities and burden associated with these permits are similar to those for stormwater

permits and are included as a component of the industrial stormwater permit activities in this ICR.

Concentrated animal feeding operations (CAFOs) are classified according to the primary type of animal confined at the operation. NAICS codes: 112111, 112112, 112120, 112210, 112310, 112320, 112330, 112390, 112410, and 11290; SIC codes: 0211, 0212, 0213, 0214, 0219, 0241, 0251, 0252, 0253, 0254, 0259, and 0272. Activities resulting from the CAFO regulations are not covered under this ICR. EPA transferred this burden to the Animal Sectors ICR (OMB Control No. 2040-0250).

Industries potentially covered by the Vessels General Permit include the water transportation industry (NAICS codes 483—Water Transportation; 4872—Scenic and Sightseeing Transportation, Water; and 4883—Support Activities for Water Transportation; SIC code 44—Water Transportation) and the fishing industry (NAICS code 11411—Fishing; SIC code 0912 Fishing, hunting, and trapping, Finfish). For the purposes of the VGP, EPA assumed the following vessel class breakdown: Large Vessels (Cruise Ships, Freight Ships, and Tank Ships); Small Vessels (Freight Barges, Passenger Vessels, Utility Vessels, and Tank Barges).

4(b) Information Requested

This section presents the data items, including record-keeping requirements, and required respondent activities involved in preparing and submitting those data items. Throughout this subsection, codes will be presented in brackets (i.e., [1.3]). These codes correspond to the reference code in the Respondents Activities Table in Appendix B in which the first number represents the type of activity and the second the specific activity listed in the table.

All activities reported in the nine ICRs consolidated in this supporting statement were analyzed and allocated to one of seven types of activities related to the NPDES program. These are as follows:

- Activities directly related to individual permit applications or permit coverage under a general permit (NOIs) [respondent activities codes 1.1–1.146];
- Activities associated with plan development or special studies [respondent activities codes 2.1–2.86];
- Monitoring [respondent activities codes 3.1–3.121];
- Reporting, including certification [respondent activities codes 4.1–4.364];
- Record-keeping [respondent activities codes 5.1–5.60];
- Activities resulting from compliance assessments or enforcement actions [respondent activities codes 6.1–6.39]; and
- Activities resulting from NPDES program authorization, including approval, modifications, transfer or withdrawal of authorization [respondent activities codes 7.1–7.7].

All activities were divided and allocated according to the type of permittee. Below is a list of the possible types of permittees. Please note that not all types of permittees have activities under all types of activities.

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

- (A) Non-Stormwater
    - A(1) Nonmunicipal Individual
    - A(1)(1) Biosolids
    - A(2) Municipal Individual
    - A(2)(1) Biosolids
    - A(2)(2) CSO
    - A(3) General Permits
- (B) Stormwater
    - B(1) Industrial
    - B(2) Municipal
    - B(3) Construction
- (C) Vessels

4(b)(i) Application/NOI

4(b)(i)(1) Data Items

Federal regulations at 40 CFR 122.21 and 122.28 detail the application and NOI requirements, respectively, for NPDES permits. This section includes specific application requirements related to NPDES discharge permits and sewage sludge management permits [40 CFR 122.21(b)–(l), (p), and (q)], and NOI requirements [40 CFR 122.28]. In addition, this section includes specific application and NOI requirements for stormwater discharges [40 CFR 122.26].

As noted previously, this ICR does not address permit application requirements for cooling water intake structures or CAFOs. Those activities are addressed in separate ICRs: OMB Control Numbers 2040-0241, 2040-0257, 2040-0268, and 2040-0250.

EPA has developed standard application forms for many applicants (see Appendix F), references to which are specified in 40 CFR 122.21(a)(2). Standardized application forms covered under this ICR include Forms 1, 2A, 2B, 2C, 2D, 2E, 2F, and 2S; and the Uniform Federal Transportation/Utility System Application Form. In addition, the NPDES regulations include specific application and NOI requirements for certain other dischargers, although standardized national forms have not been developed. For example, EPA has developed NOI forms for its industrial and construction stormwater general permits, as well as the VGP. Whether or not standard forms exist, this ICR calculates the burden to respondents for supplying the information. No national forms exist for the following information collection activities:

- Requests for additional information (Section 308 requests);
- Applications for MS4 permits from large or medium municipalities[5] and regulated small municipalities;
- Applications for individual construction stormwater permits;
- Permit consolidation requests;

[5] Large MS4s serve 250,000 people or more. Medium MS4s serve 100,000 to 250,000 people.

- Notification of construction before wastewater permit issuance for a new source in an area under federal authority requiring an Environmental Impact Statement (EIS); and
- Requests for ocean discharge information (not limited to 301(h) waivers).

Permit requirements for facilities vary according to the following factors:

- The type of facility;
- The manufacturing process it uses;
- The waste treatment it provides;
- The pollutant(s) it discharge(s);
- The pollutant(s) contained in its sludge; and
- The quality of the waters receiving the discharge.

Applications request information that permit writers need to issue permits to particular types of permittees. A facility that employs complex industrial processes and discharges several toxic pollutants, for example, must provide more information to the permitting authority than a facility that discharges stormwater. Similarly, a facility that discharges into waters considered impaired might have to submit more information than a facility that does not.

Because discharges vary in complexity and character, and because discharges and activities from industry groups or treatment works are often similar, EPA has developed several different NPDES application forms. Table 4.2 lists the application forms and other application requirements and the respondents to the request. Each form or request is discussed in more detail below the table.

Table 4.2 Application forms and information requests

Form/request	Respondent type
Form 1	Nonmunicipal NPDES applicants not covered under form 2B
Form 2A	All POTWs
Additional NPDES Application Requirements for Municipal Dischargers (Section 308 Request)	Municipal facilities (i.e., POTWs)
Form 2B	CAFO Applications and CAAP facilities (not covered under this ICR)
Form 2C	Existing manufacturing, commercial, mining, and silvicultural operations that discharge process wastewater
Form 2D	New manufacturing and commercial facilities that discharge process wastewater
Additional NPDES Application Requirements for Nonmunicipal Dischargers (Section 308 Requests)	Nonmunicipal facilities
Form 2E	New or existing nonmunicipal facilities that discharge non-process wastewater
Form 2F	Industrial stormwater dischargers applying for an individual permit
Form 2S	POTWs and other treatment works treating domestic sewage (TWTDS) (covers sludge)
NOI-Industrial Activity (NOI-Stormwater)	Industrial stormwater dischargers applying for a Multi-Sector General Permit (MSGP)

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

Form/request	Respondent type
Application for Transportation and Utility Systems and Facilities On Federal Lands (Alaskan Lands Application) (Alaskan Lands Applications)	Builders and operators of transportation and utility projects on Alaskan public lands (substitutes for Forms 1, 2B, and 2C)
Application for Phase I MS4s	Phase I MS4s
Petitions for Individual Permit	Small MS4 operators or any person
NOI	Municipal, nonmunicipal, and sewage sludge management facilities applying for general permit coverage, Vessels applying under the VGP
Permit Consolidation Request	Facilities with multiple permits
Notification of Construction	Facilities classified as new sources
Ocean Discharge Information	Ocean dischargers
Notice of Termination (NOT)	General permittees (stormwater) and industrial stormwater dischargers
No Exposure Certification	Industrial stormwater dischargers
Low Erosivity Waiver Certification	General permittees (stormwater)

4(b)(i)(1)(A) Non-Stormwater

4(b)(i)(1)(A)(1) Non-Stormwater—Nonmunicipal Individual

Form 1 [1.1–1.4]
EPA originally developed Form 1 to be used by any facility applying for any EPA permit. On Form 1, applicants provide basic information necessary to all EPA permit programs, including name, address, type of facility, SIC code, and number of outfalls. Applicants must also submit topographic maps and lists of all EPA and state permits presently held. Most facilities applying for an NPDES permit must submit Form 1 along with a second form (Forms 2B, 2C, 2D, 2E, or 2F) requesting information specific to the type of applicant. Facilities with more than one type of discharge submit Form 1 and several of the other forms.

As EPA developed specific forms, submission of Form 1 was no longer mandatory because the specific forms requested essentially the same data. Exemptions from Form 1 submission include facilities that submit NOIs for coverage under general permits, Alaskan applicants who submit the Application for Transportation and Utility Systems and Facilities on Federal Lands (discussed below), POTWs, wastewater treatment plants (WWTPs), and Phase I MS4s.

Form 2C [1.5–1.6]
Existing manufacturing, commercial, mining, and silvicultural operations that discharge process wastewater complete Form 2C. Usually, PrOTWs also use Form 2C to apply for individual NPDES permits. The form requests information about a discharger's outfall locations, flow rates, and treatment. Respondents must also perform the following tasks:

- Prepare a water flow process line drawing;
- Identify levels of production, WWTP construction or improvements, and effluent characteristics; and
- Sample and analyze wastewater for pollutant characteristics.

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

Form 2C requires comprehensive monitoring data, i.e., all applicants must test for and report quantitative data for seven listed conventional and nonconventional pollutants. In addition, all applicants must provide information on the presence of toxic pollutants in accordance with a scheme set forth in the regulations. In establishing testing requirements for toxic pollutants, EPA balances the likelihood of the presence of the pollutants against the costs and burdens for applicants to analyze the effluent. In some industries, there is no reasonable expectation that certain pollutants are present. Therefore, mandatory testing for any toxic pollutants applies only where EPA data has indicated a likelihood that the pollutant will be present in the discharge.

Testing requirements for toxic pollutants fall into two groups. First, all process discharges in primary industrial categories must be tested for the presence of metals, cyanide, and total phenols. However, testing is not required for all organic toxic pollutants in all primary industrial categories. The specific organic pollutants for which an industry must test are listed by industry type in the regulations [40 CFR 122.21(g)(7)]. Second, in addition to the mandatory testing explained above, all industrial dischargers must report quantitative data for any toxic pollutant, conventional pollutant, listed nonconventional pollutant, or radioactivity that they know or have reason to believe is present in the discharge.

Form 2D [1.7–1.10]
New facilities applying for NPDES permits to discharge process wastewater complete Form 2D. The form requests information that helps permitting authorities determine if a facility is a new source of process wastewater.[6]

Respondents must report the locations of all outfalls and the names of the receiving waters, describe all operations contributing to the wastewater and the treatment applied to it, and estimate the concentration and mass of pollutants to be discharged from each outfall. The form also stipulates that applicants must submit sampling data no later than 2 years after they begin discharging. Permittees must submit these data to apprise permit authorities of discrepancies between the estimated data and the actual discharge. Permitting authorities need this information to evaluate permit conditions and revise them if necessary.

Additional NPDES Application Requirements for Nonmunicipal Dischargers (Section 308 Requests) [1.11–1.17]
Permit authorities occasionally request supplemental application information under the authority of CWA section 308. Supplemental information may also be requested under 40 CFR 122.21(g)(13), which enables the Administrator to request "other information as the Administrator may reasonably require to assess the discharges of the facility and to determine whether to issue an NPDES permit." CWA section 308 requires EPA and authorized state NPDES programs to request that the owner or operator of any point source maintain records, make reports, conduct monitoring and/or sampling, and provide any other information reasonably necessary to carry out the objectives of the CWA.

[6] EPA classifies new facilities into two groups: new sources and new dischargers. Generally, a facility is considered a new source, as opposed to a new discharger, if EPA has developed a New Source Performance Standard (NSPS) applicable to the new facility. If not classified as a new source, an applicant is classified as a new discharger. The distinction is important because a new source must prepare an Environmental Impact Statement under the National Environmental Policy Act in states where EPA is the permitting authority (see 40 CFR 122.2).

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

Section 308 requests vary in complexity and burden, and permit authorities may issue requests for a variety of reasons. Authorities may request simple narrative descriptions or existing discharge information, for example. More burdensome requests include comprehensive sampling and analyses, biomonitoring, fish tissue analyses, wastewater data and related ambient water quality data, sewage sludge characterization, or facility production or process information. In general, requested information relates to discharges or control of particular pollutants. EPA may issue Section 308 requests to formulate permit limitations, especially limitations necessary to protect the environment from toxic pollutants or the effects of toxicity. In addition, EPA may request information necessary to assess national pollutant limitations standards, assess compliance with permit conditions, evaluate permit modifications, revise or add permit standards, impose prohibitions or other special requirements, revoke a permit, issue a permit, or renew a permit. Because Section 308 requests vary substantially, EPA has not created standard forms for the requests.

Form 2E [1.18–1.21]
Facilities that submit this form discharge only non-process wastewater that is not regulated by effluent limitations guidelines or new source performance standards (NSPS). The primary respondents include dischargers of non-process wastewater, primarily sanitary waste, and noncontact cooling water. It cannot be used for discharges of stormwater runoff or by educational, medical, or commercial chemical laboratories or POTWs. On Form 2E, applicants provide outfall locations, identify receiving waters, specify effluent characteristics, and describe treatment systems. Form 2E also requires minimal sampling for conventional pollutants such as biochemical oxygen demand (BOD).

Application for Transportation and Utility Systems and Facilities on Federal Lands (Alaskan Lands Application) [1.22]
Persons constructing or operating transportation and utility projects on Alaskan public lands submit the Application for Transportation and Utility Systems and Facilities on Federal Lands instead of application Forms 1, 2B, and 2C. EPA uses the information on this form to determine whether a permit should be issued to these dischargers. The form is also used by the Forest Service, Air Force, Bureau of Land Management, Federal Aviation Agency, Coast Guard, NASA, and by EPA in its RCRA and Underground Injection Control programs.

Permit Consolidation Request [1.23–1.24]
40 CFR 124.4 allows facilities that are required to obtain permits for more than one EPA program to request that their permit application processing be consolidated. This is a voluntary request made by submitting a letter to the permit authority.

Permittee Notice of Regulated Discharge Cessation [1.27–1.30]
A permittee's decision to cease its regulated discharge must be reported in writing to the permitting authority as required by 40 CFR 122.47(b)(4). The notification must be accompanied by evidence of a firm public commitment, such as a resolution passed by a corporation's board of directors. The permitting authority will establish and enforce a compliance schedule to accommodate the discharge termination using information received in the notice.

Permit Modification, Revocation and Reissuance, or Termination [1.31–1.32]
Permitting authorities may require permit modification, revocation and reissuance, or termination for several reasons. For example, national effluent standards might change, state WQS might change, or a facility might begin discharging significant amounts of a pollutant that is not limited by the permit. When permitting authorities consider making modifications, they request dischargers to submit information. See 40 CFR 124.5, 122.41(h), 122.62 and 122.64.

Variance Request Due to Fundamentally Different Factors [1.33–1.34]
Regulations at 40 CFR 122.21(m)(1) and 125.30 give dischargers the opportunity to seek a variance from otherwise applicable effluent limits if they can show that their facility contains factors fundamentally different from those EPA considered when establishing national effluent limits. Applicants must request this type of variance in writing on or before the close of the public comment period on the draft permit for Best Practicable Control Technology Currently Available (BPT) standards, or within 180 days of the establishment of the effluent limitation or pretreatment standards for Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), NSPS, Pretreatment Standards for Existing Sources (PSES), and Pretreatment Standards for New Sources (PSNS). This request may take any number of forms but is usually a letter. EPA has final approval authority for Fundamentally Different Factors (FDF) variances, although FDF variance requests denied at the state level in authorized states are not forwarded to EPA for review.

Variance Request for Non-conventional Pollutants [1.35–1.36]
Facility owners or operators may apply for a CWA section 301(g) variance if they can show that discharging nonconventional pollutants at limits less stringent than BAT limits will not interfere with the attainment or maintenance of water quality. This request must include such information as the permit number, the number of outfalls, applicable effluent(s), and water quality data showing that the modification will not impede improvements in, or hinder maintenance of, water quality. EPA must approve all section 301(g) variances. However, these variance requests may be denied by the states with authority for the NPDES program.

Variance Request Due to Economic Capability [1.37–1.38]
Section 301(c) of the CWA allows a variance for nonconventional pollutants from technology-based BAT effluent limitations due to economic factors, at the request of the facility and on a case-by-case basis. The applicant normally files the request for a variance from effluent limitations developed from BAT guidelines during the public notice period for the draft permit. Other filing time periods may apply, as specified in 40 CFR 122.21(m)(2). The variance application must show that the modified requirements represent the maximum use of technology within the economic capability of the owner or operator and result in further progress toward the goal of discharging no process wastewater. EPA must approve all section 301(c) variances. However, these variance requests may be denied by the states with authority for the NPDES program.

Variance Request for Innovative Pollution Control Technology [1.39–1.40]
Nonmunicipal dischargers apply for this variance [40 CFR 122.21(m)(4)], which extends the compliance schedule for BAT up to 2 years. The variance gives dischargers an opportunity (1) to

develop innovative technologies that will reduce pollutant concentrations beyond BAT levels, or (2) to experiment with in-plant changes to reduce the costs associated with attaining BAT limits. Requests for this variance must be filed in conjunction with NPDES permit applications. To qualify for this type of variance, the innovative pollution control system to be tested must have the potential for industry-wide application. The permitting authority, after consultation with EPA, decides whether to grant this variance request.

Variance Request Regarding Thermal Discharges [1.42–1.46]
Federal regulations at 40 CFR 122.21(m)(6) state that dischargers seeking this variance must demonstrate that the existing limitations on the thermal component of their discharges are more stringent than necessary to ensure the protection and propagation of indigenous fish, shellfish, and wildlife in the receiving water. The application of this variance includes a description of the studies performed and the results of biological, hydrological, and physical data gathered in support of the request. The permitting authority uses this information to evaluate alternative limits.

Modification and Variance under the Great Lakes Water Quality Guidance [1.47–1.48]
Under the Great Lakes Guidance, several additional regulatory relief options are allowed if appropriate documentation is submitted to substantiate and justify them. In sum, relief options for dischargers to the Great Lakes include mechanisms such as variances from criteria, alternative mixing zones, phased-TMDLs, and site-specific criteria. All these mechanisms are available under the CWA and existing NPDES programs. Therefore, this ICR includes information collection and record-keeping activities associated with analyses and reporting to request regulatory relief from guidance requirements that are in excess of what would already be covered under other modification and variance activities.

4(b)(i)(1)(A)(1)(1) Non-Stormwater—Nonmunicipal Individual—Biosolids

Form 2S [1.49–1.53]
Form 2S is the mechanism by which POTWs and other treatment works treating domestic sewage (TWTDS) will apply for permits containing standards for use and disposal of sewage sludge. Applicants submitting Form 2S are not required to submit Form 1. Form 2S consists of two main sections, *Limited Background Information* and *Permit Application Information*, and a preliminary information section that directs the applicant to complete either of the two main sections. Facilities that are not requesting site-specific permit limitations, do not have a currently effective NPDES permit, and/or have not been directed by the permitting authority to apply for a permit, complete the first part—*Limited Background Information*. All other applicants complete the second part—the *Permit Application Information*.

4(b)(i)(1)(A)(2) Non-Stormwater—Municipal Individual

Form 2A [1.56–1.74, 1.137]
Form 2A consolidates the application requirements for POTWs into a three-part application: Introductory Application Overview, Basic Application Information, and Supplemental Application Information. The introductory section directs the applicant to complete the basic

section as well as applicable portions of the supplemental section on the basis of the applicant's responses to specific questions. As suggested by the title, the Basic Application Information section collects elementary data for drafting a POTW NPDES permit, i.e., facility name, location, service area data, receiving stream, WWTP design criteria, and so on. The supplemental section consists of four parts: Expanded Effluent Testing Data, Toxicity Testing Data,[7] Industrial User (IU) Discharges and RCRA/CERCLA wastes, and Combined Sewer Systems, and applicants are instructed to complete the appropriate part of the supplemental section if they meet the following:

- Expanded Effluent Testing Data: > 1 million gallons per day (mgd) treatment design capacity, has or is required to have a pretreatment program, or is instructed by the permitting authority that they must
- Toxicity Testing Data: > 1 mgd treatment design capacity, has or is required to have a pretreatment program, or is instructed by the permitting authority that they must
- Industrial User (IU) Discharges and RCRA/CERCLA wastes: accept IU process wastewater or receive RCRA or CERCLA wastes
- CSSs: have a combined sewer system

Additional NPDES Application Requirements for Municipal Dischargers (Section 308 Requests) [1.75–1.83]

As explained above, municipal facilities (i.e., POTWs) must complete Form 2A to apply for NPDES permits. Occasionally, permit writers require additional information from municipal facilities to establish permit conditions. Section 308 grants permit authorities the power to require the owner or operator of any point source to provide supplemental information reasonably necessary to carry out the objectives of the CWA. Section 308 requests vary in complexity and burden depending on such factors as facility size or effluent characteristics. Because Section 308 requests can vary substantially, EPA has not created standard forms for the requests.

NPDES Ocean Discharge Information [1.84–1.85]

Under 40 CFR 125.120, during the first 2 years of operation, facilities that discharge into territorial seas, the contiguous zone, and the oceans must provide information that supplements the data they provide in Form 1. This supplemental information is site-specific and highly variable. It ranges from routine water quality and sediment analyses to complex impact analyses that involve studies of large magnitude and area. Permitting authorities use the information to modify permit conditions before a permit expires or when dischargers apply for new permits. The permit authority reviews all other available sources of information, which may include EISs and CWA section 301(h) variance requests, before requesting dischargers to submit additional information.

Request for Water Quality Related Effluent Limitations Modification [1.86–1.87]

Under CWA section 302(b) and 40 CFR 122.21(n)(3), POTWs with NPDES permits may seek modification of the effluent limitations required by CWA section 302(a) for pollutants other than

[7] As required under 40 CFR 122.21(j), all POTWs meeting any of the following criteria must provide the results of valid whole effluent toxicity testing to the Administrator: those with design influent flows equal or greater than one mgd, those with an approved pretreatment program, those required to develop a pretreatment program, or those designated by the Administrator.

toxic pollutants. To do that, a POTW must show that there is no reasonable relationship between the economic and social costs of the limitation and the benefits obtained from achieving it. POTWs may also seek this type of modification by showing that the modified effluent limitations for toxic pollutants represent further progress toward achieving the goals of the CWA section 302(a). However, EPA notes that it has never received a request for this type of modification and does not anticipate receiving such a request. Consequently, it is noted here only to ensure completeness.

Permit Modification, Revocation and Reissuance, or Termination [1.88–1.89]
Permitting authorities may require permit modification, revocation and reissuance, or termination for several reasons. For more information, see section 4(b)(i)(1)(A)(1).

Application for Variance Regarding Discharge into Marine Waters [1.90–1.91]
POTWs may request a variance under CWA section 301(h) and 40 CFR 122.21(n)(1) from the requirements of CWA section 301(b)(1)(B) for discharges into marine waters. This variance is administered by the Office of Wetlands, Oceans, and Watersheds (OWOW), and it is the subject of a separate ICR. Therefore, no respondent burden or cost associated with this requirement is reported in this ICR. This information collection and reporting requirement is noted here only to ensure completeness.

Modification and Variance under the Great Lakes Water Quality Guidance [1.92–1.93]
Under the Great Lakes Guidance, several additional regulatory relief options are allowed if appropriate documentation is submitted to substantiate and justify them. For more information, see section 4(b)(i)(1)(A)(1).

4(b)(i)(1)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

Form 2S [1.94–1.97]
Form 2S is the mechanism by which POTWs and other treatment works treating domestic sewage (TWTDS) will apply for permits containing standards for use and disposal of sewage sludge. For more information about form 2S, see Section 4(b)(i)(1)(A)(1)(1).

4(b)(i)(1)(A)(3) Non-Stormwater—General Permits

NOI to be Covered Under a Non-Stormwater General Permit [1.98–1.99]
Permitting authorities issue general permits to groups of facilities that have similar operating procedures, discharge characteristics, and geographic location (e.g., states). In this way, permitting authorities can cover a large number of facilities within one permit and establish a common set of limitations, monitoring requirements, and permit conditions. 1Non-stormwater general permittees are covered by many NAICS/SIC codes. Rather than submitting an individual application, the owner or operator of a facility or activity seeking coverage under a general permit must submit an NOI, although Federal Regulations provide some limited exceptions to the NOI requirement. Where an NOI is required, Federal regulations require, at a minimum, that owners or operators provide the following information in the NOI:

- The legal name and address of the owner or operator;

4. The Respondents and the Information Requested
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- The facility name and address; and
- The type of facility or discharges, and the receiving stream(s).

When they issue general permits, permitting authorities may impose additional information to be submitted with the NOI that they regard as necessary to ensure that facilities covered under the permits comply with the objectives and provisions of the CWA.

Permittee Notice of Regulated Discharge Cessation [1.100–1.101]
A permittee's decision to cease its regulated discharge must be reported in writing to the permitting authority as required by 40 CFR 122.47(b)(4). For more information, see section 4(b)(i)(1)(A)(1).

Permit Modification, Revocation and Reissuance, or Termination [1.102–1.103]
Permitting authorities may require permit modification, revocation and reissuance, or termination for several reasons. For more information, see section 4(b)(i)(1)(A)(1).

4(b)(i)(1)(B) Stormwater

4(b)(i)(1)(B)(1) Stormwater—Industrial

Form 1 [1.104–1.107]
Industrial stormwater facilities applying for individual permits must complete Form 1. This form is explained under Section 4(b)(i)(1)(A)(1).

Form 2F [1.108–1.109]
Dischargers of stormwater associated with industrial activity wishing to obtain an individual permit, as opposed to a general permit, submit Form 2F. This form requests information about outfall locations, scheduled improvements, flow rates, the history of leaks and spills at the facility, treatment applied to discharges, the drainage and surface area associated with discharges, and contractors used by the facility. It solicits narrative descriptions of pollutant sources, including the materials present at the site. It requires applicants to sample discharges for conventional pollutants and other pollutants regulated in NPDES permits held by the facility. The form also requests biological toxicity testing data.

NOI for Stormwater Discharges Associated with Industrial Activity [1.110–1.113]
The NOI for stormwater discharges associated with industrial activity under a general permit requests basic applicant data as well as stormwater information such as runoff, stormwater management and control measures, monitoring, and spills.

To obtain the no exposure exclusion from permitting, the Phase II Rule requires operators of industrial facilities identified in the categories under 40 CFR 122.26(b)(14) to submit to the NPDES permitting authority a written certification that a condition of no exposure exists. The Phase II Rule includes a form for this purpose titled *No Exposure Certification for Exclusion from NPDES Stormwater Permitting* (NPDES Form 3510-11). Authorized states may use this or a similar form. The certification must be resubmitted once every 5 years. If conditions change

during the 5-year period such that exposure exists, the operator must obtain coverage under an NPDES permit immediately.

40 CFR 122.26(a)(4) includes an additional requirement for facilities that discharge stormwater through Phase I MS4s to notify these MS4s of such discharges. However, information required to address this requirement has negligible effect on NOI burden and costs.

Notice of Termination (NOT) for Stormwater Discharges Associated with Industrial Activity [1.114–1.115]
When all stormwater discharges associated with industrial activity authorized by an EPA or state-issued general permit are eliminated, or when the operator changes, the operator of the facility must submit an NOT to the permitting authority. Following is the type of information generally required on NOT forms:

- NPDES stormwater permit number;
- Name, address, and phone number of the operator;
- Name and address of the facility; and
- Certification of eligibility for filing the NOT (i.e., the stormwater discharge has been eliminated or the person filing the NOT is no longer the operator).

4(b)(i)(1)(B)(2) Stormwater—Municipal

Application for Phase I MS4s [1.116–1.119]
MS4s typically consist of many outfalls. Permitting authorities issue one permit covering all discharges from a system. The NPDES regulations defined Phase I MS4 areas and required that applications be submitted in the early 1990s. By now, all Phase I MS4s have submitted applications; future requests are limited to reapplications. On August 9, 1996, EPA published a policy memorandum clarifying the permit reapplication requirements for Phase I MS4s (61 FR 41,698) to include the following:

- Name and mailing address(es) of the permittee(s) that operate the MS4;
- Names and titles of the primary administrative and technical contacts for the municipal permittee(s); and
- Any proposed changes or improvements to the storm water management program and monitoring activities for the upcoming 5-year term of the permit, if those proposed changes have not already been submitted pursuant to the annual reporting requirements in 40 CFR 122.42(c).

NOI or Individual Permit Application for Small MS4s [1.120–1.121]
Operators of small MS4s that are to be covered under a Phase II municipal stormwater permit must prepare and submit a permit application or NOI. EPA provides three options that an operator can follow to apply for Phase II permit coverage: (1) complete and file an NOI under a general permit; (2) complete and file an individual application for an individual permit; or (3) apply to be a co-permittee under an existing Phase I MS4 individual permit through a modification of the permit. Except in states where all MS4s are required to seek individual permit coverage, EPA expects few of the small MS4 respondents to submit an individual permit application or seek a modification of an existing Phase I permit; this is, in part, because the

burden hours and costs associated with a general permit typically are less than the burden and costs associated with these other two options. If a small MS4 chooses to submit an individual permit, the Phase II Rule includes simplified individual permit application requirements that are consistent with those for the general permit NOI. Therefore, this ICR assumes that the burden associated with the individual or general permit are the same.

Permit coverage, and submittal of an NOI if the general permit option is chosen or a permit application if the individual permit option is chosen, is required under 40 CFR 122.33(a). The information requested on the NOI or application must include, at a minimum, the following elements:

- Name of the small MS4 and the name, address, and phone number of a contact person at the MS4;
- A list of the best management practices (BMPs) that are to be implemented for each of the six required minimum control measures;
- A schedule detailing when the BMPs are to be implemented and completed, or an indication of the frequency of the actions to be taken;
- The measurable goals to be achieved for each of the required six minimum control measures; and
- A certification that the information provided is true and complete.

A waiver from the permitting requirements may be available for certain regulated small MS4s as determined by the NPDES permitting authority. EPA expects that all waiver determinations will be made by the NPDES permitting authorities before issuing the small MS4 general permit, thus negating the need to submit a waiver request. Therefore, this ICR does not include any costs associated with a waiver request.

4(b)(i)(1)(B)(3) Stormwater—Construction

Individual Application or NOI for Stormwater Discharges Associated with Construction Activity [1.122–1.132]

Construction site operators are required to complete an NOI or file an individual application using Forms 1 and 2F. Although the NPDES regulations allow the option of submitting individual applications instead of an NOI, EPA does not anticipate that many operators will choose this option.

Stormwater discharges associated with construction activity exist in vast numbers. EPA has recognized that the burden to issue individual permits to each discharger would be prohibitive. EPA uses, and expects to continue and encourage the use of, a general permit option and standardized application forms for construction activities regulated under Phase I and II. EPA expects that most operators of Phase I and II construction sites will submit an NOI for coverage under a general permit consistent with the requirements of 40 CFR 122.28(b)(2). EPA has developed an NOI form that applies to both Phase I and Phase II of the construction stormwater program. Entities within the construction industry and their industry organizations are familiar with an NOI as a means of seeking coverage under Phase I of the stormwater program.

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

Federal regulations require, at a minimum, that applicants provide the following information in the NOI:

- The legal name and address of the operator;
- The facility name and address;
- The type of facility or discharges; and
- The name of the receiving water(s).

When NPDES permitting authorities issue general permits, they may require additional information to be submitted with the NOI that is deemed necessary to ensure that facilities covered under the permits are eligible for coverage under the permit. However, NPDES permitting authorities typically use general permits to minimize the burden associated with reviewing application information. Consequently, applicants are usually required to provide simple, easily obtainable data in their NOIs.

Small construction sites (1–5 acres) may submit a written certification for one of the following two waiver conditions:

- Low rainfall potential. The value of the rainfall erosivity factor (*R* in the Revised Universal Soil Loss Equation) must be less than 5 during the period of construction activity; or
- A determination that stormwater controls are not needed on the basis of an EPA-approved TMDL that addresses the pollutants of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutants of concern.

Notice of Termination (NOT) for Stormwater Discharges Associated with Construction Activity [1.133–1.136]
When all stormwater discharges associated with construction activity authorized by a general permit are eliminated, or when the operator of stormwater discharges associated with construction activity at a facility changes, the operator of the facility must submit an NOT to the permitting authority. This form requires basic facility information, operator information, permit number, reason for the termination, and a certification statement. NOTs are submitted to EPA and authorized states. Following, is the type of information generally required on NOT forms:

- NPDES stormwater permit number;
- Name, address, and phone number of the site operator;
- Name and address of the site; and
- Certification of eligibility for filing the NOT (i.e., the stormwater discharge has been eliminated or the person filing the NOT is no longer the operator of the site).

4(b)(i)(1)(C) Vessels

Vessel General Permit NOI filing [1.138–1.146]

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

To obtain authorization under the VGP, operators must meet the eligibility requirements and, if required, submit a complete and accurate NOI. An operator is required to submit an NOI for its vessel if the vessel is greater than or equal to 300 gross registered tons, or the vessel has the capacity to hold or discharge more than 8 cubic meters (2,113 gallons) of ballast water. Following is the type of information generally required on the NOI form:

- Owner/operator information;
- Vessel information;
- General voyage information;
- Discharge information; and
- Certification.

4(b)(i)(2) Respondent Activities

Respondent activities can vary substantially depending on the type and characteristics of the respondent and of the authorized state or territory. This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4(b)(i)(1) above. However, any respondent can engage in preparing basic information. This includes reading and reviewing instructions and regulatory requirements, gathering general information, consulting technical and legal officials, reviewing guidance materials, typing or filling out forms, drafting letters, reviewing applications or other materials, maintaining records, and mailing completed submissions. Each of these requirements is described in more detail in Section 6 of this ICR.

4(b)(ii) Plan Development/Special Studies

4(b)(ii)(1) Data Items

4(b)(ii)(1)(A) Non-Stormwater

4(b)(ii)(1)(A)(1) Non-Stormwater—Nonmunicipal Individual

Pollution Prevention Alternative (Pesticides Packaging & Repackaging) [2.1]
For certain facilities in the pesticide formulating and packaging category, the discharger may choose to submit an annual certification to use pollution prevention alternatives. Dischargers submitting a certification for a pollution prevention alternative must also develop a pollution prevention plan.

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [2.2–2.11]
Operators of direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Category are required to prepare site-specific BMP plans (including training).

In lieu of certain monitoring requirements (primarily submission of periodic reports certifying that the fiber line(s) are operating within the range of certain process and operating conditions),

direct mills associated with the Pulp, Paper, and Paperboard Point Source Category also have the options of voluntarily choosing to enroll in the Voluntary Advanced Technology Incentives Program (VATIP), which requires development of a Milestone Plan, or demonstrating compliance with applicable chloroform limitations and standards at a fiber line.

Coal Mining Point Source Category–Coal Remining Subcategory and Western Alkaline Coal Remining Subcategory [2.12–2.15]
Federal regulations for the Coal Mining Point Source Category (40 CFR Part 434) established two subcategories: one that addresses preexisting discharges at coal remining operations and a second that addresses drainage from coal mining reclamation and other non-process areas in the arid and semiarid western United States. The Coal Remining and Western Alkaline Coal Remining Subcategories created a set of standards and requirements for the specific waste streams, which include the development and implementation of BMPs.

Antidegradation Demonstration under the Great Lakes Water Quality Guidance [2.16–2.18]
The antidegradation provisions in the final guidance applies to the discharge of non-deminimis levels of pollutants to high quality waters. However, the criteria for when an antidegradation demonstration must be performed are different for bioaccumulative chemicals of concern (BCCs) and non-BCCs. The purpose of the demonstration is to confirm that the permittee has evaluated options to reduce the extent of the need to lower water quality. In general, an antidegradation demonstration consists of first performing a pollution prevention alternatives analysis to identify prudent and feasible alternatives. If no pollution prevention alternatives are deemed prudent and feasible, the permittee must identify alternative or enhanced treatment techniques. Finally, a permittee must demonstrate that the lowering of water quality is necessary to ensure social and economic development.

Pollutant Minimization Programs (PMPs) under the Great Lakes Water Quality Guidance [2.19–2.21]
After state/tribal or federal promulgation of provisions consistent with the guidance, permittees are required to establish PMPs for pollutants for which water quality-based effluent limits (WQBELs) are below quantification levels. Permittees must develop and submit a control strategy, including implementation of appropriate practicable control measures.

Bioconcentration Studies under the Great Lakes Water Quality Guidance [2.22]
States and tribes may, but are not required to, direct permittees to use fish monitoring and other bio-uptake studies to evaluate PMP performance where WQBELs are established below analytical detection limits. Such studies would require sampling and laboratory analysis of fish tissue.

4(b)(ii)(1)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

EPA has not identified any unique activities associated with plan development/special studies for these permittees.

4(b)(ii)(1)(A)(2) Non-Stormwater—Municipal Individual

Antidegradation Demonstration under the Great Lakes Water Quality Guidance [2.23–2.25]
The antidegradation provisions in the final guidance apply to the discharge of non-deminimis levels of pollutants to high-quality waters. For more information, see Section 4(b)(ii)(1)(A)(1).

Pollutant Minimization Programs (PMPs) under the Great Lakes Water Quality Guidance [2.26–2.28]
For more information, see section 4(b)(ii)(1)(A)(1).

Bioconcentration Studies under the Great Lakes Water Quality Guidance [2.29]
For more information, see section 4(b)(ii)(1)(A)(1).

4(b)(ii)(1)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

EPA has not identified any unique activities associated with plan development/special studies for these permittees.

4(b)(ii)(1)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

CSO Control Policy - Nine Minimum Controls [2.30–2.63]
The CSO Control Policy recommends that municipalities implement the nine minimum controls (NMC) and submit documentation demonstrating their implementation activities. NPDES permitting authorities generally require this activity as an NPDES permit condition. The policy recommends that this documentation be submitted within 2 years after this requirement is included in an NPDES permit or other enforceable mechanism.

CSO Long-Term Control Plans and Supplementary Information [2.64–2.75]
The CSO Control Policy recommends that permittees develop and submit a Long-Term Control Plan (LTCP) within 2 years after the inclusion of LTCP requirements in an NPDES permit or other enforceable mechanism. LTCPs should recognize the site-specific nature of CSOs and their effects on receiving waters.

4(b)(ii)(1)(A)(3) Non-Stormwater—General Permits

EPA has not identified any unique activities associated with plan development/special studies for these permittees.

4(b)(ii)(1)(B) Stormwater

4(b)(ii)(1)(B)(1) Stormwater—Industrial

SWPPP for Stormwater Discharges Associated with Industrial Activity [2.76–2.79]
All facilities submitting an industrial NOI-Stormwater application must develop a new or update an existing SWPPP to obtain permit coverage. The two stated objectives of these plans are to

identify sources of pollution potentially affecting the quality of stormwater discharges associated with industrial activity from the facility and to describe control measures to meet permit requirements. The development of a SWPPP is unique to each facility; EPA's Multi-Sector General Permit (MSGP) has sector-specific SWPPP requirements for 29 industrial sectors.

4(b)(ii)(1)(B)(2) Stormwater—Municipal

Stormwater Management Plans [2.80–2.81]
Phase I MS4s were required to develop stormwater management plans (SWMP) programs in advance of permit coverage. All initial plans for Phase I MS4s have been completed, but permittees continue to update their SWMPs. For small MS4s, SWMPs are generally contained within the NOI, but states may request individual plans.

4(b)(ii)(1)(B)(3) Stormwater—Construction

SWPPP for Stormwater Discharges Associated with Construction Activity [2.82–2.86]
As an NPDES construction permit condition, EPA requires operators of construction sites to develop a SWPPP. A SWPPP is typically kept on-site and not submitted. The development of a SWPPP is unique to each construction site even though it is based on common required elements.

4(b)(ii)(2) Respondent Activities

Respondent activities can vary substantially depending on the type and characteristics of the respondent and of the authorized state or territory. This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4(b)(ii)(1) above. However, any respondent may engage in generating detailed information. Detailed information gathered can include topographic maps, water flow process line drawings, data on production levels, data on effluent characteristics, local development patterns, management programs, financial estimates (i.e., available funds and staff resources), engineering data, or other information required by permitting authorities, such as developing a SWPPP, LTCP, or NMCs.

4(b)(iii) Monitoring

4(b)(iii)(1) Data Items

4(b)(iii)(1)(A) Non-Stormwater

4(b)(iii)(1)(A)(1) Non-Stormwater—Nonmunicipal Individual

DMRs for Major and Minor Individual Permittees [3.1–3.14]
Federal regulations at 40 CFR 122.44(i) outline the monitoring requirements for NPDES permittees. NPDES permittees are required to collect representative samples of all monitored activity and to take associated measurements. Permittees are also required to conduct pollutant analysis on all samples collected according to the parameters outlined in the facility's permit. The permit also will specify the frequency with which the permittee must conduct sampling and analysis.

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [3.15–3.22]
Operators of direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Category are required to monitor discharges at a frequency of daily, weekly, or monthly.

Coal Mining Point Source Category–Coal Remining Subcategory and Western Alkaline Coal Remining Subcategory [3.23–3.44]
Federal regulations for the Coal Mining Point Source Category (40 CFR Part 434) established two subcategories: one that addresses preexisting discharges at coal remining operations and a second that addresses drainage from coal mining reclamation and other non-process areas in the arid and semiarid western United States. The Coal Remining and Western Alkaline Coal Remining Subcategories created a set of standards and requirements for the specific waste streams, which include data collection and record keeping associated with modeling, implementation of BMPs, baseline monitoring, and performance monitoring.

WET Data Collection under the Great Lakes Water Quality Guidance [3.45]
Whole effluent toxicity (WET) testing is required to meet minimum data requirements to evaluate the need for WET limits. A minimum of 1 year of quarterly acute or chronic WET testing using a fish and a macroinvertebrate (e.g., daphnia) was assumed necessary to evaluate the need for WET limits in a facility's permit.

WQBEL Compliance Monitoring under the Great Lakes Water Quality Guidance [3.46]
Information collection requirements specified in the Great Lakes Guidance include monitoring, record keeping, and reporting requirements for WQBEL compliance monitoring.

4(b)(iii)(1)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

DMRs for Sewage Sludge Facilities [3.47–3.54]
40 CFR Parts 501 and 503 outline the monitoring requirements and include tables listing minimum monitoring frequencies for sewage sludge facilities whose sewage sludge will be land applied, placed on a surface disposal site, or incinerated. Frequency of monitoring requirements range from once per year for facilities using or disposing of relatively small amounts of sludge to once per month for facilities disposing of larger amounts of sludge.

Requirements for additional monitoring are determined according to the permit writer's best professional judgment (BPJ). These requirements are dependent on the amount of sewage sludge produced, sewage sludge use, the number and types of industrial users discharging to treatment works, and previous sewage sludge quality data. EPA may require more frequent data collection or additional pollutant monitoring to assess permit compliance.

While monitoring requirements vary considerably among and within permittee categories, all permits specify sampling frequency and location as well as other sampling and analysis parameters. The permittee must collect and analyze representative samples and must conduct all

monitoring according to permit specific conditions and/or approved test procedures as set forth under 40 CFR Part 136 or as specified in 40 CFR Part 503.

4(b)(iii)(1)(A)(2) Non-Stormwater—Municipal Individual

DMRs for Major and Minor Individual Permittees [3.55–3.66]
Federal regulations at 40 CFR 122.44(i) outline the monitoring requirements for NPDES permittees. For more information, see section 4(b)(iii)(A)(1).

WET Data Collection under the Great Lakes Water Quality Guidance [3.67]
For more information, see section 4(b)(iii)(1)(A)(1).

WQBEL Compliance Monitoring under the Great Lakes Water Quality Guidance [3.68]
For more information, see section 4(b)(iii)(1)(A)(1).

4(b)(iii)(1)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

DMRs for Sewage Sludge Facilities [3.69–3.76]
140 CFR Parts 501 and 503 outline the monitoring requirements and include tables listing minimum monitoring frequencies for sewage sludge facilities that will be land applied, placed on a surface disposal site, or incinerated. For more information, see section 4(b)(iii)(1)(A)(1)(1).

4(b)(iii)(1)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

CSO Control Policy - Compliance Monitoring [3.77–3.79]
The policy recommends that municipalities develop CSO monitoring programs to document compliance with applicable state WQS, protection of designated uses, and to measure the effectiveness of CSO control programs after they are implemented. The NPDES permitting authority should approve the compliance monitoring program as part of the LTCP review process. During the term of this renewal ICR, municipalities will collect information on the sampling and analysis of pollutants in CSOs and the effects of CSOs on the quality of the receiving waters.

4(b)(iii)(1)(A)(3) Non-Stormwater—General Permits

DMRs for Non-Stormwater General Permittees [3.80–3.91]
Federal regulations at 40 CFR 122.44(i) outline the monitoring requirements for NPDES permittees. For more information, see section 4(b)(iii)(1)(A)(1).

4(b)(iii)(1)(B) Stormwater

4(b)(iii)(1)(B)(1) Stormwater—Industrial

Inspections for Industrial Stormwater General Permittees [3.92]
Federal regulations at 40 CFR 122.44(i)(4) establish monitoring requirements for industrial stormwater general permittees to include annual inspection at a minimum. In addition, many permits for industrial stormwater include additional routine inspection requirements.

DMRs for Industrial Stormwater General Permittees [3.93–3.94]
In addition to annual inspections, federal regulations at 40 CFR 122.44(i)(3)-(4) outline the monitoring requirements for NPDES permittees and describe the situations in which DMRs may be submitted for industrial stormwater. For more information, see section 4(b)(iii)(1)(A)(1).

4(b)(iii)(1)(B)(2) Stormwater—Municipal

MS4 Monitoring [3.95–3.96]
Federal regulations at 40 CFR 122.44(i) outline the monitoring requirements for NPDES permittees. For more information, see section 4(b)(iii)(1)(A)(1).

4(b)(iii)(1)(B)(3) Stormwater—Construction

Stormwater Discharges Associated with Construction Activity [3.97–3.102]
As an NPDES construction permit condition, EPA's construction general permit (CGP) requires that operators perform routine site inspections to assess the effectiveness of the SWPPP and associated control measures. Some authorized states also require monitoring in their construction permits.

4(b)(iii)(1)(C) Vessels

Vessel General Permit Routine Inspections [3.103–3.111]
Vessel self-inspections are required as a means of identifying, for example, sources of spills, broken pollution prevention equipment, or other situations that are or might lead to permit violations and allow the owner or operator to correct the situation as soon as possible. The permit requires self-inspections so that the owner or operator can diagnose and fix problems to remain compliant with the permit. These self-inspections can and must be conducted while the vessel is underway as well as while in port and are designed to fit easily into other, already-established vessel routines.

Vessel General Permit Annual Inspection [3.112–3.120]
The comprehensive annual inspection requirements include a more detailed, thorough inspection of areas of the vessel that are difficult to inspect on a more regular basis, such as the vessel hull, ballast water tanks and bilges, pumps and oily water separators. The annual inspections also include a review of monitoring data collected and routine maintenance records to ensure that required maintenance is being performed (e.g., annual tune-ups for small boats that have wet exhaust). Annual inspection of these areas ensures that they are inspected frequently enough to

identify and correct problems. In addition, the annual review of all inspection and monitoring data highlights problem areas of the vessel that might need additional attention. This allows the owner or operator to establish and implement additional procedures applicable to problem areas to reduce future problems. Additionally, the annual inspection requires that all pollution control and monitoring equipment be inspected to ensure that it is functioning properly. This requirement provides a reminder and opportunity to complete maintenance activities on onboard equipment. Each annual inspection must be recorded in the official logbook or other record-keeping documentation, signed by the person conducting the inspection, and include basic information relating to the inspection and any corrective actions taken as a result of inspection findings.

Vessel General Permit Monitoring [3.121]
Certain vessels are required to conduct sampling and analysis of gray water, bilge water, ballast water and wastewater discharges from exhaust gas cleaning systems. The monitoring requirements vary considerably between the discharge categories and all of the requirements are spelled out in the permit.

4(b)(iii)(2) Respondent Activities

Respondent activities can vary substantially depending on the type and characteristics of the respondent and of the authorized state or territory. This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4(b)(iii)(1) above. However, any respondent may engage in the following types of activities:

- Sampling and analyzing discharges and sludge. This can involve pollutant scans, biological toxicity testing, impact analyses, field monitoring, or other scientific analyses.
- Performing routine inspections. This could involve routine site inspections to assess the site for information required by the permitting authorities, such as effectiveness of the SWPPP and associated BMPs in protecting water quality.

4(b)(iv) Reporting (including certification)

4(b)(iv)(1) Data Items

4(b)(iv)(1)(A) Non-Stormwater

4(b)(iv)(1)(A)(1) Non-Stormwater—Nonmunicipal

Permittee Report of Planned Facility Changes [4.1–4.4]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority when any of the following are true:

- The change could meet one of the criteria at 40 CFR 122.29(b) for determining whether a facility is a new source;
- The alteration or addition to the facility could significantly change the nature or quantity of discharged pollutants that are not subject to effluent limitations in the existing permit; or
- The alteration significantly changes the sewage sludge use or disposal practices.

A Permittee Report of Planned Facility Changes applies to a change in the discharge of pollutants that are not already subject to the facility's permit requirements. When reporting planned facility changes, a permittee must provide a description of the planned alterations or additions and a statement outlining the anticipated effects of the changes on the facility's discharge. The permitting authority may use the information submitted by the discharger to modify the NPDES permit before the planned facility changes are made.

Permittee Report of Anticipated Noncompliance [4.5–4.8]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. Changes in production or process are examples of activities that permittees must report. Permittees typically make this sort of report by a letter that explains the reasons for the anticipated noncompliance. The advance notice provided by this reporting requirement enables the permitting authority to modify a permit or help a permittee mitigate the effects of anticipated noncompliance on the receiving waters or on the site or facility where sewage sludge is used or disposed of.

Facility and Permit Transfer Report [4.9–4.12]
Under 40 CFR 122.41(l)(3), when a facility's ownership changes, it must notify the permitting authority. Generally, this takes place in a letter stating the date of the transfer and the name of the new permit holder. If the new owner agrees to abide by the conditions of the old permit, the notice of transfer must include a written and signed agreement containing a specific date for transferring responsibility, coverage, and liability between the new and former owners. The permitting authority uses this information to update permit records, evaluate the new discharge situation, and determine whether public notification and opportunity for comment are necessary.

Permittee Report of Inaccurate Previous Information [4.13–4.16]
According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). Usually, permittees notify the permitting authority by letter. The permitting authority uses this information to set or modify permit conditions or to execute appropriate enforcement actions. The information is also used to update permit records.

Notification of New or Increased Discharge [4.17–4.20]
The Notification of New or Increased Discharge requirements in 40 CFR 122.42(a)(1) and (2) mandate that all manufacturing, commercial, mining, and silvicultural dischargers must notify EPA when they know or have reason to believe (1) that any activity has occurred or will occur that would result in discharge on a routine or frequent basis of any toxic pollutant that is not limited in the permit if the discharge exceeds certain defined notification levels for pollutants, or (2) that any activity has occurred or will occur that would result in any discharge on a nonroutine

or infrequent basis of a toxic pollutant that is not limited in the permit if that discharge would exceed notification levels. This report provides up-to-date, plant-specific information to the permitting authority, which uses it to decide whether permit modification or revocation and reissuance are necessary. Because NPDES permits are usually in effect for 5 years, reports of new toxic discharges enable the permitting authority to decide whether permit modification or revocation and reissuance is necessary in the interim.

DMRs for Major and Minor Individual Permittees [4.21–4.34]
40 CFR 122.41(j)(1)-(2) and 40 CFR 122.41(l)(1) outline the reporting requirements for NPDES permittees. NPDES permittees are required to report all monitoring results to the permitting authority. The frequency with which the permittee must submit these reports is permit-specific. Appendix G contains a sample preprinted discharge monitoring form (i.e., a blank DMR). Permittees reporting monitoring data that are not effluent data may submit the information in other formats, as specified by the permitting authority.

Compliance Schedule Reports [4.35–4.40]
Adherence to an NPDES permittee's compliance schedule is determined by evaluation of the compliance schedule reports submitted by the permittee [40 CFR 122.41(l)(5)]. This information is used to assess the permittee's progress in installing the treatment facilities (or *milestones*) necessary to meet discharge limitations. Compliance schedule reports must be submitted within 14 days following the schedule date of each of the scheduled milestones. A schedule violation could result in an enforcement action.

Noncompliance Reports [4.41–4.66]
Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days). The following must be reported within 24 hours to the permitting authority: (1) any unanticipated bypass that exceeds any effluent limitation in the permit; (2) any upset that exceeds any effluent limitation in the permit; and (3) violation of a maximum daily discharge limitation for any of the pollutants listed by the Administrator in the permit.

Alternate Level Reports [4.67]
The permitting authority may, at its discretion, apply tiered production-based effluent limits in an NPDES permit as described in 40 CFR 122.45(b)(2)(i). Tiered permit limits allow facilities to operate under different sets of limits for pollutants based on varying production levels. In the case of automotive factories, however, a reasonable demonstration by the permittee of the requirement for tiered limits obligates EPA (not states) to grant tiered limits to the industry. Nevertheless, every facility operating under tiered limits is required to submit a notification to the permitting authority if it intends to operate at a production level higher than the lowest production level identified in the permit.

Certification for Exemption from Monitoring and Notification of Process Changes [4.68–4.91]
The effluent limitations guidelines and standards regulations for 14 industrial categories (12 categories and 2 subcategories) allow dischargers to submit a certification to exempt them from monitoring one or more pollutants.

Synthetic-Based Fluids (SBF) Well Drilling Operations [4.92]
SBF well drilling operations that elect to control their SBF-cuttings discharges through the use of BMPs under 40 CFR Part 435 are required to prepare the following information: (1) certification of BMP completion and a copy of the most current BMP Plan; (2) records demonstrating periodic review of the BMP Plan (at a minimum once every 5 years); (3) monitoring reports (including the operation of monitoring systems) to establish equivalence with a numeric cuttings retention limitation and to detect leaks, spills, and intentional diversion; and (4) training reports to document refresher training necessary to ensure the effectiveness of the BMP Plan.

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [4.93–4.101]
Operators of direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Category are required to prepare monitoring reports associated with collection of daily, weekly, or monthly discharges. The permitting authority must process and analyze the reported monitoring data.

In lieu of certain monitoring requirements (primarily submission of periodic reports certifying that the fiber line(s) are operating within the range of certain process and operating conditions), direct mills associated with the Pulp, Paper, and Paperboard Point Source Category also have the options to enroll in the Voluntary Advanced Technology Incentives Program (VATIP), which requires development of a Milestone Plan, or demonstrating compliance with applicable chloroform limitations and standards at a fiber line.

Annual Status Report under the Great Lakes Water Quality Guidance [4.102]
After state/tribal or federal promulgation of provisions consistent with the Guidance, permittees are required to establish pollutant minimization programs (PMPs) for pollutants for which WQBELs are below quantification levels. Information collection activities associated with PMPs include an annual status report.

4(b)(iv)(1)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

Permittee Report of Planned Facility Changes [4.103–4.104]
Consistent with 40 CFR 122.41 and 501.15, the permittee must give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility, or significant changes planned in the permittee's sludge disposal practice, where such alterations, additions, or changes could justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

Permittee Report of Anticipated Noncompliance [4.105–4.106]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41 and 501.15 applies to any planned changes in the permitted facility or activity that could result in noncompliance with permit requirements.

Facility and Permit Transfer Report [4.107–4.108]
Federal regulations at 40 CFR 122.41 and 501.15 specify that a sludge permit is not transferable to any person except after notice to the Director.

Permittee Report of Inaccurate Previous Information [4.109–4.110]
According to 40 CFR 122.41 and 501.15, where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it must promptly submit such facts or information.

DMRs for Sewage Sludge Facilities [4.111–4.118]
40 CFR 122.41, and Parts 501 and 503 outline the reporting requirements and include tables listing minimum monitoring frequencies for sewage sludge facilities whose sewage sludge will be land applied, placed on a surface disposal site, or incinerated.

Treatments works that land apply, surface dispose, or incinerate sewage sludge are required to report all pollutant monitoring results to the permitting authority. Reporting frequencies are permit-specific. The permitting authority requires sewage sludge monitoring reports at least once a year. In addition, 40 CFR Part 503 requires Class I sludge management facilities, and POTWs with a flow rate equal to or greater than 1 mgd or that serve a population of 10,000 or more, to report data at least once per year if they land apply, surface dispose, or incinerate sewage sludge.

Requirements for additional reporting are determined according to the permit writer's best professional judgment (BPJ). These requirements depend on the amount of sewage sludge produced, sewage sludge use, the number and types of industrial users discharging to treatment works, and previous sewage sludge quality data. Reporting requirements vary considerably among and within permittee categories. If a facility chooses to collect and analyze more samples than specified in its permit, the permittee is required to include *all* monitoring data in reports.

Compliance Schedule Reports [4.119–4.120]
Adherence to a sewage sludge permittee's compliance schedule is determined by evaluation of the compliance schedule reports submitted by the permittee [40 CFR 122.41 and 501.15]. This information is used to assess the permittee's progress in installing the treatment facilities (or *milestones*) necessary to meet sewage sludge quality standards. Compliance schedule reports must be submitted within 14 days following the schedule date of each of the scheduled milestones. A schedule violation could result in an enforcement action.

Noncompliance Reports [4.121–4.122]
Requirements in 40 CFR 122.41 and 501.15 require permittees to report instances of noncompliance with sewage sludge regulations such as noncompliance with sewage sludge pollution standards. Timely reporting is essential in these cases, and thus, separate reporting requirements have been established for reporting bypass, upset, or violation of a maximum daily

discharge. If required, the written report of the occurrence will describe the event, its cause, its duration, and remedial actions taken. In addition, respondents must report other noncompliance situations as soon as they occur, even if they are not covered under these reporting requirements.

4(b)(iv)(1)(A)(2) Non-Stormwater—Municipal Individual

Permittee Report of Planned Facility Changes [4.123–4.126]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority. A Permittee Report of Planned Facility Changes applies to a change in the discharge of pollutants that are not already subject to the facility's permit requirements. When reporting planned facility changes, a permittee must provide a description of the planned alterations or additions and a statement outlining the anticipated effects of the changes on the facility's discharge. The permitting authority may use the information submitted by the permittee to modify the NPDES permit before the planned facility changes are made. For more information, see 4(b)(iv)(1)(A)(1).

Permittee Report of Anticipated Noncompliance [4.127–4.130]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. For more information, see 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.131–4.134]
Federal regulations at 40 CFR 122.41(l)(3) specify that when a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. For more information, see 4(b)(iv)(1)(A)(1).

Permittee Report of Inaccurate Previous Information [4.135–4.138]
According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). For more information, see 4(b)(iv)(1)(A)(1).

New Introduction of Pollutants to POTWs [4.139–4.142]
Federal regulations at 40 CFR 122.42(b) specify that all POTWs must provide adequate notice to the Director of any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

DMRs for Major and Minor Individual Permittees [4.143–4.154]
Federal regulations at 40 CFR 122.41(j)(1)-(2) and 40 CFR 122.41(l)(1) outline the monitoring, reporting, and record-keeping requirements for NPDES. For more information, see 4(b)(iv)(1)(A)(1).

Compliance Schedule Reports [4.155–4.160]
Adherence to an NPDES permittee's compliance schedule is determined by evaluation of the compliance schedule reports submitted by the permittee [40 CFR 122.41(l)(5)]. For more information, see Section 4(b)(iv)(1)(A)(1).

Noncompliance Reports [4.161–4.186]
Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days. For more information, see Section 4(b)(iv)(1)(A)(1). These reports can include sanitary sewer overflow (SSO) events; however, in this ICR, SSO reporting burdens appear as separate line items [4.185–4.186].

Annual Status Report under the Great Lakes Water Quality Guidance [4.187]
After state/tribal or federal promulgation of provisions consistent with the guidance, permittees are required to establish PMPs for pollutants for which WQBELs are below quantification levels. Information collection activities associated with PMPs include an annual status report.

4(b)(iv)(1)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

Permittee Report of Planned Facility Changes [4.188–4.189]
Consistent with 40 CFR 122.41 and 501.15, the permittee must give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. For more information, see Section 4(b)(iv)(1)(A)(1)(1).

Permittee Report of Anticipated Noncompliance [4.190–4.191]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41 and 501.15 applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. Changes in production or process are examples of activities that permittees must report. Permittees typically make this sort of report by a letter that explains the reasons for the anticipated noncompliance. The advance notice provided by this reporting requirement enables the permitting authority to modify a permit or help a permittee mitigate the effects of anticipated noncompliance on the receiving waters or on the site or facility where sewage sludge is used or disposed of. For more information, see Section 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.192–4.193]
Federal regulations at 40 CFR 122.41 and 501.15 specify that a sludge permit is not transferable to any person except after notice to the Director.

Permittee Report of Inaccurate Previous Information [4.194–4.195]
According to 40 CFR 122.41 and 501.15, where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it must promptly submit such facts or information.

DMRs for Sewage Sludge Facilities [4.196–4.203]
40 CFR Parts 501 and 503 outline the monitoring, reporting, and record-keeping requirements and include tables listing minimum monitoring frequencies for sewage sludge facilities that will be land applied, placed on a surface disposal site, or incinerated. For more information, see section 4(b)(iv)(1)(A)(1)(1).

Compliance Schedule Reports [4.204–4.205]
Adherence to a sewage sludge permittee's compliance schedule is determined by evaluation of the compliance schedule reports submitted by the permittee [40 CFR 501.15(a)(6)]. This information is used to assess the permittee's progress in installing the treatment facilities (or *milestones*) necessary to meet sewage sludge quality standards. Compliance schedule reports must be submitted within 14 days following the schedule date of each of the scheduled milestones. A schedule violation could result in an enforcement action.

Noncompliance Reports [4.206–4.207]
Requirements in 40 CFR 122.41 and 501.15 require permittees to report instances of noncompliance with sewage sludge regulations such as noncompliance with sewage sludge pollution standards. If required, the written report of the occurrence will describe the event, its cause, its duration, and remedial actions taken. In addition, respondents must report other noncompliance situations even if they are not covered under these reporting requirements as soon as they occur.

4(b)(iv)(1)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

Note: these requirements are in addition to those covered in section 4(b)(iv)(1)(A)(2).

Noncompliance Reports [4.208–4.209]
Requirements in 40 CFR 122.41(l)(6) and 122.41(l)(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days. For more information, see Section 4(b)(iv)(1)(A)(1). These reports can include unpermitted CSO reporting; however, in this ICR, unpermitted CSO reporting burdens appear as separate line items [4.208–4.209]

CSO Control Policy—Nine Minimum Controls—Public Notification [4.210–4.212]
The CSO Control Policy recommends public notification to ensure that the public receives adequate notification of CSO occurrences and CSO effects.

CSO Control Policy—Compliance Monitoring [4.213–4.215]
The policy recommends that municipalities develop post-construction compliance monitoring programs to document compliance with applicable state WQS, protection of designated uses, and to measure the effectiveness of CSO control programs after they are implemented. The NPDES permitting authority should approve the compliance monitoring program as part of the LTCP review process. During the term of this renewal ICR, municipalities will submit to the NPDES permitting authority information on the sampling and analysis of pollutants in CSOs and the effects of CSOs on the quality of the receiving waters.

4(b)(iv)(1)(A)(3) Non-Stormwater—General Permits

Permittee Report of Planned Facility Changes [4.216–4.217]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority. For more information, see 4(b)(iv)(1)(A)(1).

Permittee Report of Anticipated Noncompliance [4.218–4.219]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. For more information, see Section 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.220–4.221]
Federal regulations at 40 CFR 122.41(l)(3) specify that when a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. For more information, see Section 4(b)(iv)(1)(A)(1).

Permittee Report of Inaccurate Previous Information [4.222–4.223]
According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). For more information, see 4(b)(iv)(1)(A)(1).

DMRs for Non-Stormwater General Permittees [4.224–4.230]
Federal regulations at 40 CFR 122.41(j)(1)-(2) and 40 CFR 122.41(l)(1) outline the monitoring, reporting, and record-keeping requirements for NPDES. For more information, see 4(b)(iv)(1)(A)(1).

Noncompliance Reports [4.231–4.242]
Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days. For more information, see 4(b)(iv)(1)(A)(1).

4(b)(iv)(1)(B) Stormwater

4(b)(iv)(1)(B)(1) Stormwater—Industrial

Permittee Report of Planned Facility Changes [4.243–4.244]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority. For more information, see Section 4(b)(iv)(1)(A)(1).

Permittee Report of Anticipated Noncompliance [4.245–4.246]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. For more information, see 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.247–4.248]
Federal regulations at 40 CFR 122.41(l)(3) specify that when a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. For more information, see Section 4(b)(iv)(1)(A)(1).

Permittee Report of Inaccurate Previous Information [4.249–4.250]

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). For more information, see 4(b)(iv)(1)(A)(1).

DMRs for Industrial Stormwater General Permittees [4.251–4.253]
Federal regulations at 40 CFR 122.41(j)(1)-(2) and 40 CFR 122.41(l)(1) outline the monitoring, reporting, and record-keeping requirements for NPDES permittees. For more information, see Section 4(b)(iv)(1)(A)(1).

Submittal of Inspections [4.254]
On the basis of 40 CFR 122.48(c), some permits require industrial stormwater permittees to submit their inspection reports to the permitting authority.

Noncompliance Reports [4.255–4.266]
Stormwater permittees must report any violation of a maximum daily discharge limitation for any of the pollutants listed in the permit. For more information, see Section 4(b)(iv)(1)(A)(1).

4(b)(iv)(1)(B)(2) Stormwater—Municipal

Permittee Report of Planned Facility Changes [4.267–4.270]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority. For more information, see 4(b)(iv)(1)(A)(1).

Permittee Report of Anticipated Noncompliance [4.271–4.274]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. For more information, see Section 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.275–4.278]
Federal regulations at 40 CFR 122.41(l)(3) specify that when a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. For more information, see 4(b)(iv)(1)(A)(1).

Permittee Report of Inaccurate Previous Information [4.279–4.282]
According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). For more information, see 4(b)(iv)(1)(A)(1).

Annual Reports for Small MS4s Covered by a General Permit or Individual Permit [4.283–4.284]
Operators of small MS4s that are covered under a Phase II municipal stormwater permit must prepare and submit annual reports. Under 40 CFR 122.34(g)(3), the Phase II Rule requires operators of regulated small MS4s to prepare and submit annual reports to the NPDES permitting authority during the first 5-year permit term and twice per permit term thereafter.

Annual Reports for Phase I MS4s [4.285–4.286]

4. The Respondents and the Information Requested
4(a) Respondents/Standard Industrial Classification (SIC) Codes

Federal regulations at 40 CFR 122.42(c) outline the annual reporting requirements for Phase I MS4 permittees.

Petitions for Stormwater Individual Permit [4.287–4.288]
Federal regulations (55 FR 48072) allow MS4 operators to petition EPA to require industrial facilities discharging through the MS4 to obtain individual NPDES permits. Depending on the circumstances, these petitions can come from MS4 operators or any other person. Ordinarily, dischargers of stormwater associated with industrial activity who discharge through MS4s are eligible for coverage under general permits provided that they meet the eligibility provisions of the permit. In addition, any person may petition EPA to require an individual permit for a stormwater discharge that contributes to a WQS violation or is a significant contributor of pollutants to waters of the United States.

Compliance Schedule Reports [4.289–4.294]
Adherence to an NPDES permittee's compliance schedule is determined by evaluation of the compliance schedule reports submitted by the permittee [40 CFR 122.41(l)(5)]. For more information, see Section 4(b)(iv)(1)(A)(1).

Noncompliance Reports [4.295–4.318]
Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days. For more information, see Section 4(b)(iv)(1)(A)(1).

4(b)(iv)(1)(B)(3) Stormwater—Construction

Permittee Report of Planned Facility Changes [4.319–4.320]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority. For more information, see 4(b)(iv)(1)(A)(1).

Permittee Report of Anticipated Noncompliance [4.321–4.322]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. For more information, see 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.323–4.324]
Federal regulations at 40 CFR 122.41(l)(3) specify that when a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. For more information, see Section 4(b)(iv)(1)(A)(1).

Permittee Report of Inaccurate Previous Information [4.325–4.326]
According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). For more information, see Section 4(b)(iv)(1)(A)(1).

Noncompliance Reports [4.327–4.338]

Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days. For more information, see Section 4(b)(iv)(1)(A)(1).

4(b)(iv)(1)(C) Vessels

Vessel General Permit One-time Report [4.339–4.347]
The permit requires the owner or operator to submit a one-time report that contains basic information about the vessel after the 30th month of permit coverage. EPA requires this report in lieu of an annual report. Specifically, the report must include the owner and operator name(s) and addresses, the name of the vessel, the flag of the vessel, the size of the vessel, whether the monitoring conditions of the permit have been met, and the date of submission of the report. EPA requires this information to ensure that permittees are complying with the provisions of the permit, to learn how vessels are implementing the permit, and to gain a better understanding about the universe of permittees covered by this general permit. Owners or operators are required to submit this one-time report between 30 months and 36 months after obtaining permit coverage (i.e., between 2.5 and 3 years after receiving authorization to discharge under the general permit).

Permittee Report of Planned Facility Changes [4.348]
Consistent with 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted vessel must be reported to the permitting authority. For more information, see Section 4(b)(iv)(1)(A)(1).

Permittee Report of Anticipated Noncompliance [4.349]
The Permittee Report of Anticipated Noncompliance in 40 CFR 122.41(l)(2) applies to a change in the discharge of pollutants that might result in noncompliance with existing permit limits. For more information, see Section 4(b)(iv)(1)(A)(1).

Facility and Permit Transfer Report [4.350]
Federal regulations at 40 CFR 122.41(l)(3) specify that when a vessel's ownership changes, it must notify the permitting authority of the date of the transfer and the name of the new permit holder via the e-NOI system. For more information, see Section 4(b)(iv)(1)(A)(1).

Permittee Report of Inaccurate Previous Information [4.351]
According to 40 CFR 122.41(l)(8), permittees must correct inaccurate information that has been submitted in a permit application or permit report as soon as the permittee learns of the error(s). For more information, see 4(b)(iv)(1)(A)(1).

Noncompliance Reports [4.352–4.354]
Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days. For more information, see Section 4(b)(iv)(1)(A)(1).

4(b)(iv)(1)(D) State Reporting & Certification

Report on NPDES Program Authorization Compliance Evaluation [4.355]
40 CFR 123.26 requires states to have a program that is capable of making comprehensive surveys of all facilities and activities subject to the state Director's authority. The purpose of this survey is to identify persons subject to regulations who have failed to comply with permit application or other program requirements. States must make available to the EPA Regional Administrator upon request any compilation, index, or inventory of such facilities and activities. Comprehensive surveys and inspections are covered under "Inspection and Investigation of NPDES Permittees," discussed below. Surveys of any facilities and activities may be conducted, subject to NPDES program authority, to identify persons that are subject to regulation who have failed to comply with permit application or other program requirements. During the life of this ICR, EPA does not expect to request any of this information.

State Certification of EPA-issued Permits [4.356]
When EPA issues permits in non-authorized states, it must ensure that the permits are in compliance with state laws, including WQS. EPA may not issue a permit in a non-authorized state until the state certifies that the permit is in compliance with state laws. Certification is usually supplied by the state with the permittee's application form or at the time the draft permit is completed.

The regulations require that certifications be in writing and that they identify the conditions necessary to ensure compliance with applicable provisions of the CWA and state laws. When certification accompanies a draft permit, it must include any conditions more stringent than those in the draft permit that the state finds necessary to meet the CWA or state requirements. It must also list permit conditions that can be made less stringent without violating state law requirements, including WQS. States may waive their certification rights, and a certification is considered waived if the state does not specifically certify or deny certification within a reasonable period.

Submittal of NPDES Permit Information [4.357–4.360]
Federal regulations at 40 CFR 123.41(a) require that "any information obtained or used in the administration of a state program shall be available to EPA upon request without restriction." Information submitted to EPA includes permit program forms and any other relevant information specified in the MOA between EPA and the state. At a minimum, the required information includes copies of completed permit application forms, draft and final permits, permit modifications, and related information (i.e., notices of state actions, public comments) unless EPA waives permit review.

Submittal of CSO Permit Information [4.361]
In order to ensure compliance with the CSO Control Policy, states submit CSO permit information to EPA. EPA uses the information submitted by states to review state-issued permits for compliance with the policy

Submittal of Sludge Permit Information [4.362]
40 CFR 501.14(b) requires states to submit proposed sludge permits to EPA as agreed to in the MOA. EPA uses the information submitted by states to review state-issued permits for compliance with federal laws.

Quarterly, Semiannual, and Annual Reports [4.363]
NPDES regulations in 40 CFR 123.45 require that each EPA Region and authorized state prepares quarterly, semiannual, and annual noncompliance reports. These reports are as follows:

- *Quarterly Noncompliance Reports (QNCRs).* Authorized states must submit to EPA quarterly reports of noncompliance by major permittees. These reports include the name, location, and permit number of the facility; the date and a brief description of each instance of noncompliance; the date and a brief description of action taken by the state; the status of noncompliance or the date noncompliance was resolved; and any details that explain or mitigate the noncompliance.
- *Semiannual Statistical Summary Reports.* Each semiannual report must indicate the number of major permittees with two or more violations of the same monthly average limitation during the past 6 months. Authorized states must submit these reports along with the first and third QNCRs.
- *Annual Statistical Summary Reports.* These reports must indicate the number of all non-major permittees reviewed, the number in noncompliance, the number of enforcement actions taken, and the number of permits modified to extend compliance deadlines. A list of non-majors that are 1 or more years behind the construction phases of the compliance schedule is also required.

Annual Sewage Sludge Program Reports [4.364]
Under 40 CFR 501.21, permitting authority annual reports must provide, at a minimum, updated inventory information of all sewage sludge generators and sludge disposal facilities and a summary of all instances of noncompliance over the previous year.

4(b)(iv)(2) Respondent Activities

Respondent activities can vary substantially depending on the type and characteristics of the respondent and of the authorized state or territory. This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4(b)(iv)(1) above. However, any respondent preparing and submitting reports may engage in the following types of activities:

- Preparing basic information. This can include reading instructions and regulations for report requirements, consulting technical, legal, and political staff, reviewing guidance materials, gathering general information, typing or completing forms or generating reports, and mailing or electronic submission of completed forms or reports to the NPDES permitting authority.
- Gathering detailed information. Detailed information gathered can include progress reports from those persons/governmental departments responsible for implementing the chosen BMPs, financial estimates, monitoring data, visual inspection data, compliance/enforcement data, public opinion and awareness surveys, or any information required by the NPDES permitting authorities to be submitted with the annual reports.

4(b)(v) Record Keeping

4(b)(v)(1) Data Items

4(b)(v)(1)(A) Non-Stormwater

4(b)(v)(1)(A)(1) Non-Stormwater—Nonmunicipal Individual

NPDES Permit Applicants [5.1–5.3]
All NPDES permit applicants must keep records of the data used to complete their applications for at least 3 years. First-time applicants might need to develop a record-keeping system, enter data, train personnel, and file information. For existing facilities, record keeping entails collecting and filing raw data.

Record Keeping of Monitoring Data [5.4–5.12]
Federal regulation in 40 CFR 122.41(j)(2) mandates that, in association with monitoring requirements, NPDES permittees must keep records of all monitoring data and reports, including copies of all original monitoring information, for 3 years after the date of sample, measurement, report, or application. Data that must be retained include date and time of sampling and monitoring, names of individuals who performed sampling and monitoring, analytical techniques or methods used, and results of such analyses. These data must be readily available to the permitting authority during site inspections or at any other time they are needed. This record-keeping requirement is intended to ensure that permittees keep files on the raw data used to generate DMR summary information. This information would otherwise not be available to the permitting authority.

4(b)(v)(1)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

Sewage Sludge Permit Applicants [5.13]
All sewage sludge permit applicants must keep records of the data used to complete their applications for at least 3 years. First-time applicants might need to develop a record-keeping system, enter data, train personnel, and file information. For existing facilities, record keeping entails collecting and filing raw data.

Record Keeping of Monitoring Data for Sewage Sludge Facilities [5.14–5.21]
40 CFR Parts 501 and 503 outline the monitoring, reporting, and record-keeping requirements and include tables listing minimum monitoring frequencies for sewage sludge facilities that will be land applied, placed on a surface disposal site, or incinerated. Even if the treatment works is not required to report monitoring data, they must be retained for a period of 5 years, or indefinitely in cases where loadings are calculated on a Cumulative Pollutant Loading Rate (CPLR) basis.

4(b)(v)(1)(A)(2) Non-Stormwater—Municipal Individual

NPDES Permit Applicants [5.22]
All NPDES permit applicants must keep records of the data used to complete their applications for at least 3 years. First-time applicants might need to develop a record-keeping system, enter data, train personnel, and file information. For existing facilities, record keeping entails collecting and filing raw data.

Record Keeping of Monitoring Data [5.23–5.24]
Federal regulations in 40 CFR 122.41(j)(2) mandate that, in association with monitoring requirements, NPDES permittees must keep records of all monitoring data and reports, including copies of all original monitoring information, for 3 years after the date of sample, measurement, report, or application. For more information, see Section 4(b)(v)(1)(A)(1).

4(b)(v)(1)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

Sewage Sludge Permit Applicants [5.25]
All sewage sludge permit applicants must keep records of the data used to complete their applications for at least 3 years. First-time applicants might need to develop a record-keeping system, enter data, train personnel, and file information. For existing facilities, record keeping entails collecting and filing raw data.

Record Keeping of Monitoring Data for Sewage Sludge Facilities [5.26–5.33]
40 CFR Parts 501 and 503 outline the record-keeping requirements and include tables listing minimum monitoring frequencies for sewage sludge facilities that will be land applied, placed on a surface disposal site, or incinerated. Even if the treatment works is not required to report monitoring data, they must be retained for a period of 5 years, or indefinitely for cumulative amounts of pollutants added to any site by Cumulative Pollutant Land Rates (CPLR) sludge.

4(b)(v)(1)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

CSO Control Policy - Compliance Monitoring [5.34]
Under the CSO Control Policy, municipalities develop post-construction compliance monitoring programs to document attainment of applicable state WQS, protection of designated uses, and to measure the effectiveness of CSO control programs after they are implemented. The NPDES permitting authority should approve the compliance monitoring program as part of the LTCP review process. Municipalities keep records of the information on the sampling and analysis of pollutants in CSOs and the effects of CSOs on the quality of the receiving waters.

4(b)(v)(1)(A)(3) Non-Stormwater—General Permits

NPDES Permit Applicants/NOI [5.35]
All permit applicants and facilities covered by general permits must keep records of the data used to complete their applications for at least 3 years. First-time applicants might need to develop a record-keeping system, enter data, train personnel, and file information. For existing facilities, record keeping entails collecting and filing raw data.

Record Keeping of Monitoring Data [5.36]
40 CFR 122.41(j)(2) mandates that, in association with monitoring requirements, NPDES permittees, including non-stormwater general permittees, must keep records of all monitoring data and reports, including copies of all original monitoring information, for 3 years after the date of sample, measurement, report, or application. Data that must be retained include date and time of sampling and monitoring, names of individuals who performed sampling and monitoring, analytical techniques or methods used, and results of such analyses. These data must be readily available to the permitting authority during site inspections or at any other time they are needed. This record-keeping requirement is intended to ensure that permittees keep files on the raw data used to generate DMR summary information. This information would otherwise not be available to the permitting authority.

4(b)(v)(1)(B) Stormwater

4(b)(v)(1)(B)(1) Stormwater—Industrial

NPDES Permit Applicants [5.37–5.39]
All NPDES permit applicants must keep records of the data used to complete their NOIs or applications for at least 3 years. First-time applicants might need to develop a record-keeping system, enter data, train personnel, and file information. For existing facilities, record keeping entails collecting and filing raw data.

Record Keeping of Inspections and Monitoring [5.40]
40 CFR 122.44(i)(4)(ii) specifies that stormwater general permittees must keep records of annual on-site inspection data for 3 years after the date of inspection. The inspection data must summarize the results of the inspection, identify any incidents of noncompliance, and evaluate measures that reduce pollutant loadings identified in the SWPPP. This data must be readily available to the permitting authority on request. This information is the minimum compliance requirement and applies to all stormwater general permittees. In addition, stormwater permittees with discharges associated with industrial activity are required to perform periodic visual examinations of their facilities and maintain records of these visual examinations.

4(b)(v)(1)(B)(2) Stormwater—Municipal

Phase I MS4 Applicants [5.41]
All Phase I MS4 NPDES permit applicants must keep records of the data used to complete their applications and annual reports for at least 3 years.

Small MS4s Covered by a General or Individual Permit [5.42]
All regulated small MS4 NPDES permit applicants must keep records of the data used to complete their applications or NOIs and annual reports for at least 3 years.

4(b)(v)(1)(B)(3) Stormwater—Construction

Stormwater Discharges Associated with Construction Activity [5.43–5.47]
The CGP requires that the SWPPP (as well as any materials required by the SWPPP) and copies of the NOI are kept on-site. These requirements are consistent with the requirements of 40 CFR 122.41(h), (j) and (l). The operator must also keep a copy of the NOT and supporting documentation on file for at least 3 years.

Record Keeping of Inspections and Monitoring [5.48]
40 CFR 122.44(i)(4)(ii) specifies that stormwater general permittees must keep records of annual on-site inspection data for 3 years after the date of inspection. As an NPDES construction permit condition, the CGP requires that operators maintain records of inspections on-site as part of the SWPPP documentation. The SWPPP also requires the construction site operator to keep records of biweekly inspections of control measures used for erosion and sediment control. For more information, see Section 4(b)(v)(1)(B)(1).

4(b)(v)(1)(C) Vessels

Vessel General Permit Record Keeping [5.49–5.57]
A permittee must keep only one brief record of each inspection, noting when and how it was completed and any relevant information discovered during the inspection. Inspection records may be kept in any form, provided that they can be made available to EPA. Furthermore, as part of the corrective action assessment, any problems identified during inspections that constitute violations of permit requirements (instances of noncompliance) must be either noted as part of the vessel's records or reported to EPA. Examples include the ship's official logbook or other official vessel record-keeping documentation. Multiple copies of the records are not needed. Additional requirements include a record of maintenance of specific pieces of equipment that cause discharges covered under the permit, a record of each incidence where a discharge occurs pursuant to a safety or emergency exception, and any monitoring data collected as required by the permit.

4(b)(v)(1)(D) State Record Keeping

Record Keeping of NPDES Program Information [5.58–5.60]
40 CFR 123.41(a) requires that "any information obtained or used in the administration of a state program shall be available to EPA upon request without restriction." Authorized states are also required to keep such records and to submit such information as is reasonable to ascertain whether the state program complies with the requirements of the CWA and the NPDES regulations, consistent with 40 CFR 123.43(d). Record keeping must include all notices and reports required of permittees and other regulated persons.

4(b)(v)(2) Respondent Activities

Respondent activities can vary substantially depending on the type and characteristics of the respondent and of the authorized state or territory. This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4(b)(v)(1) above. However, any respondent may engage in maintaining records. This includes keeping records of the data for

at least 3 years, developing record-keeping systems, collecting and entering data, training personnel, filing information, or other record-keeping requirements, such as maintaining a SWPPP on-site for the duration of the project.

4(b)(vi) Compliance Assessment and Enforcement

4(b)(vi)(1) Data Items

4(b)(vi)(1)(A) Non-Stormwater

Section 308(a) Letters [6.1–6.2]
Section 308(a) of the CWA gives broad discretion to permitting authorities to request information from a permittee. In addition to application-related letters (see Section 4(b)(i)(1)), Section 308(a) letters may request additional information on other monitoring activities under the CWA, including spills of oil and hazardous substances from owners or operators of facilities or vessels. They are, therefore, a compliance-related activity. Because of the nature of these requests, the overwhelming majority of compliance-related Section 308 letters apply to nonmunicipal facilities.

4(b)(vi)(1)(B) Stormwater

Section 308(a) Letters [6.3–6.5]
Section 308(a) of the CWA gives broad discretion to permitting authorities to request information from a permittee. In addition to application-related letters (see Section 4(b)(i)(1)), Section 308(a) letters may request additional information on other monitoring activities under the CWA, including spills of oil and hazardous substances from owners or operators of facilities or vessels. They are, therefore, a compliance-related activity. Because of the nature of these requests, the majority of compliance-related Section 308 letters apply to nonmunicipal facilities. The burden for this is included in Section 4(b)(vi)(1)(A) above.

4(b)(vi)(1)(C) State-Only Activities

Inspection and Investigation of NPDES Permittees [6.6–6.38]
The respondents to this item are the 46 NPDES-authorized states and the U.S. Virgin Islands. As part of NPDES program implementation, inspections are performed on permitted facilities to assess compliance with permit requirements. The NPDES regulations at 40 CFR 123.26(e)(5) require major permittees to be inspected at least once annually. In addition, an estimated 20 percent of minor facilities are inspected each year.

The information collected and reported to EPA by the state may include sampling data, status of compliance with permit requirements such as construction schedules and reports, and evaluation of a permittee’s sample collection and analysis methodology. The information varies depending on the type of inspection conducted; it is used to assess compliance with NPDES permit

requirements and to verify permittees' reporting. The various types of inspections[8] are as follows:

- *Compliance Sampling Inspections (CSI). [6.6–6.7, 6.21–6.22]* During the CSI, representative samples required by the permit are obtained. Chemical analyses are performed, and the results are used to verify the accuracy of the permittee's self-monitoring program and reports, determine the quantity and quality of effluents, develop permits, and provide evidence for enforcement proceedings where appropriate. In addition, CSIs include the same objectives and tasks as a Compliance Evaluation Inspection, discussed below.
- *Compliance Evaluation Inspections (CEI). [6.8–6.9, 6.23–6.24]* The CEI is a non-sampling inspection designed to verify the permittee's compliance with applicable permit self-monitoring requirements and compliance schedules. This inspection involves record reviews, visual observations, and evaluations of the treatment facilities, effluents, receiving waters, and so forth. The CEI examines both chemical and biological self-monitoring and forms the basis for all other inspection types except the Reconnaissance Inspection.
- *Performance Audit Inspections (PAI). [6.10-6.11, 6.25-6.26]* The PAI is used to evaluate the permittee's self-monitoring program. Like a CEI, the PAI is used to verify the permittee's reported data and compliance through a records check. In a CEI, the inspector makes a cursory visual observation of the facility, effluents, and receiving waters. In a PAI, the inspector actually observes the permittee performing the self-monitoring process from sample collection and flow measurement through laboratory analyses, data workup, and reporting. The PAI inspector may leave a check sample for the permittee to analyze. Compared to a CSI, the PAI is less resource-intensive because sample collection and analyses by the state are not included.
- *Diagnostic Inspections (DI). [6.12-6.13]* The DI primarily focuses on POTWs that have not achieved permit compliance. POTWs that are having difficulty diagnosing their problems are targeted. The purpose of the DI is to identify the causes of noncompliance and to suggest immediate remedies that will help the POTW achieve compliance. Once the cause of noncompliance is defined, an administrative order that requires the permittee to conduct a detailed analysis and develop a composite correction plan is usually issued.
- *Compliance Biomonitoring Inspection (CBI). [6.14-6.15, 6.27-6.28]* The CBI uses acute and chronic whole effluent toxicity testing techniques to evaluate the biological effect of a permittee's effluent discharge(s) on test organisms. In addition, this inspection includes the same objectives and tasks as a CEI.
- *Toxic Sampling Inspection (XSI). [6.16-6.17, 6.29-6.30]* The XSI has the same objectives as a conventional CSI; however, the XSI places increased emphasis on toxic substances regulated by the NPDES permit. The XSI covers priority pollutants other than heavy metals, phenols, and cyanide, which are typically included in a CSI. An XSI uses more resources than a CSI because highly sophisticated techniques are required to sample and analyze toxic pollutants.
- *Reconnaissance Inspection (RI). [6.18-6.19, 6.31-6.37]* The RI is used to obtain a preliminary overview of a permittee's compliance program. The inspector conducts a brief visual inspection of the permittee's treatment facility, effluents, and receiving waters. The RI uses the inspector's experience and judgment to quickly summarize any potential compliance

[8] The descriptions of the inspections are taken from EPA, Office of Enforcement and Compliance Assurance, *NPDES Compliance Inspection Manual*, July 2004.

problems. The objective of the RI is to expand inspection coverage without increasing inspection resources.

- *Pretreatment Compliance Inspection (PCI). [6.20]* 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.
- *Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430)*. [6.38] Permitting authorities must process and analyze the reported monitoring data from direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Category and may conduct follow-up activities for compliance assessment and enforcement.

A Compliance Inspection Report (CIR) form (Form 3560-3) was developed for inspectors to use when submitting the qualitative results of CSIs, CEIs, PAIs, and DIs. In most cases, the form is not used, but the information collected and reported is usually the same, except for those states that require and collect more information.

4(b)(vi)(2) Respondent Activities

Respondent activities for compliance assessment/certification information can vary substantially depending on the type of permittee and its ability to comply with its NPDES or sewage sludge permit. However, to submit the required information, a respondent can engage in preparing basic information, generating detailed information, sample collection, and reporting and maintaining records. Facilities with regulatory alternatives such as certification and BMPs should expect to be involved in developing, reviewing, and certifying plans; periodically reviewing and revising plans; submitting additional monitoring reports; and conducting refresher training. The specific requirements and activities for Compliance Assessment/Certification are outlined in section 4(b)(vi)(1) above.

4(b)(vii) Program Authorization

4(b)(vii)(1) Data Items

All the activities required for program authorization are performed by states.

Request for NPDES Program Authorization [7.1]
States requesting NPDES program authorization must submit three copies of a program submission (40 CFR 123.21). Each submission must contain all the following:

- A letter from the state's governor (or tribal authority) requesting program authorization;
- A complete program description that summarizes the structure, scope, coverage, and processes of the proposed state program and outlines the state's permitting and review procedures. In addition, copies of all relevant permit forms, application forms, and reporting forms must be submitted;
- A statement from the state attorney general certifying that the state laws provide adequate authority to carry out the program requirements as outlined in the program description;
- An MOA between the state Director and the EPA Regional Administrator. The MOA must clarify the division of responsibilities between the state agency and EPA. It also must specify the procedures that will ensure adequate coordination between EPA and the state, and it must discuss this coordination in detail. In particular, it must address compliance activities, enforcement activities, and the transfer of information between the state and EPA. It must also describe which classes and categories of permits the Regional Administrator must review before a permit is issued by the state and further specify those classes for which the Regional Administrator will waive review; and
- Copies of all relevant state regulations and statutes.

Request for Partial NPDES Program Authorization [7.2]
The 1987 WQA authorizes EPA to approve states for two types of partial programs (CWA Section 402(n)): (1) major category partial programs and (2) phased partial programs.

States apply for major category partial program authority if more than one state agency has jurisdiction over discharges. Any state applying for a major category partial program must comply with existing 40 CFR Part 123, Subpart B, State Program Submission requirements. Under the phased partial program, states obtain authority for the entire NPDES program over a 5-year period. The requirements for submittal of major category partial program and phased partial program requests are essentially the same as the requirements for submitting a full NPDES program request, as discussed above.

Request for NPDES Program Modifications [7.3–7.5]
EPA or an authorized state may initiate a program revision. A program revision might be necessary when the controlling federal statutes or regulations are modified. When necessary, the state is required to submit a modified program description, an attorney general's statement, an MOA, or other documents necessary to describe and evaluate whether the program revision is substantial and requires public notice. States may modify their programs to obtain pretreatment authority (covered by a separate ICR, OMB Control No. 2040-0009), authority to issue general permits, or authority to issue permits to federal facilities. They must also update other areas of their programs as necessary:

- Request for Authority to Issue General Permits. General permits cover a class of similar dischargers with similar effluent limitations in a defined geographic area. Authority to issue general permits is an optional component of the NPDES program. For this ICR, 46 states and the U.S. Virgin Islands have general permit authority.
- Request for Authority to Issue Permits to Federal Facilities. Authorized states are required to obtain authority to issue NPDES permits to federal facilities. For this ICR, 43 states are authorized to regulate federal facilities. States seeking to modify their NPDES programs to obtain this authority, in most cases, revise their attorney general's statement, program description, and MOA. In some cases, they must also revise their statutes and regulations.
- Request to Update Legal Authority in Other Areas. Under 40 CFR 123.62(e), state NPDES and sludge programs must be in compliance with federal regulations at all times. If new federal requirements are enacted, states have 1 year to update their regulations to meet the federal requirements. States have 2 years if they must also update statutes. States seeking to modify their NPDES programs to update their authority must normally revise their statutes or regulations. In some cases, they must also revise their attorney general's statement, program description, or MOA.

Request for Program Transfer/Withdrawal [7.6]
A state may request that an authorized program be transferred back to EPA. Transfers back to EPA require 180 days' notice by the state and a plan for the orderly transfer of all relevant program information. If necessary, EPA may require that the state provide further information. In addition, EPA may initiate proceedings to determine whether an authorized state program should be withdrawn because of the state's failure to administer its program in accordance with federal requirements. Withdrawal proceedings may be initiated not only unilaterally by EPA, but also in response to a petition submitted by an interested party.

Request for Sludge Program Authorization [7.7]
On August 24, 1998, EPA promulgated revised regulations setting forth minimum requirements for state sludge programs. These revisions specify that all state sludge management program submissions must be submitted under 40 CFR Part 501, regardless of whether the state seeks a revision to an NPDES program or a non-NPDES program. The requirements for a sewage sludge program are contained in 40 CFR Part 501.

The first requirement for submittal of a state sludge program is the program description, which contains the scope, structure, coverage, and processes of the state program. The state must also submit a statement from the state attorney general outlining its legal authority to impose the sludge requirements. The program submission must also include an MOA between the state Director and the EPA Regional Administrator that, in part, sets forth the state's approach to administering the sludge program and EPA's role in overseeing the state's administration.

4(b)(vii)(2) Respondent Activities

This ICR explains these activities, in terms of the type of information submission they require, in detail in Section 4(b)(vii)(1) above. Respondents associated with each type of request can be engaged in drafting letters, developing program descriptions and MOA, consulting with technical or legal staff and maintaining records. Furthermore, for those respondents that have NPDES program authority, the activities can vary depending on the characteristics of the state or territory

and the methodology they chose in administering the program. However, any NPDES permitting authority could be expected to engage in the following types of activities:

- Maintaining records. States and territories need to develop a record-keeping system, develop a master database, train personnel, enter data, and distribute the information to EPA (via PCS, NPDES-ICIS) and other interested parties, such as reviewers and enforcement personnel.
- Reviewing submitted data. States and territories might need to answer respondent questions and provide a review of applications or collected data for completeness and technical accuracy. In addition, states and territories need to notify applicants of receipt/approval of submissions. Because the NPDES regulations do not require SWPPPs to be submitted to the permitting authority, there are no SWPPP-related respondent activities for any authorized state.

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

5(a) Agency Activities

This ICR includes all the reporting requirements related to state program requests, state NPDES and sludge program implementation, and EPA overview of state NPDES and sludge programs. Under CWA section 402(c) and (d), EPA must ensure that state program requests and state program modification requests meet all the necessary federal requirements. Thus, EPA must review state program submissions to ensure that all the necessary requirements are met. EPA's review includes an analysis of the state's statutes and regulations, as well as an in-depth examination of the program description, attorney general's statement, and MOA. All the information submitted by states is filed in the state program files at EPA headquarters.

Once a state acquires NPDES authorization, EPA must oversee the program to ensure that it meets the requirements set forth in the federal regulations. Consequently, EPA is required to regularly review state-issued permits, state compliance reports, and state inspection forms. Most of these tasks are delegated to the individual EPA Regions. Lists of the reporting requirements imposed on states, which impose further agency work related to the CWA provisions and NPDES and sludge regulations, with statutory and regulatory citations, are provided in Table 5.1.

Table 5.1 Reporting requirement descriptions

Reporting requirements	Citation	Description
State program requests		
Request for NPDES Program Authorization	40 CFR Part 123, Subpart B	Contains requirements for states that wish to obtain an NPDES program authorization.
Request for NPDES Partial Program Authorization	CWA section 402(n)	Allows states to request authority to administer portions of the NPDES program. Reporting requirements parallel requests for full NPDES program authorization.
Request for NPDES Program Modification	40 CFR 123.62	Contains requirements for states that wish to modify an existing NPDES program.
Request for Program Transfer/Withdrawal	40 CFR 123.63, 123.64, and 501.34	Outlines procedures for states to voluntarily transfer their NPDES program responsibilities back to EPA and for withdrawal of state programs due to unilateral EPA decision or in response to an interested party's petition.
Request for Sewage Sludge Program authorization	40 CFR 501.11	Contains requirements for states that wish to obtain a sludge management program authorization.
State program implementation		
Report on Compliance Evaluation	40 CFR 123.26(b)(1)	Requires states to submit information on compliance evaluation programs.
Record Keeping of NPDES Program Information	40 CFR 123.26(e)	Requires states to maintain a management information system for compliance evaluation activities.

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

Reporting requirements	Citation	Description
Record Keeping for Sludge Program Information	40 CFR 501.16	Requires states with sludge management programs to comply with the record-keeping requirements outlined in 40 CFR 123.26.
Inspection and Investigation of NPDES permittees	40 CFR 123.26(b)(2) and (3)	Requires states to inspect facilities to determine permit compliance, verify monitoring and other data supplied by permittees, and investigate violation reports from the public.
Certification of EPA-Issued Permits	40 CFR 124.53 and 124.54	Requires states to certify permit conditions and to ensure conformity with all applicable state laws. (Does not apply to sludge programs.)
State program oversight		
Submittal of NPDES Permit Information	40 CFR 123.43 and 123.44(j)	Requires states to submit proposed NPDES permits and sludge permits for certain permittee categories to EPA.
Submittal of Sludge Permit Information	40 CFR 501.14(b)	Requires states to submit proposed sludge permits to EPA as agreed to in the MOA.
NPDES Quarterly, Semiannual, and Annual Reports	40 CFR 123.45	Requires quarterly and semiannual reports of major permittee violations, as well as annual statistical reports of non-major permittee violations and enforcement actions.
Sludge Noncompliance Reports	40 CFR 501.21	Requires annual reports providing inventory information and compliance monitoring summaries.

EPA's activities as the NPDES permitting authority in non-authorized states and territories are the same as the activities performed by authorized states and territories. Authorizations vary by program. For example, the assumption for this ICR is that 46 states and the U.S. Virgin Islands have applied for and received authorization to manage the NPDES Permit Program, but only eight states have received authorization to manage the Biosolids (Sludge) Program. For the NPDES state program status, see Appendix E. Some of the key activities EPA will perform as the permit authority are:

- Receive permit applications and review them for completeness. If an application is incomplete, the permitting authority must notify the applicant and request the missing information. Completed applications must be assigned to permit writers, who review the applications in more detail as they develop permit conditions.[9]
- Process responses to requests for supplemental information (Section 308 requests).
- Notify dischargers or facilities eligible for coverage under a general permit, once it is issued. Notification may include newspaper announcements, direct mailings, or other methods of communication.
- Determine which applicants for general permits, if any, would be more appropriately governed by individual permits. As part of these activities, permitting authorities may notify dischargers or sludge facilities that they need to apply for individual permits.

Other EPA activities in non-authorized states are more specific to the type of facility applying for permit coverage. For example, EPA must review NOIs for coverage under the Construction

[9] This ICR does not calculate the burden and costs associated with issuing permits. It does, however, estimate the burden and costs associated with reviewing applications for permits.

General Permit for completeness. If an NOI is incomplete, the applicant is notified and instructed to submit the missing information. If the NOI is complete, an acceptance letter is sent to the permittee, along with a unique permit number. The NOI data is maintained in the NOI database at the NOI Processing Center.

The Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) must help some applicants obtain information relating to endangered species and critical habitat and participate in formal and informal ESA consultations when endangered species or critical habitat are present or would be affected by construction activity. Authorized states are not required to include these requirements in their general permits, and therefore neither the authorized states nor the construction sites within those states incur any burden for ESA consultations.

The activities EPA will perform as the NPDES permitting authority related to the stormwater Phase II regulations consist of processing and reviewing small MS4 NOIs and annual reports; processing and reviewing construction permit waiver certifications, NOIs, and NOTs; and processing and reviewing industrial no-exposure certifications.

Permittees are not required to submit SWPPPs to EPA for review. These plans are to be maintained on-site where the construction activities are taking place and must be available for EPA review as requested. Therefore, for the purposes of this ICR, the pollution prevention plans are integral to the day-to-day operational control of each construction site but are not included as a component of Agency activities.

With regard to use of BMPs under 40 CFR Part 435 to control non-aqueous drilling fluids (NAFs), permittees must maintain records as described in Part 435 at the facility and must make the BMP Plan and related documentation available to EPA or the state NPDES permitting authority, upon request. Submission of the BMP Plan and related documentation must be at the frequency established by the NPDES permitting authority (i.e., permit monitoring reports) but in no case less than once per 5 years. Review of monitoring records by EPA or the state permitting authority might also be helpful to permit writers when developing future NPDES permit conditions.

When permitting authorities receive modification and variance requests, they must review them for completeness. If a request is incomplete, the authorities must notify the applicant and request the missing information. Completed requests must be assigned to permit writers, who review the information in more detail as they develop permit conditions. EPA directly reviews and processes modification and variance requests in non-authorized states. In addition, EPA assists authorized states with some requests. In some cases, EPA also reviews state-approved variances. EPA estimates that federal assistance or approval will be required as follows:

- Authorized states will request assistance from EPA on 5 percent of reports submitted to them for each of the following items:
    - Requests for Modification, Revocation and Reissuance, or Termination of Permits;
    - Wastewater Permittee Report of Planned Facility Changes;
    - Wastewater Permittee Report of Anticipated Noncompliance;

  - Facility and Permit Transfer Report;
  - Wastewater Permittee Report of Inaccurate Previous Information;
  - Excessive Discharge Report; and
  - Permittee Notice of Regulated Discharge Cessation
- Authorized states review and recommend denial or approval of variance requests for FDF and nonconventional pollutants. EPA is required to review each of these requests. Where the state is the permitting authority, the state may perform a voluntary initial review and make recommendations to EPA regarding the issuance of a variance. If an authorized state recommends approval of either type of request, EPA will then review it and issue a final decision.
- EPA oversees and provides assistance to authorized states that receive variance requests for Innovative Pollution Controls or Thermal Discharges.

Permittees submit DMRs, and/or other forms where necessary, to the appropriate permitting authority. The permitting authority is required to review data, and where necessary, conduct follow-up actions. The data requirements are listed by regulation number and are grouped by respondent category. Within each category, the information data requirements are further organized into the following sections:

- DMR Review
- Reporting and Record-keeping Requirements.

Data review varies from region to region and state to state. Generally, the permitting authority routinely screens data to identify permit violations and conducts a more thorough technical review and follow-up when violations are detected. Follow-up activities can include informal contact with the permittee (by telephone or letter) requesting prompt corrective action, technical assistance, field inspections to further substantiate violations, or a formal enforcement action such as an administrative order or referral to the U.S. attorney general (or state attorney general in the case of authorized states).

The extent to which EPA reviews data in assessing permit compliance also varies. For example, EPA will tend to conduct a more extensive review of permittees that are, or have been, in violation of their permit requirements, than of permittees who have been in full compliance. In cases of continued noncompliance, EPA may use monitoring report data to identify patterns of noncompliance and/or to support Agency enforcement efforts.

EPA limits its review of data submitted by fully compliant permittees to a simple determination of continuing compliance. EPA may reduce monitoring requirements for permittees that consistently demonstrate an ability to reduce pollutants in their discharge below their permit limitations.

The extent to which EPA reviews data also depends on available resources and the specific reviewing procedures of the permitting authority (state or EPA Region). In authorized states, state environmental agencies generally review permittee data. EPA Regions also may review

data from permittees in authorized states while performing program oversight functions (i.e., during file audits and when compiling statistical compliance summaries).

EPA Regions review data in non-authorized states. The Regional permitting authority places emphasis on data from major permittees and from minor permittees that can cause water quality problems (i.e., significant minors). EPA reviews data from other minor permittees and general permittees less frequently. In most cases, EPA will forward copies of reports to non-authorized states, which routinely review data from minor permittees. EPA does not require these non-authorized states to review data, but several states voluntarily conduct the review and use the results in their own programs.

In collecting and analyzing the information associated with this ICR, EPA and authorized states enter all applicable data into the PCS or ICIS-NPDES national databases. Information for permittees covered under general permits might be entered into an NOI database. EPA uses these data to manage the NPDES program, for example, to develop statistical summaries on such things as permit compliance rates, permit issuance rates, to evaluate problems resulting from citizen complaints, focus inspection efforts, conduct spot check reviews, and determine appropriate enforcement action

5(b) Collection Methodology and Management

EPA maintains some application data in databases such as PCS, ICIS-NPDES, and the NOI database. These systems provide EPA with a nationwide inventory of all permit holders. EPA headquarters uses this information to assess permit compliance. This technology also reduces the burden to EPA and the states for gathering and analyzing national permit and water quality data.

In collecting and analyzing the information associated with NPDES permit coverage applications, EPA will use PCS, ICIS-NPDES, and electronic NOI (eNOI) systems; paper-based forms; personal computers; and databases to ultimately store the information. EPA will ensure accuracy and completeness of the information by reviewing each submittal upon receipt and is responsible for ensuring that applicable data are entered into PCS or ICIS-NPDES. Any form that is considered inaccurate or incomplete will not be accepted and will be returned to the sender with a letter requesting the missing or inaccurate information.

Upon request to EPA, the public may access certain information via PCS, ICIS-NPDES, Online Tracking Information System (OTIS), or Enforcement and Compliance History Online (ECHO). Some of the information is available to the public through Web-based interfaces of these databases or other EPA Web-based tools such as Envirofacts.

For activities related to NPDES modification and variance requests, improved information technology does not appear to provide opportunities to minimize respondents' burden because of the unique nature of the information that respondents must submit as needed.

CSO municipalities will submit NMC documentation and LTCPs in response to a requirement in an NPDES permit or other enforceable mechanism. The LTCP-EZ planning template offers some burden reduction to small communities and will be discussed more in depth under Small Entity Flexibility.

The information reported in this ICR related to the NPDES and Sewage Sludge Management State Programs is limited to state efforts, including EPA review of state information; it does not reflect the burden on the permittee. For general reports, EPA and states are moving toward greater automation—for example, computer-generated QNCRs. Much of the information is day-to-day, ongoing program information, some of which is case-specific.

5(c) Small Entity Flexibility

For many reasons, EPA believes the reporting requirements discussed in this ICR do not place an unreasonable burden on small business. EPA developed several application forms, and it promulgated different application requirements to tailor the information collection demands considering, among other factors, the size and complexity of the facility. Generally, as the size of a facility increases, the amount of required information increases correspondingly.

Several of the applications (e.g., Form 1 and NOIs) request minimal information, such as the name and location of the facility, or merely direct the applicant to complete specific sections of the application (e.g., Forms 2A and 2S). Furthermore, facilities submit applications infrequently, typically once every 5 years. The burden represented by these applications cannot be further reduced for small businesses. Permitting authorities need certain basic information to make permitting decisions. This basic information is not dependent on a facility's size.

EPA has regularly looked for ways to reduce reporting burdens on businesses of all sizes. For instance, EPA developed general permit procedures to reduce burdens associated with the application process, especially the burden associated with stormwater discharges. Applicants for stormwater general permits, for instance, do not need to submit any sampling data.

NOIs for permit coverage for construction sites contain minimal information required to characterize the site and construction activity. NOIs are submitted infrequently, typically once for each construction activity or twice if the construction activity continues beyond the expiration date of the general permit. Most site-related information is contained in the SWPPP, which is not required to be submitted to EPA. Furthermore, sites submit NOIs once every 5 years, and the burden represented by these NOIs cannot easily be reduced for small businesses because EPA needs certain basic information to make permitting decisions. This basic information is not dependent on an organization's size. The CGP NOI (EPA form 3510-9) was developed specifically to reduce the burden for construction activities. The preexisting NOI form (EPA Form 3510-6) that was replaced in 1998 required more detailed information because the form was also used for industrial activities requesting coverage under a general permit. The current NOI is simplified and requests only relevant information for construction activities.

With regard to small MS4s regulated under the Phase II Rule, EPA believes that the application requirements provide the minimum information required to adequately assess the current and future effects of the small MS4 discharges on waters of the United States. The NOI and individual permit application requirements for regulated small MS4s represent substantially reduced application requirements from those of the Phase I stormwater regulation for medium and large MS4s.

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

In general, the no-exposure provision of the Stormwater Phase II Rule allows regulatory relief for small industrial entities with no exposure. For a few small entities, defined later in this ICR, the information collection burden will increase slightly by an estimated 45 minutes because of the need to submit a waiver certification.

Some facilities that do not have toxic pollutants in their effluent are not required to provide as much monitoring information on Form 2C as those with toxic discharges. Under 40 CFR 122.21(g)(8), coal mines with a probable total annual production less than 100,000 tons per year and other applicants with gross total annual sales averaging less than $100,000 per year (in second quarter 1980 dollars) might qualify as a small business and be exempt from the reporting requirements for toxic pollutants.

EPA also developed Form 2E specifically to reduce the reporting burden for certain small businesses. These businesses are new or existing manufacturing, commercial, mining, and silvicultural NPDES permit applicants that do not discharge process wastewater. This form is easier to complete and requires the submission of existing sampling data (i.e., sampling and analysis is not required to be conducted as part of the application process).

EPA's guidance materials–such as manuals, fact sheets, and training courses on development of SWPPPs and LTCPs–also help minimize the burden on small entities by giving them easier access to the specific and streamlined requirements applicable to them.

Finally, many small businesses do not discharge any pollutants. Of the small businesses that do discharge, many of them are indirect dischargers to a POTW. These businesses are not required to have NPDES permits and thus are not subject to the reporting requirements contained in this ICR. Although small business direct dischargers are not treated as a separate class under the NPDES program, efforts to minimize the burdens imposed on them by NPDES information collection activities are implicit in the existing monitoring/reporting framework. Most small businesses permitted under NPDES, except those discharging toxic chemicals, are covered either by permits with less rigorous monitoring and reporting requirements or by general permits. This tends to impose lower DMR-related workloads on minor permittees and general permittees than major individual permittees. In general, monitoring and reporting requirements are based on many factors, the most important of which are the volume and environmental significance of wastewater discharge. Because small permittees usually discharge small volumes of wastewater, their monitoring and reporting burdens tend to be minimal.

All permittees, regardless of the size of their facilities, are required to report instances of noncompliance and keep records of monitoring data. In most cases, these requirements do not impose a large burden on small businesses because the information required is simple and straightforward.

For activities related to NPDES modification and variance requests, the NPDES regulations do not specify different modification and variance requirements for small businesses. The burden incurred as a result of variance requests is voluntary. A small business that decides to request a variance from effluent limitations does so on the basis of its assessment that the benefits of receiving such a variance outweigh the burdens associated with preparing the request. The time

and effort required to prepare a small facility's variance request might be less than that required to prepare a similar request for a larger, more complex facility.

The information reported in this ICR related to state NPDES and sewage sludge programs is limited to state efforts, including EPA review of state information; it does not reflect the burden on the permittee. Therefore, these activities do not affect small businesses.

To assist communities with combined sewer systems (CSSs) that serve populations of fewer than 75,000, the CSO Control Policy recommends that NPDES permitting authorities use flexibility when requiring these communities to develop an LTCP. In the policy, EPA recommends that small systems be required to document implementation of the NMC, prepare LTCPs that give high priority to controlling overflows to sensitive areas, and employ public participation in their decision-making process. The intent of this recommendation is to focus the limited resources of smaller communities on controlling CSOs. The extent of compliance monitoring by small entities should be less extensive than monitoring by larger communities because the small systems have fewer CSOs. EPA developed an LTCP Template (LTCP EZ) to help small communities develop LTCPs. LTCP EZ builds on NMC implementation and provides step-by-step instructions for a detailed template. The simple forms can be completed in hard copy format or electronically.

5(d) Collection Schedule

The collection schedule for the activities presented in this ICR varies greatly depending on the type of activity and respondent.

Federal regulations require permittees to reapply for permits at least every 5 years because the CWA limits the terms of an NPDES permit to 5 years. The regulations also grant permit writers the authority to issue permits more frequently. Most respondents submit applications every 5 years. Both general and individual permits are issued only for a 5-year term. All facilities that wish to be covered under a general permit must reapply when a new permit is issued. When calculating burden, this ICR assumes that all permit applicants follow this schedule.

In addition, this ICR assumes that every 5 years, industrial stormwater permittees will perform a comprehensive reevaluation of the existing SWPPPs and modify their plans as appropriate. This reevaluation is anticipated to require less cost and burden than the initial cost and burden of developing the plan. Note that the SWPPP is typically not collected from construction operators unless the permitting authority finds it necessary to review it for compliance assurance purposes, and because most construction sites are active for less than 5 years, no reevaluation of the SWPPP is needed.

For constructions sites, the waiver certification is to be submitted before starting construction activity, and an NOT is submitted once when coverage under the permit is no longer necessary. Similar to an NOI, an industrial no-exposure certification must be submitted to the NPDES permitting authority at least once every 5 years.

Since the first year of implementing the sewage sludge permitting program (i.e., from March 22, 1993, to March 21, 1994) has passed, EPA anticipates three groups of respondents: (1) one-fifth

of the NPDES permittees will need to submit applications each year; (2) new sludge-only facilities will submit limited background information each year; and (3) some sludge-only facilities that have already submitted the limited background information will be required by EPA to submit permit applications each year.

Some information collection activities included in this ICR do not follow routine schedules. For example, permittees that are required to obtain permits for more than one EPA program may request that their permit application processing be consolidated. In addition, permitting authorities request supplemental information as needed. For detailed estimates of collection schedules for these activities, see Section 6 of this ICR.

With the exception of the certifications allowed by the effluent limitations guidelines and standards and the stormwater-related inspections and visual examinations, the information collection activities related to NPDES Compliance Assessment/Certification Information included in this ICR do not follow routine schedules; they are submitted on an as-needed basis. The time frames for collecting and submitting compliance assessment information are outlined below:

- Record keeping is performed continually;
- General permittee facility self-inspections must occur annually;
- Stormwater permittees with discharges associated with industrial activity must perform quarterly visual examinations;
- Compliance assessment reports are submitted within 14 days of a scheduled milestone;
- Noncompliance reports are submitted only in cases where the permittee has violated a permit condition;
- Notices of alternate levels of production are submitted at least 2 days before a month in which a change in production is anticipated; and
- Response time to section 308(a) information requests varies. EPA (and states under applicable state law) sends these when there is reason to believe that there might be noncompliance and where enforcement might be an appropriate response.

The information collection schedules for the 14 industrial categories (12 categories and 2 subcategories) seeking exemptions or alternative compliance reporting are detailed in Section 4(b)(iv).

Facilities subject to 40 CFR Part 435 and that use BMPs to control non-aqueous drilling fluids (NAFs) are anticipated to certify that their BMP plans are complete, on-site, and available upon request to the permitting authorities. This certification identifies the NPDES permit number and is signed by an authorized representative of the operator and kept with the BMP Plan. For new or modified NPDES permits, the certification will be made no later than the effective date of the new or modified permit. For existing NPDES permits, the certification is made within 1 year of permit issuance. The submission of records to the permitting authority demonstrating periodic review of the BMP Plan is due at a minimum once every 5 years. In addition, monitoring reports and refresher training certifications demonstrating compliance with the BMP Plan are due to the permitting authority at the frequency set by the permitting authority (i.e., monthly, annually, or semiannually) and may be requested by the permitting authority on demand.

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

The data items related to NPDES modification and variance requests covered by this ICR must be provided only when a permittee decides to seek a modification or variance or when an event beyond the permittee's control triggers a need for the information. In any event, the permittees submit data items only when needed.

The information collection process to prepare DMRs includes two distinct collection activities: monitoring (sample collection and analysis), and reporting and record keeping. Collection frequencies vary for the universe of permittees covered by the NPDES program. However, permittees are required, at a minimum, to monitor their wastewater or biosolids annually. Under 40 CFR 122.34(g)(3), the stormwater Phase II Rule requires operators of regulated small MS4s to prepare and submit annual reports to the NPDES permitting authority during the first 5-year permit term and twice per permit term thereafter.

Activities related to state requests for NPDES or sewage sludge program authorization occur only one time. Program modifications, transfers and withdrawal are not common activities and take place only as needed. As of the date of this ICR, no state programs had been withdrawn.

Once a state is authorized to manage the permit program, it must continuously keep records of program information. States must also inspect and investigate permittees and report compliance evaluations as they are needed. Authorized states must submit certain permit information to EPA every 5 years or as permits are issued; prepare quarterly, semiannual, and annual noncompliance reports; and prepare and submit annual Sewage Sludge Noncompliance Reports.

The CSO Control Policy recommends that municipalities have up to 2 years from issuance of permits or other enforceable mechanism to document the implementation of the NMC and to develop and submit an LTCP. Complex systems can be provided more time to develop LTCPs. Generally it is expected that these requirements have been incorporated into NPDES permits as the permits came up for reissuance. NPDES permitting authorities may use other tools to initiate the CSO planning process where appropriate.

6. Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

This section presents the estimated respondent burden for each information request. Throughout this subsection, codes will be presented in brackets (i.e., [1.1]). These codes correspond to the reference code in the Respondents Activities Table in Appendix B. This table presents all assumptions, calculations, and results discussed in this subsection. Facilities subject to NPDES program requirements and authorized states are included as respondents in this section. The breakdown of cost and burden by labor category is provided in Section 6(b).

On the basis of 2010 U.S. Census data, an estimated 94.85 percent of the population resides in states authorized to issue general permits. This population percentage has been applied to the respondent values to estimate those stormwater general permittees that report directly to authorized states. For all other permittees, the information in PCS, NPDES-ICIS, and other EPA databases were used to determine the allocation. (For a list of authorized states, see Appendix E).

This ICR calculates annual burden and costs to respondents. These calculations are somewhat complicated because there are two types of permittee respondents discussed in this section: applicants renewing existing permits, and applicants applying for new permits. Applications for permit renewal must be submitted every 5 years. For these respondents, the ICR assumes that the number of applicants renewing per year equals one-fifth of the total number of existing permitted facilities.

6(a)(i) Application/NOI

To calculate the total annual applicant respondent burden, EPA first calculated the annual burden for each permit application and for each information request associated with permit applications. This subsection explains applicant respondent burden estimates for each application and information request.

In addition, the Respondents Activities Table in Appendix B calculates the estimated burden to state governments for handling and reviewing permit application information discussed in this subsection. Estimates of the burden do not include analysis of the data because this activity is associated with preparing and issuing the permit. Because most state governments have authority for the NPDES programs, state governments will incur the majority of the permitting authority burden and costs. There are, however, some exceptions to this rule: EPA will always process Alaskan Lands Applications and permits in Indian County. As a result, the burden and costs for these activities will belong to EPA exclusively.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

6(a)(i)(A) Non-Stormwater

6(a)(i)(A)(1) Non-Stormwater—Nonmunicipal Individual

Form 1 [1.1–1.4]
EPA estimates that Form 1 requires 3 hours to complete for the first time. New respondents must read and fill out the form, prepare a topographic map, and review and mail the completed application. Applicants renewing existing permits will spend 1 hour completing Form 1 because these applicants need to send a duplicate of the previously submitted form, updating material if necessary. This applies to NPDES applicants who have permits in other EPA programs; these applicants also submit copies of existing forms. EPA estimates that authorized states will spend 0.5 hour reviewing Form 1.

PCS and ICIS-NPDES identify 30,169 existing nonmunicipal facilities that must submit Form 1. If one-fifth of these file applications each year, the annual number of respondents in this group is 6,034. In addition, EPA estimates that 785 new nonmunicipal facilities will submit Form 1 each year.

Form 2C [1.5–1.6]
EPA estimates that Form 2C requires approximately 33 hours to complete. PCS and ICIS-NPDES report 30,169 existing nonmunicipal facilities that must submit either Form 2C or Form 2E. Those that discharge process wastewater use Form 2C, and those that discharge non-process wastewater use Form 2E. EPA assumes that 65 percent of these facilities discharge process wastewater, yielding 19,610 nonmunicipal facilities subject to the requirements of Form 2C. If one-fifth of all nonmunicipal facilities file applications each year, the annual number of respondents is 3,922. EPA estimates that authorized states will spend 2 hours reviewing Form 2C. This section does not separate the burden for major and minor facilities. The burden will probably be lower for minor facilities because minor facilities typically discharge fewer pollutants than majors.

Form 2D [1.7–1.10]
EPA estimates that major new facilities will spend 46 hours performing the necessary activities to complete this form. Minor facilities will spend 32 hours. EPA estimates that authorized states will spend 0.5 hour reviewing Form 2D.

EPA estimates that 19 new major and 785 new minor nonmunicipal facilities will apply for permits each year. Of the minor facilities, EPA estimates that 70 percent will discharge process wastewater. This yields an estimated 19 respondents filing Form 2D as new major facilities and 550 completing Form 2D as new minor facilities. (The remaining 235 minor new facilities will use Form 2E.)

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Additional NPDES Application Requirements for Nonmunicipal Dischargers (Section 308 Requests) [1.11–1.17]
Because requests for supplemental information vary in complexity, this ICR calculates burden according to the complexity of the request. EPA estimates that facilities spend 5 hours responding to routine requests. This includes 1 hour to read and understand the request, 2 hours to obtain information, and 2 hours to write a response. Requests of medium complexity require, on average, 50 hours. EPA estimates that authorized states will spend 1 hour reviewing routine request and 10 hours reviewing medium complexity requests.

EPA may request supplemental information from a facility at any time. Generally, facilities are more likely to receive Section 308 requests when they apply or reapply for permits than at other times. Therefore, this ICR divides nonmunicipal respondents into two categories: those that are applying for permits in a year, and those that are not. Because permits typically last 5 years, one-fifth of all facilities apply for permits each year.

EPA assumes that 5 percent of the major nonmunicipals receive requests when they apply for permits, and 10 percent of the remaining receives requests at other times. Of the minor nonmunicipals, 1 percent receive requests when they apply for permits and 1 percent of the remaining receive requests at other times. In addition, 25 percent of major nonmunicipal facilities that receive medium requests pay contract laboratories to conduct the tests [see Section 6(b)(ii)(1)].

Form 2E [1.18–1.21]
EPA estimates that applicants—nonmunicipal facilities that discharge non-process wastewater—will spend 14 hours reading the instructions, gathering the necessary information, obtaining engineering data, sampling and analyzing their discharge, reviewing the form, and completing and mailing Form 2E. EPA estimates that authorized states will spend 0.5 hour reviewing Form 2E.

PCS and ICIS-NPDES reports 30,169 that there are existing nonmunicipal facilities that must submit either Form 2C or Form 2E. Those that discharge process wastewater use Form 2C, and those that discharge non-process wastewater use Form 2E. EPA assumes that 35 percent of these facilities discharge non-process wastewater, creating 11,559 existing facilities subject to the requirements of Form 2E. If one-fifth of all existing permittees file applications each year, the annual number of respondents is 2,112. To this figure, EPA adds new nonmunicipal facilities that discharge non-process wastewater. EPA estimates that 236 new nonmunicipal facilities will file Form 2E each year.

Application for Transportation and Utility Systems and Facilities on Federal Lands (Alaskan Lands Application) [1.22]
EPA estimates that the average respondent can complete the Alaskan Lands Application in 30 hours. When preparing this estimate, EPA considered the potential variation among applicants; depending on the nature and location of the proposed facility, a respondent could spend much longer preparing the form. EPA further estimates that 3 respondents will file this application each year.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Permit Consolidation Request [1.23–1.24]
Facilities that must obtain permits for more than one EPA program may request that their permit application processes be consolidated. EPA estimates that a facility will spend 2 hours writing, typing, editing, and mailing a request; and authorized states will spend 0.5 hour reviewing these requests. EPA anticipates that 0 facilities will file Permit Consolidation Requests each year.

Permittee Notice of Regulated Discharge Cessation [1.27–1.30]
When notifying the permitting authority of a facility's decision to cease regulated discharges, the respondent incurs 1 hour of burden to prepare, type, and mail a letter of intent. The annual number of respondents is estimated to include 2 percent of all majors and 0.8 percent of all minors for a total of 266 nonmunicipal respondents. EPA estimates that authorized states will spend 4 hours handling and reviewing each Permittee Notice of Regulated Discharge Cessation.

Permit Modification, Revocation and Reissuance, or Termination [1.31–1.32]
The total annual number of permittees expected to request a modification of their effluent limitations is 1,659 or 5.5 percent of nonmunicipal NPDES permittees. An estimated 5 hours of respondent time would be necessary to provide the information requested by the permitting authority. EPA estimates that authorized states will spend 40 hours handling and reviewing each Permit Modification, Revocation and Reissuance, or Termination.

Variance Request Due to Fundamentally Different Factors [1.33–1.34]
The burden for this type of variance request is high because of the level of detail required for this variance. Facilities that submit this request are often very complex, and writing and reviewing this variance requires a detailed examination of the facility's operations.

Each variance request requires a total of 160 hours—20 hours to prepare a letter requesting a variance, 60 hours to develop a legal brief, and 80 hours to prepare attachments describing the processes, technologies, and equipment of the plant. There have been cases in which many more FDF variance requests were submitted (i.e., in response to a recently promulgated effluent guideline); however, the burden associated with such a multitude of similar requests is much lower than 160 hours. An association or other organized group of respondents usually prepares a boilerplate document for member facilities to use in such cases. EPA anticipates approximately 6 requests in the 3 years covered by this ICR, with an annual burden to facilities of 320 hours. EPA estimates that authorized states would spend 520 hours handling and reviewing each variance request, for a total of 1,040 hours annually.

Variance Request for Non-conventional Pollutants [1.35–1.36]
Permittees seeking this type of variance incur a burden of 150 hours for each variance request The 150-hour burden includes 30 hours to prepare a letter stating the request and providing the appropriate documentation, 40 hours addressing a response to each of the statutory factors, 40 hours analyzing a computer dilution model, and 40 hours analyzing the requested variance's effect on water quality criteria. The annual number of 9 respondents is based on numbers of previously received requests. EPA estimates that the effort incurred by the permitting authority in reviewing these requests would be 520 hours (65 work days).

Variance Request due to Economic Capability [1.37–1.38]

Permittees seeking this type of variance incur a burden of 150 hours for each variance request. For a CWA section 301(c) request, the permittee must submit economic data that will demonstrate that the variance represents the best use of technology available to the permittee. The 150-hour burden includes 30 hours to prepare a letter stating the request and providing the appropriate documentation, 40 hours addressing a response to each of the statutory factors, 40 hours analyzing a computer dilution model, and 40 hours analyzing the requested variance's effect on water quality criteria. No variances under this criterion are anticipated.

Variance Request for Innovative Pollution Control Technology [1.39–1.40]
Nonmunicipal dischargers seeking an extension under CWA section 301(k) would have an estimated burden of 60 hours. Of the 60 hours, 15 hours are required to write a letter of request, and 45 hours are necessary to document the permittee's claim. The annual number of respondents is based on the number of previously received 301(k) requests. EPA estimates that 2 respondents will make this request per year, one in an authorized state and one in a non-authorized state.

EPA and authorized states receive Variance Requests for Innovative Pollution Control Technology. EPA estimates that the effort incurred in this capacity would be 400 hours (50 work days) for authorized states as compared to 520 hours (65 work days) for evaluating a request submitted directly to EPA in non-authorized states.

Variance Request Regarding Thermal Discharges [1.42–1.46]
The respondent's burden associated with the CWA section 316(a) request for variance includes 20 hours planning the request, 160 hours collecting biological data, 80 hours collecting hydrological data, 120 hours collecting physical data, and 20 hours preparing the request for submission to EPA. This burden estimate of 400 hours represents a typical request; however, EPA recognizes that the burden will vary depending on the complexity of the request. EPA estimates that 8 thermal variance requests will be received each year, 6 in authorized states and 2 in non-authorized states. In addition, approximately 40 previously issued thermal discharge variances are renewed each year. The respondent burden for a reissued variance is estimated to be 4 hours.

EPA oversees and provides assistance to authorized states that receive Variance Requests for Thermal Discharges. EPA estimates that the effort incurred in this capacity would be 400 hours (50 work days) for authorized states as compared to 520 hours (65 work days) for evaluating a request submitted directly to EPA in non-authorized states. In addition, an estimated 1 hour would be necessary for handling and reviewing each variance reissue.

Modification and Variance under the Great Lakes Water Quality Guidance [1.47–1.48]
EPA conservatively estimates that regulatory relief would be requested for a total of 87 pollutants (from 59 facilities). EPA assumes that one-fifth (or about 18) will be requested each year, 10 of which are industrial facilities. Permittee burden to prepare and submit a request for regulatory relief will vary depending on the type of relief being pursued (i.e., criteria modification, alternative mixing zone). On the basis of a mid-range of costs to pursue regulatory relief provided by EPA Regions and states, the respondent burden to prepare and submit variance

requests is estimated to be about 835.3 hours per request. This estimate is divided by two since some because some of the burden is accounted for in the Water Quality Standards ICR.

For the state burden associated with regulatory relief requests, EPA estimates 4 hours to review a regulatory relief request for completion, including any contact with the permittee for additional information; 4 hours for public notice and comment (assuming the regulatory relief mechanism is independent of regular permit public notice); and 80 hours to analyze the regulatory relief option request, decide if it is justified, justify the decision, and prepare a permit modification if necessary. For the state burden, EPA estimates a total of 88 hours for evaluating regulatory relief options. This estimate is divided by two since some because some of the burden is accounted for in the Water Quality Standards ICR.

6(a)(i)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

Form 2S [1.49–1.53]
EPA estimates that respondents will spend 8.7 hours reviewing instructions, gathering and recording information, and completing Form 2S according to the analysis conducted in the Applications for the NPDES Discharge Permits and the Sewage Sludge Management Permits ICR (OMB Control No. 2040-0086; EPA ICR No. 0226.18). The annual number of 758 respondents consists of NPDES permit renewals (one-fifth of the total universe annually) for PrOTWs and sludge-only facilities submitting a permit application. This ICR assumes that permits issued to these respondents will be up for renewal and that on average, one-fifth of these total respondents will respond annually. In addition, EPA estimates that authorized states will spend 0.67 hour reviewing Part 1 of Form 2S and 1.42 hours reviewing the full form.

6(a)(i)(A)(2) Non-Stormwater—Municipal Individual

Form 2A [1.56–1.74, 1.137]
EPA estimates that POTWs will spend the following amount of time completing the various sections of Form 2A (see Table 6.1).

Table 6.1 Form 2A—burden per applicant respondent by section[10]

Activity	Burden (hours)				
	Basic (Parts A-C)	D (Expanded effluent testing data)	E (Toxicity testing data)	F (SIUs or RCRA or CERCLA	G (CSOs)
Major POTWs	6.5	6	4.5	5	9
Minor POTWs (0.1–1.0 mgd)	5	3.5	4.5	2	7
Minor POTWs (< 0.1 mgd)	4	3.5	4.5	2	7

Note: Most applicants do not complete every section.

[10] Design flow from PCS or ICIS-NPDES was used as a proxy for flow. EPA is aware that design flow is usually greater than actual flow and that the results represent a conservative estimate. Permits not reporting flow in PCS or ICIS-NPDES were proportionally allocated to each of the flow categories.

Of the possible 2,737 Form 2A annual respondents (one-fifth of 13,685 existing POTWs), all majors and minors will complete the basic application information section. All major POTWs and all minor POTWs with pretreatment programs will complete sections D and E of the form. EPA assumes that 90 percent of major POTWs, 15 percent of large minors, and 1 percent of small minors have significant industrial users (SIUs) and therefore will complete section F. With regard to section G, on the basis of Clean Water Needs Survey (CWNS) 2004 data, EPA estimates that 15 percent of the major POTWs and 2.3 percent of minor POTWs have CSOs. In addition, EPA estimates that authorized states will spend 4 hours reviewing Form 2A, with an additional 4 hours for each CSO permit.

Additional NPDES Application Requirements for Municipal Dischargers (Section 308 Requests) [1.75–1.83]
Because requests for supplemental information vary in complexity, this ICR calculates burden according to the complexity of the request. EPA estimates that facilities spend 5 hours responding to routine requests. This includes 1 hour to read and understand the request, 2 hours to obtain information, and 2 hours to write a response. Requests of medium complexity require, on average, 50 hours. EPA estimates that complex requests demand 1,000 hours. EPA estimates that authorized states will spend 1 hour reviewing routine request and 10 hours reviewing medium complexity requests, and 20 hours for complex requests.

EPA may request additional information from a facility at any time. Generally, facilities are more likely to receive Section 308 requests when they apply or reapply for permits than at other times. Therefore, this ICR divides municipal respondents into two categories: those that are applying for permits in a year, and those that are not. Because permits typically last 5 years, one-fifth of all facilities apply for permits each year. EPA estimates that 7.5 percent major facilities and 1 percent of minors will receive a Section 308 request as part of the application process.

With regard to Section 308 requests not made during the application process, EPA estimates that 5 percent of the remaining major facilities will receive such a request. For minor municipals, EPA assumes that 1 percent of the remaining minor facilities receive them each year. In addition, 50 percent of POTWs that receive complex requests pay contract laboratories to conduct the tests [see Section 6(b)(ii)(1)].

NPDES Ocean Discharge Information [1.84–1.85]
Permittees generally hire environmental consultants to conduct ocean discharge studies. These studies can include site surveys, effluent monitoring, field monitoring, and data analysis. Field monitoring may require scuba diving and the help of a marine biologist. This ICR includes consultant labor hours in its estimates of respondent burden. EPA estimates that a respondent will spend 778 hours supplying Ocean Discharge information. Burden estimates are based on EPA's experience with field monitoring programs in ocean dumping and NPDES permit monitoring. In addition, EPA estimates that authorized states will spend 88 hours reviewing these studies. On the basis of permit issuance estimates, EPA believes that there will not be any permittees required to submit ocean discharge information in the 3 years covered by this ICR.

Request for Water Quality Related Effluent Limitations Modification [1.86–1.87]
EPA has never received a request for this type of modification, and these requests are not anticipated in the future. Therefore, there is no burden associated with this type of modification.

Permit Modification, Revocation and Reissuance, or Termination [1.88–1.89]
The total annual number of permittees expected to request a modification, revocation and reissuance, or termination of their permit is 748 or 5.5 percent of municipal NPDES permittees. An estimated 5 hours of respondent time would be necessary to provide the information requested by the permitting authority. EPA estimates that authorized states will spend 40 hours handling and reviewing each Permit Modification, Revocation and Reissuance, or Termination.

Application for Variance Regarding Discharge into Marine Waters [1.90–1.91]
This variance is administered by the Office of Wetlands, Oceans, and Watersheds and is the subject of a separate ICR. Therefore, no respondent burden or cost associated with this requirement is reported in this ICR. This information collection and reporting requirement is noted here only to ensure completeness.

Modification and Variance under the Great Lakes Water Quality Guidance [1.92–1.93]
EPA conservatively estimates that regulatory relief would be requested for a total of 87 pollutants (from 59 facilities). EPA assumes that one-fifth (or about 18) will be requested each year, 8 of which are municipal facilities. For more information, see Section 6(a)(i)(A)(1).

6(a)(i)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

Form 2S [1.94–1.97]
EPA estimates that respondents will spend 8.7 hours reviewing instructions, gathering and recording information, and completing Form 2S according to the analysis conducted in the Applications for the NPDES Discharge Permits and the Sewage Sludge Management Permits ICR (OMB Control No. 2040-0086; EPA ICR No. 0226.18). The annual number of 2,737 respondents consists of NPDES permit renewals (one-fifth of the total universe annually) for POTWs and sludge-only facilities submitting a permit application. This ICR assumes that permits issued to these respondents will be up for renewal and that on average, one-fifth of these total respondents will respond annually. In addition, EPA estimates that authorized states will spend 0.67 hour reviewing Part 1 of Form 2S and 1.42 hours reviewing the full form.

6(a)(i)(A)(3) Non-Stormwater—General Permits

NOI to be Covered Under a Non-Stormwater General Permit [1.98–1.99]
EPA estimates that respondents will spend, on average, 1 hour to file an NOI for non-stormwater general permits. EPA estimates that authorized states will spend 0.25 hour processing these NOIs.

PCS and ICIS-NPDES data indicate that 62,425 non-stormwater general permittees exist. One-fifth of the existing permittees, or 12,485 respondents, will file NOIs each year.

Permittee Notice of Regulated Discharge Cessation [1.100–1.101]
When notifying the permitting authority of a facility's decision to cease regulated discharges, the respondent incurs 1 hour of burden to prepare, type, and mail a letter of intent. The annual number of respondents includes 1 percent of non-stormwater general permittees for a total of 624 respondents. EPA estimates that authorized states will spend 4 hours handling and reviewing each Permittee Notice of Regulated Discharge Cessation.

Permit Modification, Revocation and Reissuance, or Termination [1.102–1.103]
EPA does not anticipate any general permittee to be affected by a permit modification, revocation and reissuance, or termination because individual facility changes do not affect the general permit. Permittees would either file an NOT or apply for an individual permit if a change makes them ineligible for coverage under the general permit.

6(a)(i)(B) Stormwater

6(a)(i)(B)(1) Stormwater—Industrial

Form 1 [1.104–1.107]
EPA estimates that Form 1 requires 3 hours to complete for the first time. New respondents must read and fill out the form, prepare a topographic map, and review and mail the completed application. Applicants renewing existing permits will spend 1 hour completing Form 1 because these applicants need only send a duplicate of the previously submitted form, updating material if necessary. This applies to NPDES applicants who have permits in other EPA programs; these applicants also submit copies of existing forms. EPA estimates that authorized states will spend 0.5 hour reviewing Form 1.

PCS and ICIS-NPDES identify 783 individual stormwater permittees that must submit Form 1. If one-fifth of these file applications each year, the annual number of respondents in this group is 157. In addition, EPA estimates that 86 new facilities each year will submit Form 1 with their applications for individual stormwater permits.

Form 2F [1.108–1.109]
On average, respondents will spend 28.6 hours preparing a site map, describing significant materials, certifying outfalls, gathering existing information on spills and leaks, sampling and analyzing their discharges, and completing Form 2F (see Table 12 in OMB Control No. 2040-0086; EPA ICR No. 0226.18). EPA estimates that authorized states will spend 2.2 hours reviewing Form 2F.

EPA estimates that about 90,000 facilities have stormwater discharges associated with industrial activities and must apply for NPDES permits. EPA bases its estimate on the number of NOIs received for stormwater general permits by EPA and the states, number of group applicants, and the total number of 2F forms received. Of these 90,000 dischargers, very few have or will apply for individual stormwater permits because of the availability of less burdensome options (i.e., general permits). PCS and ICIS-NPDES indicate that there are only 783 facilities with industrial stormwater permits. Dividing this number by the 5 permit years gives approximately 157 individual applicants per year.

NOI for Stormwater Discharges Associated with Industrial Activity [1.110–1.113]
EPA estimates that respondents will spend approximately 1.5 hours completing the state's NOI-Stormwater form, except for those facilities covered by an EPA-issued permit, in which case, they will spend 3.7 hours. The weighted-average time spent will be 1.62 hours. EPA estimates that 89,415 facilities have coverage under this type of general permits (e.g., state or EPA-issued MSGP). One-fifth of those (17,883) would reapply for coverage each year.

The single respondent activity for operators of industrial facilities certifying to a condition of no exposure is preparing and submitting a no-exposure certification. The burden estimate for industrial no-exposure respondents is 0.75 hour (45 minutes). No-exposure certifications are for 5 years, and as such, each respondent will incur one-fifth of the full burden of this activity each year. EPA estimates that 36,377 industrial respondents will be eligible for the no-exposure provision over a 5-year period and, therefore will complete the no-exposure certification form.

EPA estimates that authorized states will spend 0.25 hour processing these NOIs. The time for authorized states to process and review industrial no-exposure forms includes reviewing the form for completeness and applicability and entering the information into a database or tracking system (1 hour each).

Notice of Termination (NOT) for Stormwater Discharges Associated with Industrial Activity [1.114–1.115]
EPA estimates that on average, general permittees will spend 0.5 hour filling out an NOT. On the basis of the previous NPDES Applications ICR (OMB Control No. 2040-0086; EPA ICR No. 0226.18), EPA estimates that 6,857 MSGP NOTs will be filed annually. EPA estimates that authorized states will spend 0.25 hour processing each NOT.

6(a)(i)(B)(2) Stormwater—Municipal

Application for Phase I MS4s [1.116–1.119]
EPA estimates that there are there are a total of 770 Phase I MS4s, covered under approximately 176 MS4 permits. EPA assumes that one-fifth of them will submit applications each year (35 permits). All Phase I MS4s have previously applied for a permit, and therefore this ICR covers only reapplication activities. EPA estimates that an average MS4 will spend 80 hours for permit reapplication, which includes information for all co-permittees covered in that system. EPA estimates that authorized states will spend 20 hours reviewing reapplications for MS4s.

NOI or Individual Permit Application for Small MS4s [1.120–1.121]
The respondent activities for operators of regulated small MS4s include submitting an NOI or individual permit application. EPA estimates that respondents will each spend an average of 60 hours over a 5-year permit term to prepare and submit an NOI. This represents an average of facilities requiring a new permit as well as those reapplying for coverage. The MS4 NOI/permit application burden estimates are presented as NOI estimates but do include those MS4s that opt to use the individual permit application option available in 40 CFR 122.33(b)(2). According to EPA's internal analysis, the Agency estimates that there are 6,632 permitted small MS4s. EPA assumes that one-fifth of them (1,326) will submit applications each year. The burden incurred

by authorized states for administering the small MS4 program includes 4 hours for processing and reviewing each NOIs and 4 hours for each individual permit applications.

6(a)(i)(B)(3) Stormwater—Construction

Individual Application or NOI for Stormwater Discharges Associated with Construction Activity [1.122–1.132]

Construction site operators for construction sources of 5 acres or more are required to complete an NOI or an individual application. EPA estimates that all construction sources required to seek coverage will use an NOI rather than seek coverage using an application for an individual permit. EPA estimates that nationwide, there will be an annual average of 36,503 construction starts of 5 acres or more in the period covered by this ICR (on the basis of the Construction Effluent Limitation Guideline Technical Development Document).

EPA estimates that the burden for permittees covered under EPA-issued permits to complete the EPA form for construction sites that disturb 5 acres or more would, on the basis of the level of Endangered Species Act (ESA) consultation needed, be the following:

- No consultation in 60 percent of the cases: 1.5 hours;
- Informal consultation in 37.3 percent of the cases: 6 hours; and
- Formal consultation in 2.7 percent of the cases: 20 hours.

However, in authorized states, the ESA requirement of the CGP does not necessarily apply, unless specifically provided for by the state. Therefore, for the purposes of this ICR, only construction sites in non-authorized states might incur burden in consultations with the Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS). In other words, in authorized states, the burden is 1.5 hours for completing the NOI, while in areas where EPA is the permitting authority, the burden depends on the required level of consultation with FWS and NMFS.

The sole activity required for administering the construction program in authorized states is for processing and reviewing NOIs. This includes entry of the NOI data into a database and for responding to any inquiries. EPA estimates that the average time for an authorized state to process and review an NOI is 1 hour.

The respondent activities for construction sources of 1 to 5 acres include preparing and submitting a waiver certification or preparing and submitting an NOI. Although construction activities may be covered by an NPDES permit for 5 years or longer, on the basis of data from EPA's NOI Processing Center, the mean and median duration of permit coverage is less than 1 year. As such, burden estimates for each construction permittee are based on operation for 1 year. Estimates are based on the steps necessary to determine eligibility under the Phase II Rule's construction waiver provision and the permit application, record keeping, SWPPP requirements, and NOT for Phase I construction activities.

EPA estimates that nationwide, there will be an annual average of 47,969 construction starts eligible for coverage under the Phase II Rule in the 3 years covered by this ICR. The total number of starts for these 3 years was reduced by 5 percent according to EPA's estimate of the

number of construction starts that should be eligible for a waiver under the rule, thus resulting in a total of 45,571 per year. These construction respondents are expected to perform the same activities as Phase I respondents, except for preparing and submitting a waiver certification in lieu of an NOI. Subtracting 45,571 from the 47,969 total construction starts yields an estimate of 2,398 construction sources that will qualify for a permit waiver each year. For small construction sites, EPA estimates that respondents will spend 1 hour preparing and submitting waivers and 3.7 hours preparing and developing an NOI. The activities required for administering the small construction program include processing and reviewing waiver certification forms (1 hour each) and NOIs (1 hour each).

Notice of Termination (NOT) for Stormwater Discharges Associated with Construction Activity [1.133–1.136]
EPA estimates that on average, stormwater construction general permittees will spend 0.5 hour preparing and submitting an NOT. EPA estimates that authorized states will spend 0.25 hour processing each.

6(a)(i)(C) Vessels

Vessel General Permit NOI filing [1.138–1.146]
The NOI filing requirement is applicable only to vessels that are greater than or equal to 300 gross tons or if the vessel has the capacity to hold or discharge more than 8 cubic meters (2,113 gallons) of ballast water. EPA estimates that 1 hour is required to file an NOI for a general permit. On the basis of information presented in the *Economic and Benefits Analysis of the 2013 Vessel General Permit (VGP), September 2011*, EPA estimates that a total of 60,852 vessels are required to seek permit coverage, for an annual average of 12,170.

6(a)(ii) Plan Development/Special Studies

6(a)(ii)(A) Non-Stormwater

6(a)(ii)(A)(1) Non-Stormwater—Nonmunicipal Individual

Pollution Prevention Alternative (Pesticides Packaging & Repackaging) [2.1]
The effluent limitations guidelines contain provisions for one category (pesticides formulating, packaging, and repackaging) to develop a pollution prevention plan. EPA estimates that 50 percent of the facilities will choose to submit an annual certification to use pollution prevention alternatives. As part of this certification, each facility must develop a pollution prevention plan. As in the previous ICR, this ICR estimates that one-third of these facilities will develop a pollution prevention plan annually and that each plan will take 20 hours to develop.

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [2.2–2.11]
EPA does not anticipate any bleached papergrade kraft and soda mill to develop the Milestones Plan required as part of a Voluntary Advanced Technology Incentives Program (VATIP) established under the Pulp, Paper, and Paperboard Effluent Limitations Guidelines and Standards (40 CFR Part 430) portion of the Cluster Rule promulgated on April 15, 1998. The Milestones Plan is required only of those mills that voluntarily choose to enroll in the incentives program.

EPA does not anticipate any new plans in the period covered by this ICR. For those plans previously developed, EPA estimates the recurring burden to authorized states to be an average of 6 hours per year per mill for periodic review of the mill's progress in implementing the Milestones Plan and to take appropriate action if and when progress falters.

Operators of direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Category are required to prepare site-specific BMP plans. EPA does not anticipate any new plans in the period covered by this ICR. For those plans previously developed, EPA anticipates 50 hours of mill labor for amending and periodically reviewing a BMP Plan and has based the ICR burden on an assumption that each mill would need to amend its BMP plan twice every 5 years. In addition, EPA estimates that mills will spend 40 hours conducting refresher training.

Coal Mining Point Source Category–Coal Remining Subcategory and Western Alkaline Coal Remining Subcategory [2.12–2.15]

The hour and cost burden associated with development of site-specific BMPs and plans is already covered by the Surface Mining Permit Applications - Minimum Requirements for Reclamation and Operation Plan - 30 CFR part 780 ICR, OMB Control No. 1029-0036. However, the burden to review these plans and prepare permits is covered by this ICR. EPA estimates that authorized states will spend 25 hours per plan for review and 10 hours per site for NPDES permit preparation for a total of 35 hours per site.

Antidegradation Demonstration under the Great Lakes Water Quality Guidance [2.16–2.18]

EPA expects that 5 percent of the 1,258 nonmunicipal permittees (approximately 63) will discharge bioaccumulative chemicals of concern (BCCs). EPA conservatively assumes that all the permittees that discharge BCCs will request an increase in permit limits and be required to perform an antidegradation demonstration. EPA assumes that one-fifth of these permittees will prepare and submit an antidegradation demonstration each year and assumes that 22.2 hours is required to prepare the demonstration for BCCs.[11] This number is divided by two because some of the burden is accounted for in the Water Quality Standards ICR.

On the basis of past experience, EPA expects that another 5 percent of the permittees (approximately 63) are likely to request an increase in permit limits for non-BCCs. EPA assumes that one-fifth of these respondents will prepare and submit an antidegradation demonstration each year, and estimates that 14.8 hours is required to prepare the demonstration for non-BCCs.[12] is divided by two because some of the burden is accounted for in the Water Quality Standards ICR.

EPA determined that it would take a state about 16 hours to review an antidegradation demonstration. EPA also determined that one-fifth of antidegradation policy demonstrations

[11] Burden reported in the original Great Lakes ICR (60 hours) was reduced by 63 percent for the first renewal. See record of communications between EPA and OMB.

[12] Burden reported in the original Great Lakes ICR (40 hours) was reduced by 63 percent for the first renewal. See record of communications between EPA and OMB.

submitted would be reviewed annually. The burden was divided by two since some because some of the burden is accounted for in the Water Quality Standards ICR.

Pollutant Minimization Programs (PMPs) under the Great Lakes Water Quality Guidance [2.19–2.21]
EPA estimates that about 40 nonmunicipal facilities will be required to develop approvable control strategies for pollutant minimization. Total respondent burden for establishing PMPs is estimated from the first Great Lakes Water Quality Guidance ICR published in 1995, which cites the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance*. The burden to develop the strategy is 142.3 hours, and permittees will spend 1.4 hours per year implementing it. EPA estimates the authorized state burden for reviewing an approvable control strategy, which is one component of a permittee's PMP, to be about 4 hours per facility.

Bioconcentration Studies under the Great Lakes Water Quality Guidance [2.22]
After a consultation with EPA Regions with states in the Great Lakes watershed, EPA does not anticipate receiving any bioconcentration studies in the next 3 years.

6(a)(ii)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

EPA has not identified any unique activities associated with plan development/special studies for these permittees.

6(a)(ii)(A)(2) Non-Stormwater—Municipal Individual

Antidegradation Demonstration under the Great Lakes Water Quality Guidance [2.23–2.25]
EPA expects that 5 percent of the 1,065 municipal permittees in the Great Lakes watershed (approximately 53) will discharge BCCs, and another 5 percent of the permittees (approximately 53) are likely to request an increase in permit limits for non-BCCs. For more information, see Section 6(a)(ii)(A)(1).

Pollutant Minimization Programs (PMPs) under the Great Lakes Water Quality Guidance [2.26–2.28]
EPA estimates that about 20 municipal facilities will be required to develop approvable control strategies. Total respondent burden for establishing PMPs was estimated from the first Great Lakes Water Quality Guidance ICR published in 1995, which cites the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance*. EPA estimates the authorized state burden for reviewing an approvable control strategy, which is one component of a permittee's PMP, to be about 4 hours per facility.

Bioconcentration Studies under the Great Lakes Water Quality Guidance [2.29]
On the basis of a consultation with EPA Regions with states in the Great Lakes watershed, EPA does not anticipate receiving any bioconcentration studies in the next 3 years.

6(a)(ii)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

EPA has not identified any unique activities associated with plan development/special studies for these permittees.

6(a)(ii)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

CSO Control Policy—Nine Minimum Controls [2.30–2.63]
There are two burden activities associated with documenting implementation of the NMC: (1) the burden of writing a report documenting the controls' implementation, and (2) the burden of gathering the information necessary to document that the controls have been implemented. The burden for writing a report to support the documentation will vary widely among systems because of the varying size of systems documenting the NMC's implementation. Furthermore, the cost of actually implementing a control measure, for example, purchasing netting to control floating debris, is not included in the ICR because it is not an information collection activity.

The burden of collecting information to support the documentation will vary widely among systems because some might already have available information and others might not. For large systems, this burden is 200 hours per system, for medium systems 43 hours, and for small systems it is 29 hours. The state burden to review the documentation is estimated to be 40 hours per system.

EPA estimates that all 853 CSO permits or enforcement orders have fulfill the obligation of Phase I technology-based CSO control requirements. This estimate is supported by information from EPA Regional and authorized state CSO program staff.

CSO Long-Term Control Plans and Supplementary Information [2.64–2.75]
Following are information collection burdens calculated for components of the LTCP. The burdens are calculated assuming that the permit requires that the permittee develop the LTCP and that the permittee address each component of the LTCP. The calculated burdens are adjusted for several factors: (1) a number of CSS municipalities have already completed long-term plans that contain part of or all the LTCP components included in the policy, (2) the small system consideration in the policy might relieve small systems of some of the burden in developing an LTCP, and (3) not every component of the LTCP will be applicable to every CSS and every outfall. The resulting burden varies from 300 hours for small systems that have existing studies to 6,000 hours for large systems without existing studies. States would need an annual average of 20 hours to review the information for small systems, 33 hours for medium systems, and 53 hours for large systems.

EPA estimates that 734 of the 853 CSO permits with requirements to submit a CSO long-term control plan have submitted documentation to the appropriate NPDES authority with a schedule incorporated into an enforceable mechanism, including a permit or enforcement order, with specific dates and milestones, including a completion date consistent with Agency guidance which requires: 1) Implementation of a Long Term Control Plan (LTCP) which will result in compliance with the technology and water quality-based requirements of the Clean Water Act; or 2) Implementation of any other acceptable CSO control measures consistent with the 1994 CSO

Control Policy; or 3) Completion of separation after the baseline date (September 30, FY2007). (Cumulative)

This estimate is supported by information from EPA Regional and authorized state CSO program staff. As a result of this information, EPA estimates that the remaining 119 permits will submit the necessary documentation over the next 3 years. For purposes of calculating the burden of developing an LTCP, municipalities were divided into three categories: (1) those serving more than 75,000 persons (approximately 79 systems) termed large, (2) those serving between 10,000 and 75,000 persons (approximately 31 systems) termed medium, and (3) those serving fewer than 10,000 persons (approximately 10 systems) termed small [allocation is based on previous CSO Control Policy ICR (OMB No. 2040-0170; EPA ICR No. 1680.04)].

Each CSS is unique in terms of its condition, design, operation, and the extent that it has been studied. Each of the components of the LTCP overlaps with the other components to a varying degree depending on the individual system's characteristics. For one system, consideration of sensitive areas could be tied closely with consideration of control alternatives, while for another system, no identifiable sensitive area exists. Finally, the amount of information collection required to support the LTCP will vary greatly from system to system.

6(a)(ii)(A)(3) Non-Stormwater—General Permits

EPA has not identified any unique activities associated with plan development/special studies for these permittees.

6(a)(ii)(B) Stormwater

6(a)(ii)(B)(1) Stormwater—Industrial

SWPPP for Stormwater Discharges Associated with Industrial Activity [2.76–2.79]
Facilities completing an NOI for industrial activity must develop a SWPPP or update their current SWPPP when reapplying for permit coverage. In this ICR, EPA assumes that the 871 new nonmunicipal applicants a year will be required to develop a SWPPP and one-fifth of the 89,415 existing permittees will be required to update their SWPPP. Although components of a SWPPP are similar, facility design, size and function, and the level of effort involved will vary for each facility. EPA identified a *typical* respondent and then estimated the burden for that respondent to prepare a SWPPP. This burden estimate for preparing a SWPPP includes 8 hours to read regulations, 2 hours to select a team, 20 hours to describe sources, 42 hours to develop measures and controls, and 8 hours to perform a comprehensive site evaluation. EPA estimates that the average time for a respondent to develop a SWPPP is 80 hours. From these estimates to develop a new SWPPP, EPA estimates that updating an existing plan would take 8 hours. EPA estimates that states will review 20 percent of SWPPPs and will spend 1 hour handling and reviewing each new or updated SWPPP.

6(a)(ii)(B)(2) Stormwater—Municipal

Stormwater Management Plans [2.80–2.81]
EPA estimates that the time required to update the stormwater management plans (SWMP) programs for Phase I MS4s is 200 hours for each of the 176 permits every 5 years.

6(a)(ii)(B)(3) Stormwater—Construction

SWPPP for Stormwater Discharges Associated with Construction Activity [2.82–2.86]
The burden to develop a SWPPP for construction sources of 5 acres or more was estimated from input by contractor staff familiar with the stormwater CGP process and designing SWPPPs. Although components of a SWPPP are similar, the design, size, function, and the level of effort involved will vary for each site. To calculate the burden to prepare a SWPPP, EPA and EPA contractor staff identified a *typical* respondent and then estimated the burden for that respondent to prepare a SWPPP. This burden for preparing a SWPPP is presented in Section 4(b). EPA estimates that the average time for a respondent to develop a SWPPP is 36.4 hours. This is a one-time development activity.

The estimated burden of 22.7 hours for construction sources of 1 to 5 acres developing a SWPPP represents the median value of the low (10.6 hours) and high (34.7 hours) burden estimates determined in the EA for the Phase II Rule.

6(a)(iii) Monitoring

6(a)(iii)(A) Non-Stormwater

6(a)(iii)(A)(1) Non-Stormwater—Nonmunicipal Individual

DMRs for Major and Minor Individual Permittees [3.1–3.14]
This section describes the methods EPA used to calculate the burden to respondents associated with collecting and reporting or maintaining records of monitoring data. The burden on each respondent is the sum of sampling, record-keeping, and reporting burden. Respondent burden is a function of factors that are specific to each NPDES permit or, in the case of 40 CFR Part 503 biosolids facilities, specified in the regulations. These factors include, but are not limited to, the following:

- The number of facility outfalls (a DMR is submitted for each outfall);
- The number of samples collected;
- The number of parameters monitored; and
- The frequency of sample collection.

EPA has estimated average or typical values for each of the above factors (i.e., number of outfalls, number of samples, number of hours to collect a sample) to calculate respondent burden. These averages are difficult to estimate because of the variability of monitoring and reporting requirements among regulated facilities. EPA has attempted to categorize DMR

respondents by ownership (public vs. private), major/minor, effluent flow, or industrial classification; however, burden values vary significantly within these respondent categories. Accordingly, it is not possible to define a *typical* respondent.

However, to develop appropriate burden estimates for the 2002 DMR ICR (OMB Control No. 2040-0004; EPA ICR No. 0229.15) EPA estimated typical values using information from interviews with EPA staff, data from the PCS database, the NOI Processing Center, the previous DMR ICRs, and two prior NPDES Streamlining Rules. Values and assumptions from the previous DMR ICRs were used, to the extent that they were considered reasonable estimates.

Estimates of the number of major and minor NPDES permittees and the frequency at which they are required to submit DMRs are based on current data from PCS, ICIS-NPDES, and on the previous DMR ICR (OMB Control No. 2040-0004; EPA ICR No. 0229.16)

NPDES permittees spend time collecting wastewater or sludge samples or both. These respondents can collect samples either automatically or manually. The samples can be either grab or composite (which involves collecting individual samples and combining them into one sample representative of a daily discharge). Burdens for collecting samples vary depending on the types of samples taken. For example, economies of scale are realized when a single sample can be used for many parameters. The time to collect a sample can vary from a few minutes (in the case of automatic sampling for some parameters) to 3 hours for manually collected composite samples. Sample collection burdens also will vary depending on the number of outfalls that must be sampled and the distance between sampling locations. Sampling burden is calculated as follows:

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

The assumptions (i.e., number of samples, hours to collect a sample) used to calculate the sampling burden are based on the previous DMR ICR (OMB Control No. 2040-0004; EPA ICR No. 0229.16). After facilities 1have collected wastewater or sludge samples, they are analyzed. The assumptions (i.e., number of parameters analyzed, hours to conduct analysis) used to calculate the analysis burden are based on the previous DMR ICR (OMB Control No. 2040-0004; EPA ICR No. 0229.16).

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [3.15–3.22]

Operators of direct discharging mills are required to daily monitor wastewater treatment system influent for the purpose of detecting leaks and spills, tracking the effectiveness of the BMPs, and detecting trends in spent pulping liquor losses. EPA estimates the burden associated with this monitoring to be in an increment of 1 additional hour per day. This activity was originally presented in OMB ICR No. 2040–0207.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

The following activities were originally presented in OMB ICR No. 2040–0243. All Subparts B and E direct discharging mills are required to monitor for BAT and NSPS pollutants at the minimum frequency specified in 40 CFR 430.02. The additional time required to prepare the samples, labels, and paperwork and to ship the samples to the laboratory for analysis was estimated in the original ICR (OMB ICR No. 2040–0243). These additional times depend on the type of mill:

- Mills Kraft & Soda: 1.00 hour
- Subpart B Bleached Papergrade Kraft & Soda, (AOX): 0.25 hour
- Subpart B Bleached Papergrade Kraft & Soda, (chloroform): 1.50 hour
- Subpart B Bleached Papergrade Kraft & Soda, (TCDD, TCDF, 12 chlorinated phenolics) grab sample: 0.50 hour
- Subpart B Bleached Papergrade Kraft & Soda, (TCDD, TCDF, 12 chlorinated phenolics) composite sample: 0.25 hour
- Subpart E Ca / Sodium / Mg Sulfite: 0.25 hour
- Subpart E Ammonium Sulfite: 0.50 hour

Coal Mining Point Source Category–Coal Remining Subcategory and Western Alkaline Coal Remining Subcategory [3.23–3.44]
Activities were originally presented in OMB ICR No. 2040–0239. For this analysis EPA includes collecting baseline determination and monitoring data (0.75 hour per sample) for the Coal Remining Subcategory. EPA estimates that authorized states will spend 10 hours per site per year for reviewing post-baseline monitoring data.

The hour and cost burden associated with Western Alkaline Coal Remining is covered by the Surface Mining Permit Applications - Minimum Requirements for Reclamation and Operation Plan—30 CFR Part 780 ICR, OMB ICR No. 1029-0036.

WET Data Collection under the Great Lakes Water Quality Guidance [3.45]
On the basis of the first Great Lakes Water Quality Guidance ICR published in 1995, which cites the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance,* the burden for WET testing is 6,841 hours per year for nonmunicipal permittees.

WQBEL Compliance Monitoring under the Great Lakes Water Quality Guidance [3.46]
On the basis of the results from the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance,* EPA estimates that an additional 250 facilities will require WQBEL monitoring for 69 pollutants as a result of implementing state/tribal or federal provisions consistent with the guidance. EPA estimates that 0.5 hour will be required for each monitoring event (i.e., each pollutant) per year. This results in a total monitoring burden of just over 216 hours each year.

6(a)(iii)(A)(1)(1) Non-Stormwater—Nonmunicipal Individual—Biosolids

DMRs for Sewage Sludge Facilities [3.47–3.54]
Respondent burden is a function of factors that are specified in the regulations. For detailed information, see Section 6(a)(iii)(A)(1).

6(a)(iii)(A)(2) Non-Stormwater—Municipal Individual

DMRs for Major and Minor Individual Permittees [3.55–3.66]
Respondent burden is a function of factors that are specified in each NPDES permit. For detailed information, see Section 6(a)(iii)(A)(1).

WET Data Collection under the Great Lakes Water Quality Guidance [3.67]
On the basis of the first Great Lakes Water Quality Guidance ICR published in 1995, which cites the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance*, the burden for WET testing is 10,877 hours per year for municipal permittees.

WQBEL Compliance Monitoring under the Great Lakes Water Quality Guidance [3.68]
On the basis of the results from the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance*, EPA estimates that an additional 170 facilities will require WQBEL monitoring for 237 pollutants as a result of implementing state/tribal or federal provisions consistent with the guidance. EPA estimates that 0.5 hour will be required for each monitoring event (i.e., each pollutant) per year. This results in a monitoring burden of just under 147 hours each year per permittee.

6(a)(iii)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

DMRs for Sewage Sludge Facilities [3.69–3.76]
Respondent burden is a function of factors that are specified in the regulations. For detailed information, see Section 6(a)(iii)(A)(1).

6(a)(iii)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

CSO Control Policy - Compliance Monitoring [3.77–3.79]
The CSO Control Policy recommends that CSO communities conduct compliance monitoring to demonstrate that their implemented CSO control plans do achieve compliance with CWA requirements and applicable state WQS. Over the life of this ICR, EPA estimates that 75 percent of the 746 CSO municipalities (560) will conduct compliance monitoring activities. EPA estimates that, during each semiannual reporting period, CSO communities will sample wet-weather discharges from CSOs during three wet-weather events. During each of three storm events, municipalities will sample two CSO discharge points, taking two samples per outfall. Each sample will be analyzed for total suspended solids, BOD, and fecal coliform. Municipalities may be required as a condition of their NPDES permit to analyze for additional pollutants depending on the site-specific circumstances in each case. EPA anticipates that NPDES permitting authorities will require as a permit condition that municipalities estimate and

report the volume, frequency, and duration of CSOs that they experience in each reporting period.

The assumptions used to estimate the hours of sampling and analysis, taken from the CSO Control Policy ICR (OMB Control No. 2040-0170; EPA ICR No. 1680.04), are 27 hours for sampling, 18 hours for analysis, and 20 hours for estimating the flow parameters.

6(a)(iii)(A)(3) Non-Stormwater—General Permits

DMRs for Non-Stormwater General Permittees [3.80–3.91]
Respondent burden is a function of factors that are specified in each NPDES permit. For detailed information, see Section 6(a)(iii)(A)(1).

6(a)(iii)(B) Stormwater

6(a)(iii)(B)(1) Stormwater—Industrial

Inspections for Industrial Stormwater General Permittees [3.92]
All 89,415 general industrial stormwater permittees are required to conduct annual comprehensive inspections. EPA estimates 2 hours per respondent per year to complete this activity. Additional routine inspections (EPA assumes quarterly half hour inspections) would add 2 hours per year for a total of 4 hours per year per permittee.

DMRs for Industrial Stormwater General Permittees [3.93–3.94]
Respondent burden is a function of factors that are specified in each NPDES permit. For detailed information, see Section 6(a)(iii)(A)(1).

6(a)(iii)(B)(2) Stormwater—Municipal

MS4s monitoring [3.95–3.96]
Respondent burden is a function of factors that are specified in each NPDES permit. For detailed information, see Section 6(a)(iii)(A)(1).

6(a)(iii)(B)(3) Stormwater—Construction

Stormwater Discharges Associated with Construction Activity [3.97–3.102]
The permittee burden to conduct routine site inspections for construction sources of 5 acres or more was estimated using BPJ. This ICR assumes that inspections will be conducted by a project manager, biweekly, with each inspection expected to take 0.5 hour, including documentation of findings. According to data from EPA's NOI database, the median and mean large construction projects last approximately 1 year, and EPA assumes 26 biweekly self-inspections will be conducted.

The respondent activities for construction sources of 1 to 5 acres include conducting routine site inspections. The burden for routine inspections is based on small construction activities

operating for an average of 4 months, with biweekly inspections (8 total) and each lasting approximately 0.25 hour.

Some states with NPDES authorization have begun requiring monitoring at construction sites. EPA estimates that 5 percent (3,892) of construction sites will have bimonthly monitoring requirements as part of their permits, with each monitoring episode taking 1.5 hours.

6(a)(iii)(C) Vessels

Vessel General Permit Routine Inspections [3.103–3.111]
Vessels are already performing these routine inspections. However, additional time may be required based on the introduction of BMP permitting requirements. EPA estimates that an additional 0.5 hour will be annually required of small vessels (including freight barges, passenger vessels, utility vessels, and tank barges), and 2 additional hours will be annually required of large vessels (including cruise ships, freight ships, and tank ships). EPA estimates that the effect of routine inspections on foreign vessels will be 20 percent of that for domestic vessels, because of their limited time in U.S. waters.

Vessel General Permit Annual Inspection [3.112–3.120]
Vessels are already performing annual inspections. However, additional time may be required based on the introduction of BMP permitting requirements. EPA estimates that an additional 0.5 hour will be annually required of small vessels, and 2 additional hours will be annually required of large vessels. EPA estimates that the effect of annual inspections on foreign vessels will be 90 percent of that for domestic vessels, because of their limited time in U.S. waters.

Vessel General Permit Monitoring [3.121]
EPA estimates that 200 vessels will each perform sampling of and analysis of gray water and/or ballast water discharges four times a year. Each sampling event would take approximately 6 hours.

6(a)(iv) Reporting (including certification)

6(a)(iv)(A) Non-Stormwater

6(a)(iv)(A)(1) Non-Stormwater—Nonmunicipal Individual

Permittee Report of Planned Facility Changes [4.1–4.4]
Respondents will use an estimated average of 4 hours to complete their notification of planned alterations and additions. This burden estimate includes 1 hour to read and understand the regulation, 1 hour to plan the report, and 2 hours to write the report. On the basis of recent discussion with EPA headquarters and Regional staff, the annual number of respondents includes 5 percent of all major permittees and 2 percent of all minor permittees for a total of 665 annual nonmunicipal NPDES respondents. EPA estimates that authorized states will spend 20 hours handling and reviewing each Permittee Report of Planned Facility Changes.

Permittee Report of Anticipated Noncompliance [4.5–4.8]
Respondents will use an estimated average of 5 hours of labor for each report of anticipated noncompliance. This burden is divided as follows: 1 hour to read and understand the regulation, 1 hour of planning, 1 hour of collecting information, and 2 hours for writing and submitting the report. The annual number of NPDES respondents is estimated to include 1 percent of all major permittees and 1 percent of all minor permittees for a total of 301 annual nonmunicipal NPDES respondents. EPA estimates that authorized states will spend 10 hours handling and reviewing each Permittee Report of Anticipated Noncompliance.

Facility and Permit Transfer Report [4.9–4.12]
EPA estimates that the average respondent burden of this requirement would be 3 hours for each report. Necessary reporting activities include writing and mailing the cover letter and official notice. The annual number of respondents includes approximately 2 percent of all major and 3 percent of all minor nonmunicipals for a total of 885 respondents. EPA estimates that authorized states will spend 4 hours handling and reviewing each Facility and Permit Transfer Report.

Permittee Report of Inaccurate Previous Information [4.13–4.16]
The respondent burden associated with this reporting requirement includes the time needed to verify the reporting error or omission, to prepare the revised form that details the reporting corrections, and to mail the information to the permitting authority. The time required under this regulation will vary depending on the size of the facility and the extent of the error or omission. EPA estimates that a typical report requires 2 hours to prepare. The annual number of respondents is estimated to be 1 percent of all major and 2 percent of all minor nonmunicipals, for a total of 583 respondents annually. EPA estimates that authorized states will spend 4 hours handling and reviewing each Permittee Report of Inaccurate Previous Information.

Notification of New or Increased Discharge [4.17–4.20]
The respondent burden associated with this requirement will be 4 hours, including 1 hour to read and understand the regulation, 1 hour to plan and gather information for the report, and 2 hours to write and prepare the report. No quantitative sampling and analysis is required to complete the report. The annual number of 946 respondents would be composed of 5 percent of all major and 3 percent of all minor nonmunicipals. EPA estimates that authorized states will spend 4 hours handling and reviewing each report.

DMRs for Major and Minor Individual Permittees [4.21–4.34]
Reporting of monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. The respondent records this information on DMRs. When preprinted DMRs are used, the respondent spends time for reporting only the analytical results (the general DMR information is preprinted). EPA estimates the reporting burden per DMR to be 2 hours. For facilities with multiple outfalls, this number is multiplied by the number of outfalls.

1The burden to states for processing and analyzing monitoring data is a function of two factors: (1) the number of DMRs received by the permitting authority, and (2) the time it takes to process and analyze monitoring data (including entry into the PCS and ICIS-NPDES databases). In addition to entering monitoring data into PCS or ICIS-NPDES, staff might need to conduct

follow-up actions in instances of noncompliance. This follow-up could be a phone conversation or a letter to verify, clarify, or substantiate the information reported. For those facilities required only to maintain records, there is no corresponding federal or state burden.

EPA estimates that it takes about an average of 0.17 hour (10 minutes) to review and enter the data into PCS or ICIS-NPDES. EPA also estimates that 20 percent of the DMRs submitted will require some form of follow-up action because of noncompliance. EPA estimates that this follow-up action requires an average of 0.5 hour per DMR. In addition, EPA is working toward implementing Web-based submission of DMR data (netDMR). Such a submission of DMR data are voluntary and will be an alternative to the paper DMR submission.

Compliance Schedule Reports [4.35–4.40]
Permittees must submit reports that state whether compliance schedule milestones contained in their permits have been met. EPA assumes that most NPDES permittees will engage a contractor to undertake the construction necessary to meet these milestones. EPA further assumes that the permittees will receive periodic detailed progress reports from their contractors on the status of construction. Therefore, EPA expects this requirement to place very little additional burden on permittees. According to the previous Compliance Assessment/Certification ICR (OMB Control No. 2040-0110; EPA ICR No. 1427.08), EPA estimates that permittees will submit an average of 1.5 reports per year, and the burden to complete each report will be 0.75 hour. This is equivalent to 1.125 hours per year for each respondent. This burden represents the time required to both prepare and send the compliance schedule report.

EPA expects that 20 percent of the major facilities and 5 percent of the minor facilities will submit compliance schedule reports per year, on the basis of the results of Permit Quality Reviews in 15 states.

EPA estimates that states require 0.25 hours to review each compliance schedule report submitted by permittees who are in compliance. According to the QNCR, approximately 20 percent of permittees that submit these reports are not in compliance with their scheduled milestones. EPA estimates that the regulatory authority requires 4 hours to review and conduct follow-up activities (phone calls, letters) for each of these reports.

Noncompliance Reports [4.41–4.66]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. The following subsections discuss the burden estimates associated with these noncompliance reports.

24-Hour Report of Unanticipated Bypass or Upset [4.41-4.50]. Where noncompliance at a permittee's facility could endanger human health or the environment, the permittee is required to verbally notify the permitting authority within 24 hours of the noncompliance. The permittee must follow the verbal report by a written report, unless the permitting authority waives it. EPA assumes that permittees closely monitor the operation of their facilities so that the occurrence of a bypass or upset of the treatment works is readily apparent to operators. Because of the potential for serious environmental damage, grave threats to public health, and injury to facility employees, permittees should act quickly if such an event occurs. Permittees must make these

reports if they wish to use unanticipated bypass or upset as an affirmative defense for violating their permit limits [40 CFR 122.41(n)(3)]. Thus, if proper procedures for reporting bypass or upset are followed, the permittee may use the 24-hour report as a defense for violating its permit conditions, because it is a timely report of the occurrence.

EPA estimates that 15 percent (317) of the 2,116 major nonmunicipal facilities and 5 percent (1,432) of the 28,643 minor nonmunicipal facilities upset or bypass annually, thereby requiring a verbal notification. EPA estimates that these respondents will submit one report per year at 5 hours of burden. In addition, EPA estimates that 75 percent (1,312) of the 1,749 facilities submitting a verbal notification will also be required to submit a written report. The written report is expected to require an additional 2 hours of burden. The burden represents the time required to investigate the bypass or cause of upset; determine the duration or expected duration of the incident; determine the corrective actions to be taken; prepare the written report (if the requirement is not waived); and send the report to the permitting authority.

EPA estimates that 1 hour is required for states to receive and process each verbal noncompliance notice, and 2 hours are required for the regulatory authority to receive and process each written noncompliance report. Approximately 75 percent of those permittees that must submit verbal reports are also required to submit written reports. EPA anticipates that the permitting authority will waive the written report requirement for the remaining 25 percent. In addition, EPA estimates that 2 hours are required for documentation of immediate action to mitigate the problem for 25 percent of the responses.

24-Hour Report of Violation of Maximum Daily Discharge [4.51-4.60]. When a permittee exceeds its maximum daily discharge limitation for pollutants specified in its permit, the permittee is required to verbally notify the permitting authority within 24 hours of the violation. The permittee must follow the verbal report by a written report, unless the permitting authority waives it. Permittees that have daily maximum discharge limits are already required to monitor for limited pollutants and report sampling results to the permitting authority on a DMR. Because the permittee's requirements are already accounted for in Section 6(a)(iii), the verbal and written notice requirements under this activity add only an incremental burden to the permittee's regular reporting requirements.

EPA assumes that the permittees required to submit verbal notices will incur a burden of 3 hours per notice. In addition, EPA assumes that 50 percent of those permittees giving notice will be required to submit written notices (permitting authorities will waive the remaining 50 percent), with an estimated burden of 2 hours per written report. The burden represents the time required to gather information and prepare the verbal notice, prepare the written report if the requirement is not waived, and submit the report to the permitting authority.

EPA estimates that 15 percent (317) of the 2,116 major and 5 percent (1,432) of the 28,643 minor nonmunicipal facilities will violate their maximum daily discharge limitations for which a 24-hour report is required. Of these permittees, EPA expects the written report submittal requirement to be waived in 50 percent of the cases. Thus, 159 major and 716 minor nonmunicipals are expected to submit written reports of violations of the maximum daily

discharge limit. EPA estimates that the major facilities will submit an average of two reports per year, while the minors will submit an average of one report annually.

EPA estimates that 1 hour is required for states to receive and process each verbal violation notice, and 2 hours are required to receive and process each written violation report. As mentioned earlier, in 50 percent of the cases the requirement for the written report is waived. In addition, EPA estimates that 2 hours are needed to document immediate action to mitigate the problem for 25 percent of the verbal and written responses.

Other Noncompliance [4.61-4.66]. When any type of noncompliance occurs that is not covered by standard compliance assessment reports (i.e., DMRs, compliance schedule reports, 24-hour reports, or planned changes), the permittee is still required to report it. Usually, a permittee makes these types of reports when conditions other than those described above cause it to violate the conditions of its permit. EPA estimates the average burden to be 5 hours per response. This burden represents the time required to gather information, prepare and present/conduct the verbal notice, and prepare and submit a written report.

Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR, EPA expects very few respondents to be affected annually. Approximately 2 percent (42) of the 2,116 major and 1 percent (286) of the 28,643 minor nonmunicipal facilities are expected to submit one report per year. EPA estimates that an average of 2 hours is required for the permitting authority to receive and process each report.

Alternate Level Reports [4.67]
The permitting authority may, at its discretion, apply tiered production-based effluent limits in an NPDES permit. Tiered permit limits allow facilities to operate under different sets of limits for pollutants on the basis of varying production levels. In the case of automotive factories, however, a reasonable demonstration by the permittee for the requirement for tiered limits obligates EPA (not states) to grant tiered limits to the industry. Nevertheless, every facility operating under tiered limits is required to submit a notification to the permitting authority if it intends to operate at a production level higher than the lowest production level identified in the permit. EPA estimates that 0.5 percent (11) of major nonmunicipal permittees have such conditions in their permits and will submit one report per year. Each report is estimated to take 1 hour to complete.

Certification for Exemption from Monitoring and Notification of Process Changes [4.68–4.91]
As discussed in Section 4(b)(i)(4), the effluent limitations guidelines contain provisions that allow facilities in certain industrial categories to request exemptions from monitoring requirements. The Respondents Table in Appendix A provides an estimate of the number of facilities in each of these industrial categories. These estimates were generated using data from the previous Compliance Assessment/Certification ICR (OMB Control No. 2040-0110; EPA ICR No. 1427.08) and cross-referencing it with facility SIC code data by CFR category. EPA estimates that each certification will require 1 hour to prepare.

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EPA estimates that approximately 75 percent of the aluminum forming facilities and coil coating facilities choose to submit an annual certification requesting an exemption from cyanide monitoring.

EPA estimates that 50 percent of the porcelain enameling facilities choose to submit an annual certification requesting an exemption from chromium monitoring.

Additionally, of the eligible pharmaceutical facilities, EPA estimates from effluent guideline development documents that approximately 40 percent of the pharmaceutical facilities are in a subcategory that potentially use cyanide. Of these, EPA estimates that 75 percent choose to submit a certification once every permit cycle requesting an exemption from monitoring.

In the Pulp, Paper, and Paperboard category, EPA estimates from effluent guideline development documents that approximately 80 percent of the facilities use a chlorine-free process and are eligible to choose an alternative monitoring program. These facilities may certify once every permit cycle that their process does not use chlorophenolic biocides. EPA estimates that of these 80 percent eligible, 75 percent will choose to certify that their process is eligible for alternative monitoring requirements. Similarly, for the Builders' Paper and Board Mills category, EPA estimates that 75 percent of the facilities will certify their process.

EPA estimates that approximately 75 percent of the facilities in the Steam Electric category choose to provide a demonstration and certification requesting an exemption from monitoring requirements.

EPA estimates that approximately 50 percent of the eligible electrical and electronic components facilities will choose to submit a TTO Certification (semiannually) in lieu of TTO monitoring, and 75 percent of the metal finishing facilities will choose to submit this (semiannual) TTO certification. Note: There are no known electroplating facilities that discharge directly into a water of the United States (as opposed to discharging into a POTW).

EPA estimates that state review of certifications take 1 hour per certification, which occur annually, except those for pulp, paper, and paperboard facilities. Such facilities are required to submit certifications once per permit cycle. The electroplating, metal finishing, and electric and electronic components facilities must submit semiannual certifications.

Synthetic-Based Fluids (SBF) Well Drilling Operations [4.92]
With regard to use of BMPs under 40 CFR Part 435 to control NAFs, EPA estimates that 68 facilities annually will be affected by this ICR. EPA estimates the public reporting (i.e., all information collection) burden for the selected BMP option as 787 hours per respondent per year.

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [4.93–4.101]
EPA anticipates that the burden of preparing a spill report is approximately 4 hours. This activity was originally presented in OMB ICR No. 2040–0207. Operators of direct discharging mills are required to provide their NPDES permit authorities reports of the monitoring required by the

BMP regulation. EPA has based the burden estimates on a semiannual reporting frequency and estimates that each report will take 16 hours to complete. EPA estimates that authorized states will spend an incremental 10 hours per year per facility for reviewing periodic (i.e., annual or semiannual) monitoring reports and conducting compliance reviews.

The monthly reporting burden for Subparts B and E mills presented in the Respondents Activities Table in Appendix B comes from estimates in the original ICR (OMB ICR No. 2040–0243). EPA assumed that DMRs and Periodic Compliance Reports (PCRs) are submitted monthly. Reporting monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. The respondent records this information on the DMR or PCR and submits this information to the permitting authority.

EPA estimates that authorized states will spend 0.5 hour processing and analyzing monitoring data for Subpart B and E direct discharging mills. These activities were originally presented in OMB ICR No. 2040–0243.

Activities were originally presented in OMB ICR No. 2040–0242. EPA estimates a recurring reporting burden of 0.5 hour monthly per facility for submitting periodic certification reports to the permitting authority to confirm that for the certified fiber lines, the facility is not using elemental chlorine or hypochlorite as bleaching agents and are maintaining the process and operating conditions within the range documented during the initial compliance period.

Annual Status Report under the Great Lakes Water Quality Guidance [4.102]
EPA estimates that about 250 nonmunicipal facilities will be required to submit annual status reports of their PMPs. Total respondent burden associated with establishing PMPs is estimated from the first Great Lakes Water Quality Guidance ICR published in 1995, which cites the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance.*

6(a)(iv)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

Permittee Report of Planned Facility Changes [4.103–4.104]
The annual number of respondents is estimated to include 5 percent of nonmunicipal biosolids facilities. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.105–4.106]
The annual number of respondents is estimated to include 1 percent of nonmunicipal biosolids facilities. For more information, see Section 6(a)(iv)(A)(1).

Facility and Permit Transfer Report [4.107–4.108]
The annual number of respondents is estimated to include 3 percent of nonmunicipal biosolids facilities. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Inaccurate Previous Information [4.109–4.110]
The annual number of respondents is estimated to include 1 percent of nonmunicipal biosolids facilities. For more information, see 6(a)(iv)(A)(1).

DMRs for Sewage Sludge Facilities [4.111–4.118]
Reporting of monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. For more information, see 6(a)(iv)(A)(1).

Compliance Schedule Reports [4.119–4.120]
Permittees must submit reports that state whether compliance schedule milestones contained in their permits have been met. For more information, see 6(a)(iv)(A)(1). EPA anticipates that each year, 32 PrOTWs are required to submit compliance schedule reports regarding sewage sludge permit conditions and, further, that these facilities are required to submit and average of two reports per year. EPA estimates that the burden to complete each report is 0.75 hour.

Noncompliance Reports [4.121–4.122]
EPA estimates that 10 PrOTWs will be required to submit an average of one noncompliance report per year regarding sewage sludge permit conditions (generally noncompliance with pollutant limitations). EPA assumes that the burden to complete these reports equals 5.2 hours. EPA estimates that permitting authorities will spend 0.3 hour to review and process each report

6(a)(iv)(A)(2) Non-Stormwater—Municipal Individual

Permittee Report of Planned Facility Changes [4.123–4.126]
The annual number of respondents includes 5 percent of all major permittees and 2 percent of all minor permittees for a total of 395 annual municipal NPDES respondents. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.127–4.130]
The annual number of NPDES respondents is estimated to include 1 percent of all major permittees and 1 percent of all minor permittees for a total of 136 annual municipal NPDES respondents. For more information, see 6(a)(iv)(A)(1).

Facility and Permit Transfer Report [4.131–4.134]
The annual number of NPDES respondents is estimated to include 0.1 percent of all major permittees and 0.1 percent of all minor permittees for a total of 9 annual municipal NPDES respondents. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Inaccurate Previous Information [4.135–4.138]
The annual number of respondents is estimated to be 1 percent of all major municipal and 2 percent of all minor municipal permittees for a total of 230 respondents annually. For more information, see Section 6(a)(iv)(A)(1).

New Introduction of Pollutants to POTWs [4.139–4.142]
EPA estimates that the average respondent burden of this requirement will be 3 hours for each report. Necessary reporting activities include writing and mailing the cover letter and official notice. The annual number of respondents includes approximately 5 percent of all major and 2 percent of all minor municipals for a total of 395 respondents. EPA estimates that authorized

states will spend 4 hours handling and reviewing each New Introduction of Pollutants to POTWs.

DMRs for Major and Minor Individual Permittees [4.143–4.154]
Reporting of monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. All 4,123 major municipal dischargers are required to report DMR information monthly. Of the 9,471 minor municipals dischargers, 1,719 are not required to report, and the remaining 6,559 have reporting frequencies ranging from monthly to annual reporting. For more information, see 6(a)(iv)(A)(1).

Compliance Schedule Reports [4.155–4.160]
Permittees must submit reports that state whether compliance schedule milestones contained in their permits have been met. For more information, see 6(a)(iv)(A)(1). EPA estimates that 825 major and 474 minor municipal facilities will submit these reports every year.

Noncompliance Reports [4.161–4.186]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. The following subsections present the respondents and associated with these noncompliance reports. For a detailed description of the burden associated with each report, see Section 6(a)(iv)(A)(1).

24-Hour Report of Unanticipated Bypass or Upset [4.161-4.170]. EPA estimates that 15 percent (618) of the 4,123 major and 5 percent (474) of the 9,471 minor municipal facilities upset or bypass annually, thereby requiring a verbal notification. In addition, EPA estimates that 75 percent (820) of the 1,092 facilities submitting a verbal notification will also be required to submit a written report.

24-Hour Report of Violation of Maximum Daily Discharge [4.171-4.180]. EPA estimates that 15 percent (618) of the 4,123 major and 5 percent (474) of the 9,471 minor municipal facilities will violate their maximum daily discharge limitations for which a 24-hour report is required. Of these permittees, EPA expects the written report submittal requirement to be waived in 50 percent of the cases. Thus, each year, 309 major and 237 minor municipals are expected to submit written reports of violations of the maximum daily discharge limit.

Other Noncompliance [4.181-4.184]. Approximately 2 percent (82) of the 4,123 major facilities and 1 percent (95) of the 9,471 minor municipal facilities are expected to submit one report per year. EPA estimates that an average of 2 hours is required for the permitting authority to receive and process each report.

SSO Reporting [4.185-4.186]. In 1998 EPA conducted an evaluation of SSOs and gathered information on the number and frequency of SSOs. At that time, EPA developed a *Summary of Revised Burden Estimate for SSO/Unpermitted CSO Reporting*, which OMB approved in March 1998. This revised burden summary estimates the SSO respondent burdens to be 62,144 hours. The SSO burden is based on an estimated 41,087 SSO events per year and the associated DMR, 24-hour and 5-day reports.

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The previous Compliance Assessment/Certification ICR (OMB Control No. 2040-0110; EPA ICR No. 1427.08) includes burden hours and costs associated with SSOs and unpermitted CSOs originally estimated and provided to OMB in the 1998 *Summary of Revised Burden Estimates for SSO/Unpermitted CSO Reporting*. The ICR does not, however, include an estimate of the number of respondents associated with these SSO/unpermitted CSO estimates. Using the information in the previous Compliance Assessment/Certification ICR, EPA estimates that the burden per SSO event for respondents is 1.51 (62,144/41,087) hours per event.

The *2004 Report to Congress: Impacts and Control of CSOs and SSOs* estimates that there are between 23,000 and 75,000 SSO events per year. From the number of POTWs from PCS and ICIS (13,685), EPA estimates that each POTW will experience on average 3.4 SSO events per year. On the basis of the information in the previous Compliance Assessment/Certification ICR, EPA estimates that the state burden per SSO event is 0.3 (12,068/41,087) hour per event

Annual Status Report under the Great Lakes Water Quality Guidance [4.187]
EPA estimates that about 170 municipal facilities will be required to submit annual status reports of their PMPs. The total burden (2,860.9 hours) associated with establishing PMPs was reported in the first Great Lakes Water Quality Guidance ICR published in 1995, which cites the *Final Assessment of Compliance Costs Resulting from Implementation of the Great Lakes Water Quality Guidance*.

6(a)(iv)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

Permittee Report of Planned Facility Changes [4.188–4.189]
EPA estimates that 153 municipal treatment works will be required to respond to this information collection item because of their sewage sludge permit requirements. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.190–4.191]
EPA estimates that each year 153 municipal treatment works will be required to respond to this item because of their sewage sludge permit conditions. For more information, see Section 6(a)(iv)(A)(1).

Facility and Permit Transfer Report [4.192–4.193]
EPA estimates that the annual number of respondents includes 0.5 percent of municipal biosolids facilities. For more information, see 6(a)(iv)(A)(1).

Permittee Report of Inaccurate Previous Information [4.194–4.195]
EPA estimates that the annual number of respondents includes 1 percent of municipal biosolids facilities. For more information, see Section 6(a)(iv)(A)(1).

DMRs for Sewage Sludge Facilities [4.196–4.203]
Reporting of monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. For more information, see 6(a)(iv)(A)(1). EPA estimates that the annual number of respondents includes 946 sludge-only Class I facilities, 1 sludge-only non-Class I facilities, 6,573 POTWs Class I facilities, and 6,401 POTWs

non-Class I facilities. The number of responses varies from 1 to 5 per year, with 2 hours per response.

Compliance Schedule Reports [4.204–4.205]
Permittees must submit reports that state whether compliance schedule milestones contained in their permits have been met. For more information, see 6(a)(iv)(A)(1). EPA anticipates that each year, 100 POTWs are required to submit compliance schedule reports regarding sewage sludge permit conditions and, further, that these facilities are required to submit and average of two reports per year. EPA estimates that the burden to complete each report is 0.75 hour.

Noncompliance Reports [4.206–4.207]
EPA estimates that 31 POTWs will be required to submit an average of one noncompliance report per year regarding sewage sludge permit conditions (generally noncompliance with pollutant limitations). EPA assumes that the burden to complete these reports is 5.2 hours. EPA estimates that the permitting authorities will spend 0.3 hour to review and process each report.

6(a)(iv)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

Note: these requirements are in addition to those covered in Section 6(a)(iv)(A)(2).

Noncompliance Reports [4.208–4.209]
In 1998 EPA conducted an evaluation of SSOs and CSOs and gathered information on the number and frequency of SSOs and unpermitted CSOs. At that time, EPA developed a *Summary of Revised Burden Estimate for SSO/Unpermitted CSO Reporting*, which OMB approved in March 1998. This revised burden summary estimates the CSO respondent burdens to be 5,184 hours. The CSO burden is based on an estimated 3,840 events per year and the associated DMR, 24-hour and 5-day reports.

The previous Compliance Assessment/Certification ICR (OMB Control No. 2040-0110; EPA ICR No. 1427.08) includes burden hours and costs associated with SSOs and unpermitted CSOs originally estimated and provided to OMB in the 1998 *Summary of Revised Burden Estimates for SSO/Unpermitted CSO Reporting*. The ICR does not, however, include an estimate of the number of respondents associated with these SSO/unpermitted CSO estimates. Using the information in the previous Compliance Assessment/Certification ICR, EPA estimates that the burden per CSO event for respondents 1.35 (5,184/3,840) hours per unpermitted event.

The *2004 Report to Congress: Impacts and Control of CSOs and SSOs* does not contain updated information about the number of unpermitted CSOs. On the basis of previous estimates and 746 CSS communities, EPA conservatively estimates 5.15 (3,840/746) unpermitted CSO events per CSS per year. On the basis of the information in the previous Compliance Assessment/ Certification ICR, EPA estimates that the state burden per CSO event is 1.4 (5,280/3,840) hours per unpermitted event.

CSO Control Policy – Nine Minimum Controls – Public Notification [4.210–4.212]
Very large communities will not need to prepare and submit reports to the appropriate NPDES permitting authority because EPA believes that these communities have implemented the NMC.

The estimated burden for third-party notification in the Respondents Activities Table in Appendix B reflects the following assumptions:

- For purposes of calculating burden, notification will take one of three forms: permanent signs at outfalls (2 hours), permanent signs at beaches or other public exposure areas (2 hours), or press or radio advisories (5 hours). From its experience to date, EPA believes that the vast majority of CSO communities use one or some combination of these methods of public notification.
- All 746 communities with CSSs should have procedures in place to notify the public of CSO occurrences and effects.
- EPA assumes that communities posting CSO outfalls will post one sign per outfall. It also assumes that communities posting beaches and other public exposure areas will post five signs per community.
- EPA assumes that all public notification activities are performed by in-house staff, and none are contracted out.

CSO Control Policy – Compliance Monitoring [4.213–4.215]
EPA, after discussions with state NPDES and EPA Regional staff, believes that communities will submit CSO monitoring results in their DMRs semiannually. EPA estimates that the time required reporting this information to be 2 hours. The1 state burden for reviewing compliance monitoring data submitted in semiannual DMRs is estimated to be 0.17 hour (10 minutes) per facility per DMR. Authorized state staff might need to conduct follow-up actions in instances of noncompliance. This follow-up could be a phone conversation or a letter to verify, clarify, or substantiate the information reported. EPA estimates that 50 percent of the DMRs submitted will require follow-up action by the authorized states. Recurring incremental state burden for this follow-up action requires an average of 0.5 hour per facility per DMR.

The assumption used to estimate reporting time per response in the Respondents Activities Table in Appendix B is taken from the CSO Control Policy ICR (OMB Control No. 2040-0170; EPA ICR No. 1680.04).

6(a)(iv)(A)(3) Non-Stormwater—General Permits

Permittee Report of Planned Facility Changes [4.216–4.217]
EPA estimates the annual number of respondents to be 2 percent (1,249) of non-stormwater general permittees that will be required to respond to this item. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.218–4.219]
EPA estimates the annual number of NPDES respondents that submit reports of anticipated noncompliance to be 1 percent of non-stormwater general permittees for a total of 624 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Facility and Permit Transfer Report [4.220–4.221]
EPA estimates the annual number of respondents to include 2 percent (1,249) of non-stormwater general permittees that will be required to respond to this item. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Inaccurate Previous Information [4.222–4.223]
EPA estimates the annual number of respondents that submit reports of inaccurate previous information to be 0.1 percent of non-stormwater general permittees for a total of 62 respondents annually. For more information, see Section 6(a)(iv)(A)(1).

DMRs for Non-Stormwater General Permittees [4.224–4.230]
Reporting of monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. For more information, see Section 6(a)(iv)(A)(1).

Noncompliance Reports [4.231–4.242]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. For a complete discussion of the burden estimates associated with these noncompliance reports, see Section 6(a)(iv)(A)(1).

24-Hour Report of Unanticipated Bypass or Upset [4.231-4.235]. EPA estimates that 5 percent (3,121) of the 62,425 general non-stormwater permittees upset or bypass annually, thereby requiring a verbal notification. In addition, EPA estimates that 75 percent (2,341) of the 3,121 facilities submitting a verbal notification will also be required to submit a written report.

24-Hour Report of Violation of Maximum Daily Discharge [4.236-4.240]. EPA estimates that 5 percent (3,121) of the 62,425 general non-stormwater permittees will violate their maximum daily discharge limitations for which a 24-hour report is required. Of these permittees, EPA expects the written report submittal requirement to be waived in 50 percent of the cases. Thus, 1,561 permittees are expected to submit written reports of violations of the maximum daily discharge limit. EPA estimates that permittees will submit an average one report annually.

Other Noncompliance [4.241-4.242]. Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR, EPA expects very few respondents to be affected annually. Approximately 1 percent (624) of the 62,425 general non-stormwater permittees are expected to submit one report per year.

6(a)(iv)(B) Stormwater

6(a)(iv)(B)(1) Stormwater—Industrial

Permittee Report of Planned Facility Changes [4.243–4.244]
EPA estimates the annual number of respondents to be 1 percent (894) industrial stormwater general permittees that will be required to respond to this item. For more information, see Section 6(a)(iv)(A)(1).

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Permittee Report of Anticipated Noncompliance [4.245–4.246]
EPA estimates the annual number of NPDES respondents to be 0.1 percent of industrial stormwater general permittees for a total of 89 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

Facility and Permit Transfer Report [4.247–4.248]
EPA estimates the annual number of respondents to be 1 percent (894) of industrial stormwater general permittees that will be required to respond to this item. Many stormwater general permits do not require permit transfer reports, instead requiring submission of an NOT and NOI when a permit or ownership is transferred. This burden is accounted for as part of NOI and NOT burden. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Inaccurate Previous Information [4.249–4.250]
EPA estimates the annual number of respondents to be 0.05 percent of industrial stormwater general permittees for a total of 45 respondents annually. For more information, see Section 6(a)(iv)(A)(1).

DMRs for Industrial Stormwater General Permittees [4.251–4.253]
Reporting of monitoring data involves compiling data from various pollutant analyses and calculating average pollutant concentrations and/or loadings. For more information, see Section 6(a)(iv)(A)(1).

Submittal of Inspections [4.254]
Each of the 89,415 industrial stormwater general permittees will spend 0.25 hour per year to submit an inspection report.

Noncompliance Reports [4.255–4.266]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. For a complete discussion of the burden estimates associated with these noncompliance reports, see Section 6(a)(iv)(A)(1).

24-Hour Report of Unanticipated Bypass or Upset [4.255-4.259]. EPA estimates that 0.1 percent (89) of the 89,415 stormwater general permittees with industrial discharges upset or bypass annually, thereby requiring a verbal notification. In addition, EPA estimates that 75 percent (67) of the 89 facilities submitting a verbal notification will also be required to submit a written report.

24-Hour Report of Violation of Maximum Daily Discharge [4.260-4.264]. EPA expects 5 percent of the 44,260[13] stormwater general permittees with industrial discharges, required to maintain monitoring data, to violate their maximum daily discharge limits. As a result, 2,213 such permittees will be required to provide verbal notice of the violation, of which 50 percent, or 1,107, will be required to submit written reports.

[13] A portion of the stormwater general permittees with industrial discharges are required to keep monitoring records. On the basis of information submitted by these permittees to EPA's NOI Data Processing Center, this number is estimated to be 49.5 percent of 89,415 or 44,260 permittees

Other Noncompliance [4.265-4.266]. Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR, EPA expects very few respondents to be affected annually. Approximately 1 percent (894) of the 89,415 stormwater general permittees with industrial discharges are expected to submit one report per year.

6(a)(iv)(B)(2) Stormwater—Municipal

Permittee Report of Planned Facility Changes [4.267–4.270]
EPA estimates the annual number of respondents to be 5 percent (9) of Phase I MS4s and 2 percent (133) of small MS4s that will be required to respond to this item. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.271–4.274]
EPA estimates the annual number of respondents to be 1 percent (2) of Phase I MS4s and 1 percent (66) of small MS4s that will be required to respond to this item. For more information, see Section 6(a)(iv)(A)(1).

Facility and Permit Transfer Report [4.275–4.278]
EPA does not anticipate permit transfers for these types of permittees.

Permittee Report of Inaccurate Previous Information [4.279–4.282]
EPA estimates the annual number of respondents to be 1 percent (2) of Phase I MS4s and 1 percent (66) of small MS4s that will be required to respond to this item. For more information, see Section 6(a)(iv)(A)(1).

Annual Reports for Small MS4s Covered by a General or Individual Permit [4.283–4.284]
The respondent activities for operators of regulated small MS4s include preparing and submitting annual reports. EPA estimates that respondents will spend 100 hours preparing and submitting annual reports. The activities required for administering the small MS4 program include processing and reviewing annual reports (1.6 hours each).

Annual Reports for Phase I MS4s [4.285–4.286]
The respondent activities for operators of Phase I MS4s include preparing and submitting annual reports. EPA estimates that respondents (i.e., each permitted Phase I MS4) will spend 250 hours preparing and submitting annual reports. The activities required for administering the Phase I MS4 program include processing and reviewing annual reports (40 hours each).

Petitions for Stormwater Individual Permit [4.287–4.288]
EPA could receive a petition requesting that a facility covered under an NPDES stormwater general permit obtain an individual permit. Depending on the circumstances, these petitions might come from MS4 operators or any other person. On the basis of information supplied by contractors, EPA estimates that an average petition requires 40 hours to prepare. Municipal sewer systems may petition permitting authorities to require dischargers using their systems to obtain individual permits. Anyone may petition authorities to require an individual permit for a stormwater discharge that contributes to water quality violations or is a significant contributor of pollutants. For purposes of simplicity, this ICR assumes that all petitions are submitted by MS4s.

EPA anticipates that it will receive 5 petitions each year over the next 3 years. EPA estimates that states will spend 8 hours reviewing and processing each petition.

Compliance Schedule Reports [4.289–4.294]
Permittees must submit reports that state whether compliance schedule milestones contained in their permits have been met. For more information, see Section 6(a)(iv)(A)(1). EPA estimates that 9 Phase I and 332 small MS4s will submit these reports every year.

Noncompliance Reports [4.295–4.318]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. For a complete discussion of the burden estimates associated with these noncompliance reports, see Section 6(a)(iv)(A)(1).

24-Hour Report of Unanticipated Bypass or Upset [4.295-4.304]. EPA estimates that 1 percent (2) of the 176 Phase I MS4s and 1 percent (66) of the 6,632 small MS4s bypass annually, thereby requiring a verbal notification. In addition, EPA estimates that 75 percent (2 and 47, respectively) of the MS4s submitting a verbal notification will also be required to submit a written report.

24-Hour Report of Violation of Maximum Daily Discharge [4.305-4.314]. EPA does not anticipate receiving this type of report from MS4s.

Other Noncompliance [4.315-4.318]. Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR, EPA expects very few respondents to be affected annually. EPA estimates that 1 percent (2) of the 176 Phase I MS4s and 1 percent (66) of the 6,632 small MS4s will submit one report per year.

6(a)(iv)(B)(3) Stormwater—Construction

Permittee Report of Planned Facility Changes [4.319–4.320]
EPA estimates the annual number of NPDES respondents to be 0.5 percent of construction stormwater general permittees for a total of 410 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.321–4.322]
EPA estimates the annual number of NPDES respondents to be 0.1 percent of construction stormwater general permittees for a total of 82 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

Facility and Permit Transfer Report [4.323–4.324]
EPA estimates the annual number of NPDES respondents to be 0.1 percent of construction stormwater general permittees for a total of 82 annual respondents. Many stormwater general permits do not require permit transfer reports, instead requiring submission of an NOT and NOI when a permit or ownership is transferred. This burden is accounted for as part of NOI and NOT burden. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Inaccurate Previous Information [4.325–4.326]
EPA estimates the annual number of respondents to be 0.05 percent of construction stormwater general permittees for a total of 41 respondents annually. For more information, see Section 6(a)(iv)(A)(1).

Noncompliance Reports [4.327–4.338]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. For a complete discussion of the burden estimates associated with these noncompliance reports, see Section 6(a)(iv)(A)(1).

24-Hour Report of Unanticipated Bypass or Upset [4.327-4.331]. EPA estimates that 0.1 percent (82) of the 82,074 construction stormwater general permittees upset or bypass annually, thereby requiring a verbal notification. In addition, EPA estimates that 75 percent (62) of the 82 facilities submitting a verbal notification will also be required to submit a written report.

24-Hour Report of Violation of Maximum Daily Discharge [4.332-4.336]. EPA expects 2 percent of the 3,892[14] construction stormwater general permittees required to maintain monitoring data to violate their maximum daily discharge limits. As a result, 78 such permittees will be required to provide verbal notice of the violation, of which 50 percent, or 40, will be required to submit written reports.

Other Noncompliance [4.337-4.338]. Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR, EPA expects very few respondents to be affected annually. EPA estimates that approximately 1 percent (821) of the 82,074 construction stormwater general permittees will submit one report per year.

6(a)(iv)(C) Vessels

Vessel General Permit One-time Report [4.339–4.347]
Because this is a new one-time permit requirement, EPA estimates that, for both the low- and high-end estimate, 0.5 hour is required for small and large vessels. This requirement only applies to new vessels seeking permit coverage.

Permittee Report of Planned Facility Changes [4.348]
EPA estimates the annual number of NPDES respondents to be 0.5 percent of vessels covered by the general permit for a total of 304 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

Permittee Report of Anticipated Noncompliance [4.349]
EPA estimates the annual number of NPDES respondents to be 0.1 percent of vessels covered by the general permit for a total of 61 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

[14] A portion of the construction stormwater general permittees are required to keep monitoring records. EPA estimates that 5 percent (3,892) of construction sites in NPDES-authorized states will have monitoring requirements as part of their permits.

Facility and Permit Transfer Report [4.350]
EPA does not anticipate any respondents because vessels are required to file an NOT when they transfer ownership.

Permittee Report of Inaccurate Previous Information [4.351]
EPA estimates the annual number of NPDES respondents to be 0.1 percent of vessels covered by the general permit for a total of 61 annual respondents. For more information, see Section 6(a)(iv)(A)(1).

Noncompliance Reports [4.352–4.354]
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. For a complete discussion of the burden estimates associated with these noncompliance reports, see Section 6(a)(iv)(A)(1).

24-Hour Report of Unanticipated Bypass or Upset [4.352-4.353]. EPA estimates that 0.1 percent (61) of the 60,852 vessels covered by the general permit upset or bypass annually, thereby requiring a verbal notification. In addition, EPA estimates that 75 percent (38) of the 239 facilities submitting a verbal notification will also be required to submit a written report.

Other Noncompliance [4.354]. Because most instances of NPDES noncompliance reporting are covered by other requirements of this ICR, EPA expects very few respondents to be affected annually. EPA estimates that approximately 1 percent (609) of the 60,852 vessels covered by the general permit will submit one report per year.

6(a)(iv)(D) State Reporting & Certification

Report on NPDES Program Authorization Compliance Evaluation [4.355]
Surveys of any facilities and activities may be conducted, subject to NPDES program authority, to identify persons that are subject to regulation who have failed to comply with permit application or other program requirements. States must make any compilation, index, or inventory of such facilities and activities available to the EPA Regional Administrator upon request. During the life of this ICR, EPA does not expect to request any of this information.

State Certification of EPA-issued Permits [4.356]
The respondents to this information item are the 590 entities[15] without NPDES programs. As of July 2011, there were 811 EPA-issued permits: 110 major permits, 674 minor permits, and 27 general permits. EPA assumes that each year it reissues 20 percent of these permits, or an average of 162 permits each year. On the basis of new permits reported in PCS and ICIS-NPDES, EPA estimates that on average the number of new permits issued each year will be 29. The respondent burden for certifying these permits varies because of differing state procedures, level of involvement with EPA in developing the permit, and permit complexity. The average respondent burden is estimated to be 4 hours.

[15] As discussed in 4(a), this ICR assumes that an average of 47 states, tribes, or U.S. territories will have NPDES programs. Thus, 590 entities, including states, tribes, and U.S. territories will not have programs.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Submittal of NPDES Permit Information [4.357–4.360]
The respondents to this information item are the 47 states (including the Virgin Islands) that have NPDES programs. EPA assumes that the states treat this information collection as an ongoing activity, rather than as a set of discrete reports. The annual burden for these states is calculated as follows:

- States must submit all major permits, about 5 percent of minor permits, and all general permits.
- There are 6,049 major, 36,930 minor, and approximately 497 general permits in the 47 authorized states assumed for this ICR. Each permit can have a life span of 5 years, so an average of 1,210 major, 7,386 minor, and approximately 99 general permits will be issued each year.
- In addition, EPA estimates that authorized states will issue 19 new major, 785 new minor, and 15 new general permits each year. Accordingly, the estimated number of major permits for each year of the ICR is 1,229 (1,210 + 19), the estimated number of minor permits is 8,171 (7,386 + 785), and the estimated number of general permits is 114 (99 + 15).
- Seventy percent of the major (858), 5 percent of the minor (444), and 100 percent of the general permits (114) require 0.17 hour (10 minutes) for transmittal to EPA. The remaining 30 percent of major permits (367) require 2 hours of transmittal time. The total number of NPDES submittals of permits equals an average of 2,602 per year (858+ 19+ 444 + 785 + 114 + 15 + 367).

Submittal of CSO Permit Information [4.361]
EPA expects to receive information covering 87 CSO permits over a 3-year period, yielding an average of 29 reports per year. Each report will require 13 hours to complete.

Submittal of Sludge Permit Information [4.362]
EPA expects to receive 39 sludge permit reports over a 3-year period, yielding an average of 13 reports per year. Each report will require 0.17 hour (10 minutes) to be transmitted to EPA.

Quarterly, Semiannual, and Annual Reports [4.363]
The respondents providing this information are the 47 authorized states. Each year, these 47 states must develop four QNCRs, two semiannual summary reports, and one annual summary report (see Section 4(b)(iv)(1)(D)). Because the semiannual and annual summary reports are normally prepared along with the QNCRs, and because states have indicated that the burden for these reports has been reduced, this ICR assumes (for simplicity) that each authorized state prepares the equivalent of five QNCRs each year. The work involved ranges from manually preparing reports, which includes reviewing individual inspection reports, to copying data generated by the PCS onto QNCR form. This results in 235 annual responses (47 states × 5). EPA estimates an average respondent burden of 25 hours per report.

Annual Sewage Sludge Program Reports [4.364]
EPA estimates that the respondents for this item will average 8.3 states with sewage sludge programs (8 currently authorized and 1 expected to be authorized in the next 3 years). The estimated burden for completing this report is 84 hours.

6(a)(v) Record Keeping

6(a)(v)(A) Non-Stormwater

6(a)(v)(A)(1) Non-Stormwater—Nonmunicipal Individual

NPDES Permit Applicants [5.1–5.3]
All permittees must maintain, for at least 3 years, records of all data used to complete their permit applications. The burden associated with record keeping depends on the type of permit, the size of the facility, and whether the facility already has a record-keeping system. Estimates from EPA, PCS, and ICIS-NPDES list a total of 30,169 nonmunicipal facilities (2,036 major and 28,133 minor) filing applications for individual permits. Assuming that one-fifth of all permittees file applications each year, the annual number of existing facilities with record-keeping burden is 6,034. EPA estimates that 19 major and 785 minor new nonmunicipal facilities will apply for permits each year.

Each of the existing facilities applying for an NPDES permit is expected to spend 1 hour maintaining records each year. The 19 major new facilities are expected to spend 5 hours each. The 785 new nonmunicipal minor facilities are expected to spend 1.5 hours each.

Record Keeping of Monitoring Data [5.4–5.7]
EPA estimates that all NPDES permittees (except for certain stormwater permittees as discussed below) will incur an annual burden for record keeping of discharge monitoring and other monitoring data. The burden associated with this record-keeping requirement depends on the size of the facility. In the previous Compliance Assessment/Certification ICR (OMB Control No. 2040-0110; EPA ICR No. 1427.08), EPA estimated that 6 hours per year (0.5 hour per month) for major permittees and 1.2 hours per year (0.1 hour per month) for minor permittees are necessary to organize and file the appropriate existing monitoring data. These estimates are consistent with current record-keeping requirements and are retained in this ICR. Therefore, 2,116 major permittees will each spend 6 hours per year on record-keeping activities. All 28,643 minor nonmunicipal permittees will each incur 1.2 hours per year for record keeping.

The facilities submitting certifications are a very small subset of the major and minor permittees, and the record-keeping burden for these certifications is believed to be adequately reflected in the record-keeping burden discussed above.

Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [5.8–5.12]
There are two regulatory options that result in additional record-keeping activities for these facilities: implementing BMPs and minimum monitoring requirements. The record-keeping burden for BMPs was originally presented in OMB ICR No. 2040–0207. The burden estimates for record keeping are based on an incremental level of effort to comply with BMP requirements. EPA estimates 7.3 hours per month using a weighted average of the information reported in OMB ICR No. 2040–0207.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Minimum monitoring requirements activities were originally presented in OMB ICR No. 2040–0243. EPA assumes that the time devoted to record keeping for monitoring requirements generally involves copying and filing DMRs or PCRs. EPA estimates this burden to be 0.17 hour (10 minutes) per DMR or PCR submitted with an extended amount of 0.67 hour (40 minutes) annually for quarterly reports for a total annual monitoring record-keeping burden of 2.71 hours per mill.

6(a)(v)(A)(1)(1) Non-Stormwater—Nonmunicipal—Biosolids

Sewage Sludge Permit Applicants [5.13]
EPA estimates that 329 nonmunicipal sludge-only facilities will apply for sludge permits. This equals 66 nonmunicipal sludge-only facilities filing applications per year. These facilities are expected to spend 1.5 hours in record-keeping activities.

Record Keeping of Monitoring Data for Sewage Sludge Facilities [5.14–5.21]
Sewage sludge facilities that are required to submit monitoring data are also required to maintain records of that information. EPA assumes that the time devoted to record keeping at these facilities generally involves copying and filing DMRs. EPA estimates this burden to be 0.17 hour (10 minutes) per DMR submitted.

Some sewage sludge facilities are required to monitor but are required only to maintain records of, not report, their monitoring data. The annual record-keeping burden per facility is assumed to be 1.5 hours.

6(a)(v)(A)(2) Non-Stormwater—Municipal Individual

NPDES Permit Applicants [5.22]
Estimates from EPA, PCS, and ICIS-NPDES list a total of 13,685 municipal facilities. Assuming that one-fifth of all permittees file applications each year, the annual number of existing facilities with record-keeping burden is 2,737. Each of the existing facilities applying for an NPDES permit is expected to spend 1 hour maintaining permit application records the year it applies for a permit.

Record Keeping of Monitoring Data [5.23–5.24]
Major municipal permittees (4,123) will spend 6 hours per year on record-keeping activities. All 9,471 minor municipal permittees will incur 1.2 hours per year for record keeping. For more information, see Section 6(a)(v)(A)(1).

6(a)(v)(A)(2)(1) Non-Stormwater—Municipal Individual—Biosolids

Sewage Sludge Permit Applicants [5.25]
EPA estimates that 954 municipal sludge-only facilities will apply for sludge permits. This equals 191 municipal sludge-only facilities filing applications per year. These facilities are expected to spend 1.5 hours in record-keeping activities.

Record Keeping of Monitoring Data for Sewage Sludge Facilities [5.26–5.33]
Sewage sludge facilities that are required to submit monitoring data are also required to maintain records of that information. EPA assumes that the time devoted to record keeping at these facilities generally involves copying and filing DMRs. EPA estimates this burden to be 0.17 hour (10 minutes) per DMR submitted. EPA estimates the time required to report this information to be 2 hours.

Some sewage sludge facilities are required to monitor but are required only to maintain records of their monitoring data (i.e., they do not have to report monitoring data). The annual record-keeping burden per facility is assumed to be 1.5 hours.

6(a)(v)(A)(2)(2) Non-Stormwater—Municipal Individual—CSO

CSO Control Policy - Compliance Monitoring [5.34]
During the term of this renewal ICR, 560 municipalities maintain records of information submitted to the NPDES permitting authority on the sampling and analysis of pollutants in CSOs and the effects of CSOs on the quality of the receiving waters. EPA estimates the time required to perform record-keeping activities to be 5 hours.

6(a)(v)(A)(3) Non-Stormwater—General Permits

NPDES Permit Applicants/NOI [5.35]
Each of the existing 62,425 non-stormwater general permittees is expected to spend 1 hour maintaining permit application records during the year it applies for a permit.

Record Keeping of Monitoring Data [5.36]
EPA estimates that all 62,425 non-stormwater general permittees will incur a record-keeping burden of 1.2 hours annually for maintaining monitoring data.

6(a)(v)(B) Stormwater

6(a)(v)(B)(1) Stormwater—Industrial

NPDES Permit Applicants [5.37–5.39]
Estimates from EPA, PCS, and ICIS-NPDES list a total of 783 individual stormwater permits. Assuming that one-fifth of all permittees file applications each year, the annual number of existing facilities with record-keeping burden is 157. Each of the existing facilities applying for an NPDES permit is expected to spend 1 hour maintaining permit application records the year it applies for a permit. EPA predicts that 86 additional facilities will apply for individual stormwater permits each year. These and the 17,883 facilities per year applying for coverage under a stormwater general permit are expected to spend 1.5 hours each.

Record Keeping of Inspections and Monitoring [5.40]
All 89,415 stormwater general permittees with industrial discharges are required to conduct and maintain records of their annual site inspections. These activities are expected to result in an annual burden of 4 hours per respondent. EPA also assumes that each will conduct quarterly

visual examinations, at an estimated 0.5 hour for each. EPA estimates that these stormwater permittees will spend 1.2 hours in keeping monitoring records.

Because only a portion of the 89,415 stormwater permittees with industrial discharges are required to maintain monitoring data, the average burden hours for stormwater permittees with industrial discharges is 6.6 hours (4 hours to maintain records of their annual site inspections + 2 hours for visual examinations + [1.2 hours for keeping monitoring records × 49.5 percent of the stormwater general permittees with industrial discharges required to keep monitoring records]).

6(a)(v)(B)(2) Stormwater—Municipal

Phase I MS4 Applicants [5.41]
EPA estimates that 88 large and 88 medium MS4s will apply for separate storm sewer system permits each year. Each is expected to spend 5 hours developing record-keeping system, entering data, training personnel, and filing information.

Small MS4s Covered by a General or Individual Permit [5.42]
The respondent activities for operators of regulated small MS4s include maintaining records related to the permit application and any supporting documentation for annual reports. EPA estimates that respondents will spend 2.8 hours per year for record keeping.

6(a)(v)(B)(3) Stormwater—Construction

Stormwater Discharges Associated with Construction Activity [5.43–5.47]
EPA expects the estimated CGP NOI and SWPPP record-keeping burden for construction sources of 1 acre or more to be 0.4 hour per construction start, on the basis of a poll of contractor and EPA staff familiar with the record-keeping activities associated with the construction stormwater program. The burden is estimated at 0.2 hour each for the CGP NOI and SWPPP, respectively.

Record Keeping of Inspections and Monitoring [5.48]
All 82,074 construction stormwater general permittees are required to conduct and maintain records of their comprehensive site inspection. EPA expects that these activities will result in an annual burden of 4 hours per respondent.

6(a)(v)(C) Vessels

Vessel General Permit Record keeping [5.49–5.57]
Vessels are already required to keep extensive records. Because there are very few additional requirements that vessels must record, EPA assumes that a small incremental number of hours is required for record keeping. EPA estimates that 0.5 additional hours is annually required of smaller vessels (including freight barges, passenger vessels, utility vessels, and tank barges), and 1 additional hour is annually required of large vessels (including cruise ships, freight ships, and tank ships). EPA estimates that the effect of record keeping on foreign vessels is 50 percent of that for domestic vessels, because of their limited time in U.S. waters.

6(a)(v)(D) State-Only Activities

Record Keeping of NPDES Program Information [5.58–5.60]
Although the burden for this activity can vary widely, EPA estimates the average burden to authorized states to be 600 hours. This is based on the original estimate of 50 hours multiplied by a factor of 6, which is the growth in the number of permits since the burden was first estimated. Because this requirement pertains only to the state program, there is no federal burden associated with this information requirement. The respondents keeping this information are the 47 NPDES authorized states assumed to have been authorized for this ICR.

Two programs – CSOs and biosolids - have average record-keeping burdens of more than 50 hours. EPA anticipates that the biosolids program will require an additional 50 hours of record keeping for the average of 8.3 sludge program authorized states (8 currently authorized and 1 expected to be authorized in the next 3 years). For the CSO program, EPA estimates the time required for the states to perform record-keeping activities to be 0.33 hour for each municipality in that state submitting documentation.

6(a)(vi) Compliance Assessment and Enforcement

6(a)(vi)(A) Non-Stormwater

Section 308(a) Letters [6.1–6.2]
As discussed in Section 4(b), section 308(a) of the CWA gives permitting authorities broad discretion to request information from a permittee above and beyond routine requirements. EPA estimates the burden associated with section 308(a) collection to be 8 hours per response. This estimate represents the time required for the permittee to gather existing information; consult specialists, such as engineers and lawyers; and prepare a short, direct report. EPA estimates that 1,200 permittees will be required to respond to a section 308(a) letter each year. EPA estimates that 277 and 123 of these are for non-stormwater nonmunicipal and non-stormwater municipal facilities, respectively.

6(a)(vi)(B) Stormwater

Section 308(a) Letters [6.3–6.5]
A complete discussion of these letters is presented in Section 6(a)(vi)(A). EPA estimates the burden associated with this type of collection to be 8 hours per response. This estimate represents the time required for the permittee to gather existing information; consult specialists, such as engineers and lawyers; and prepare a short, direct report. EPA estimates that 1,200 permittees will be required to respond to a section 308(a) letter each year. Of these, EPA estimates that 401 are for general stormwater permittees with industrial discharges, 31 are for MS4s, and 368 are for construction stormwater general permittees.

6(a)(vi)(D) State-Only Activities

Inspection and Investigation of NPDES Permittees [6.6–6.38]
The information varies depending on the type of inspection conducted; it is used to assess compliance with NPDES permit requirements and to verify permittees' reporting. The various types of inspections are as follows:

- *Compliance Sampling Inspection (CSI). [6.6–6.7, 6.21–6.22]* The estimated burden for the inspection is 120 hours.
- *Compliance Evaluation Inspection (CEI). [6.8–6.9, 6.23–6.24]* The estimated burden for this inspection is 24 hours.
- *Performance Audit Inspection (PAI). [6.10–6.11, 6.25–6.26]* The estimated burden for this inspection is 96 hours.
- *Diagnostic Inspection (DI). [6.12–6.13]* The estimated burden for this inspection is 128 hours.
- *Compliance Biomonitoring Inspection (CBI). [6.14–6.15, 6.27–6.28]* The estimated burden for this inspection is 240 hours.
- *Toxic Sampling Inspection (XSI). [6.16–6.17, 6.29–6.30]* The estimated burden for this inspection is 280 hours.
- *Reconnaissance Inspection (RI). [6.18–6.19, 6.31–6.37]* The RI is the briefest of all NPDES inspections; the estimated burden for this inspection is 8 hours.
- *Regulatory Options for the Pulp, Paper, and Paperboard Point Source Category (40 CFR Part 430) [6.38]* Authorized state staff might need to conduct follow-up actions in instances of noncompliance. This follow-up could be a phone conversation or a letter to verify, clarify, or substantiate the information reported. EPA estimates that 20 percent of the DMRs submitted will require follow-up action by the authorized states, particularly because of the unique nature of the new monitoring requirements imposed by the recently promulgated effluent limitations guidelines. EPA estimates that recurring incremental state burden for this follow-up action requires an average of 0.5 hour (30 minutes) per facility per DMR

For this calculation, EPA assumes that there are a total of 2,089 major and 30,881 minor nonmunicipal facilities and a total of 4,076 major and 9,470 minor municipal facilities in authorized states. Of the major facilities (nonmunicipal and municipal), 15 percent receive CSIs, 60 percent receive CEIs, 15 percent receive PAIs, 17 percent receive CBIs, 4 percent receive XSIs, 40 percent receive RIs, and an additional 5 percent of municipal facilities receive DIs. Of the minor facilities (both nonmunicipal and municipal), 3 percent receive CSIs and 17 percent receive CEIs. In addition, 10 percent of general stormwater permittees with industrial discharges, 5 percent of large (> 5 acres) construction stormwater general permittees, 2.5 percent of small (1–5 acres) construction stormwater general permittees, 20 percent of Phase I MS4s, and one-seventh of small MS4s receive RIs. Therefore, EPA estimates the total annual number of inspections conducted to be 30,004 inspections.

6(a)(vii) Program Authorization

The annual burden for program authorization activities for state NPDES and sludge programs is a function of the number of states responding to the collection and the average time required for

states to complete each information item. The Respondents Activities Table in Appendix B summarizes the average burden for the information items in this ICR. To determine the average burden hours for the ICR, EPA calculated a cumulative total for each reporting item.

Request for NPDES Program Authorization [7.1]
EPA expects that no states will request full program authorization during the life of this ICR. The estimated average time to prepare a state NPDES program application can vary from a relatively small burden to several work years where complete regulatory and statutory changes are necessary. In most cases, at least some regulatory changes are necessary. It is unreasonable to determine the *average* burden for this reporting requirement because the burden depends on many different factors. For the purposes of this ICR, EPA estimates one work year (2,080 hours) to reflect the burden for states requesting program authorization.

Request for Partial NPDES Program Authorization [7.2]
EPA anticipates that no states will seek partial program authorization during the life of this ICR. Because the elements of the partial program application are expected to be the same as those for program authorization, EPA assumed that the burden for partial programs equals the burden for a full program (one work year, or 2,080 hours).

Request for NPDES Program Modifications [7.3–7.5]
Four of the authorized states do not have authority to issue permits to federal facilities. EPA does not expect that these states will request such authorities during the next 3 years. The Agency anticipates that all authorized states will revise their programs to update their legal authorities in response to the multiple rulemakings anticipated in the NPDES program. Therefore, the average number of requests for program modification expected during the next 3 years is 12.33. For the purposes of this ICR, EPA uses a burden estimate of 250 hours for any program modifications.

Request for Program Transfer/Withdrawal [7.6]
On the basis of the analysis for this ICR, EPA estimates that an average of three transfer petitions per year will be submitted in the next several years. EPA estimates that on average, developing each petition will require 480 state hours. EPA to date has not withdrawn a program and assumes it will not do so in the next 3 years.

Request for Sludge Program Authorization [7.7]
EPA expects two requests for state sewage sludge programs over the next 3 years. States requesting authority to implement sludge programs will expend an estimated 750 hours per request. Because this requirement pertains only to the state programs, no federal burden is associated with this information requirement.

6(b) Estimating Respondent Costs

With burden hour estimates in place from Section 6(a), the next step is to estimate the labor cost per respondent and the capital costs required to complete each activity. The total cost for each respondent activity is composed of the following:

- Labor Cost;
- Operating and Maintenance (O&M) Cost; and
- Capital/Start-up Cost.

The results of the respondents' costs analysis are presented in the Respondents Activities Table in Appendix B.

6(b)(i) Estimating Labor Costs

When calculating respondent labor costs, EPA makes the following assumptions:

- EPA used a labor rate of $40.28 per hour for all authorized state and territory respondent activities defined in this ICR. This hourly rate was based on the average hourly wage for state and municipal employees as determined by the U.S. Department of Labor. It is based on U.S. Department of Labor, Bureau of Labor Statistics, 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 workers, by major occupational and industry group, December 2010.
- The average hourly rate for municipal employees, which account for all POTW and MS4 costs, as determined by the U.S. Department of Labor, Bureau of Labor Statistics, is $33.49 (including overhead costs of 50 percent). Updated rates are derived from the U.S. Department of Labor, Bureau of Labor Statistics, in a table titled *May 2010 National Industry-Specific Occupational Employment and Wage Estimates, NAICS Industry 999300 - Local Government (OES designation), which is part of: NAICS 999000 - Federal, State, and Local Government (OES designation),* and adjusted to December 2010 dollars using the seasonally adjusted Employment Cost Index (ECI) for state and local government employees.
- EPA assumes the average hourly rate in the private sector is $49.46 as determined by the U.S. Department of Labor, Bureau of Labor Statistics, Total Compensation for Management, professional, and related. *Employer Costs for Employee Compensation, Table 5- Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry, by major occupational group and bargaining status, December 2010.*

6(b)(ii) Operating and Maintenance (O&M) Costs

Most calculations in this ICR account for labor costs only. The ICR does, however, account for certain testing/analysis costs incurred by respondents that perform activities outside the normal operation practices. All costs presented in this section have been adjusted with the Consumer Price Index to December 2007 dollars. These costs are linked to the three distinctive activities described below.

6(b)(ii)(1) Application Requirements for NPDES Permits [1.12, 1.51, 1.74, 1.80]

Assumptions and estimates for these O&M costs (i.e., testing/contractor costs) are detailed in Tables 6.2 to 6.4. These assumptions come from EPA ICR Number: 0226.18, OMB Control No. 2040-0086.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

Table 6.2 Estimate of Form 2A facilities that contract out testing for pollutants

Facility type	Annual # of respondents	Basic conventional and nonconventional		Additional conventional and nonconventional		Priority pollutants and state WQS		Multiple species biomonitoring	
		% testing in-house	# not testing in-house	% testing in-house	# not testing in-house	% testing in-house	# not testing in-house	% testing in-house	# not testing in-house
< 0.1 mgd, no priority pollutants.	656	60%	263						
0.1–1.0 mgd, no priority pollutants.	1,164	80%	233	80%	233				
Minors, with priority pollutants.	38	85%	6	85%	6	50%	19	85%	6
Majors, no priority pollutants.	871	85%	131	85%	131	10%	784	75%	218
Majors, with priority pollutants.	7	90%	1	90%	1	70%	2	85%	1
Total minors	1,859		502		239		19		6
Total majors	878		132		132		786		219

Table 6.3 Estimate of Form 2S facilities that contract out testing for pollutants

Facility type	Annual # of respondents	Basic conventional and nonconventional	
		% testing in-house	# not testing in-house
NPDES POTWs	2,737	95%	137
NPDES PrOTWs	692	95%	35
Sludge Only POTWs	29	50%	14
Sludge Only PrOTWs	66	50%	33

Table 6.4 Testing/contractor costs (O&M costs)

	Respondents	Tests/year	Cost per test ($)	Total $
Form 2A				
Basic conventional and non-conventional	634	3	$109.00	$207,318.00
Additional conventional and non-conventional	371	3	$217.00	$241,521.00
Priority Pollutants/state WQS	805	3	$1,248.00	$3,013,920.00
Multiple Species Biomonitoring	225	1	$8,683.00	$1,953,675.00
Form 2S				
NPDES and sludge-only facilities	300	1	$217.00	$65,100.00
Section 308 Requests				
Municipal (complex)	4	1	$1,248.00	$4,368.00
Nonmunicipal (medium)	5	1	$1,085.00	$5,696.25

6(b)(ii)(2) Baseline Determination and Estimate of the Incremental Monitoring Burden and Cost for Remining Sites [3.25–3.26, 3.30]

EPA assumes that baseline determination monitoring and annual monitoring costs will be required for all the reporting requirements for mining sites in Indiana (5), Kentucky (7), and Tennessee (9). EPA assumes a sample analysis and mileage cost of $29.51/sample (Baseline Standards and BMPs for the Coal Mining Point Source Category-Coal Remining Subcategory

and Western Alkaline Coal Mining Subcategory ICR; OMB Control No. 2040-0239; EPA ICR No. 1944.03).

6(b)(ii)(3) Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category [3.16–3.22]

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

Analytical costs performed at outside laboratories were taken from the Minimum Monitoring Requirements for Direct Discharging Mills in the Bleached Papergrade Kraft and Soda Subcategory and the Papergrade Sulfite Subcategory of the Pulp, Paper, and Paperboard Point Source Category ICR (OMB Control No. 2040-0243; EPA ICR No. 1878.02). These costs are $159 for AOX, $1,156 for TCDD/TCDF, $660 for chlorinated phenolics, and $356 for chloroform.

Seventy-five Subpart B Bleached Papergrade Kraft & Soda mills perform daily sampling for AOX, weekly sampling for chloroform, and monthly grab sampling for TCDD, TCDF, and chlorinated phenolics. Thirty-eight Subpart B Bleached Papergrade Kraft & Soda mills perform monthly composite sampling for TCDD, TCDF, and chlorinated phenolics. Five of the Subpart E Ca / Sodium / Mg Sulfite mills perform daily AOX sampling. Two each for the Subpart E Ammonium Sulfite and Specialty Grade perform monthly sampling for TCDD, TCDF, and chlorinated phenolics

6(b)(iii) Capital/Start-up Costs

Most calculations in the ICR account for labor costs only. The ICR does, however, account for certain capital and start-up costs incurred by respondents that perform activities outside the normal operating practices. All costs presented in this section have been adjusted with the Consumer Price Index to January 2011 dollars. These costs are linked to two distinctive activities.

6(b)(iii)(1) CSO Control Policy [4.210–4.211]

1The capital costs associated with public notification of CSO locations, events, and public health and environmental effects are included in this ICR. The costs are those for municipalities to purchase notification signs. From estimates presented in the previous CSO Control Policy ICR (OMB Control No. 2040-0170; EPA ICR No. 1680.041) each sign is estimated to cost $104 and be used once.

6(b)(iii)(2) Baseline Determination and Estimate of the Incremental Monitoring Burden and Cost for Remining Sites [3.25–3.26, 3.30]

EPA assumes that flow metering from an installed weir is required for mining sites in Indiana and Tennessee. For all other states, EPA assumes that flow metering is already required and installed as part of the state Rahall remining permit program.

For Indiana and Tennessee, EPA assumes installed weir costs of $1,368 on the basis of an escalation of 2004 cost estimates from previous the Baseline Standards and BMPs for the Coal Mining Point Source Category-Coal Remining Subcategory and Western Alkaline Coal Mining Subcategory ICR (OMB Control No. 2040-0239; EPA ICR No. 1944.03) (originally from Weir & Flume Sales Company and Tarco Tech Industries). Indiana will have 5 sites/year × 4 preexisting discharge points/site × $1,368 /weir = $27,360. Tennessee will have 9 sites/year × 4 preexisting discharge points/site × $1,368/weir = $49,248. These costs are annualized using a 7 percent discount rate and an estimated 10-year life for the weir.

6(c) Estimating Agency Burden and Cost

EPA's estimate of its burden and costs are from the activities described in Section 5(a). When calculating the Agency cost, EPA makes the following assumption:

EPA determined the hourly employment cost of federal employees using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2011 General Schedule (2011-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 is $25.98. Assuming overhead costs of 60 percent, or $15.59 per hour, the fully loaded cost of employment for a federal employee is $41.57.

Burden and costs incurred by EPA are presented in the Agency Activities Table in Appendix C.

EPA's activities as the NPDES permitting authority for non-authorized states and territories are the same as the activities performed by the authorized states and territories. These burdens and costs are identical to those for authorized states and territories, with the exception of certain activities performed only by EPA as described below.

Alaskan Land Applications [EPA48]
Because most state governments have authority for the NPDES programs, state governments will incur the majority of the burden and costs. There are, however, some exceptions to this rule. EPA will always process Alaskan Lands Applications. As a result, the burden and cost for this activity will belong to the federal government exclusively. EPA estimates that the Agency will spend 0.6 hour reviewing each Alaskan Land Applications. The burden estimate and annual cost to EPA associated with Alaskan Land Applications does not include analysis of the data because this activity is associated with preparing and issuing the permit.

Variance Request for Innovative Pollution Control Technology [EPA117]
EPA oversees and provides assistance to authorized states that receive Variance Requests for Innovative Pollution Controls. EPA estimates that the Agency effort incurred in this capacity will

be 400 hours (50 work days) as compared to 520 hours (65 work days) for evaluating a request submitted directly to EPA in non-authorized states.

Variance Request Regarding Thermal Discharges [EPA118–EPA119]
EPA oversees and provides assistance to authorized states that receive Variance Requests for Thermal Discharges. EPA estimates that the Agency effort incurred in this capacity will be 400 hours (50 work days) as compared to 520 hours (65 work days) for evaluating a request submitted directly to EPA in non-authorized states. In addition, an estimated 1 hour will be necessary for handling and reviewing each variance reissue.

Discharge Monitoring Reports—Support on Minimum Monitoring Requirements for Direct Mills Associated with the Pulp, Paper and Point Source Category [EPA174–EPA175]
EPA estimates that 20 percent of the DMRs submitted to authorized states under the Minimum Monitoring Requirements for Direct Mills will result in 0.5 hour each of additional support from EPA.

24-Hour Report of Unanticipated Upset or Bypass [EPA127, EPA129]
Agency burden is calculated for a portion of the responses that are submitted to states that need Agency assistance. EPA estimates that 5 percent of written responses submitted to states will require an additional 2 hours of Agency burden per response. In addition, 5 percent of the total responses submitted to states will result in 2 each hours of additional federal review time after the state response.

24-Hour Report of Violation of Maximum Daily Discharge [EPA132, EPA134]
Agency burden is calculated for a portion of the responses that are submitted to states that need federal assistance. EPA estimates that 5 percent of written responses submitted to states will require an additional 2 hours of Agency burden per response. In addition, 5 percent of the total responses submitted to states will result in 2 each hours of additional federal review time after the state response.

Other Noncompliance [EPA136]
EPA estimates that the Agency will require 1 hour for additional Agency assistance to 5 percent of the state responses.

Section 308(a) Letters [EPA140]
EPA is the sole recipient of each of these responses. EPA estimates that 8 hours are required for it to issue the letter, review the response, and evaluate the need for additional action for each response.

Part 435 Certification for Oil and Gas Extraction [EPA155]
The burden and cost for EPA is based on the time required to review BMPs and ensure compliance. EPA estimates that 5.7 hours are required per certification.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

NPDES and Sewage Sludge Management State Programs [EPA8–EPA14]
The burden for EPA is based on the time to review state program requests as described in Section 4(b)(i)(5) for the following activities:

- Request for NPDES Program Authorization—EPA estimates the average Agency burden for the review of state program requests is 1,248 hours.
- Request for Partial NPDES Program Authorization—Like full NPDES program requests, the average Agency burden for the review of state program requests is 1,248 hours.
- Request for NPDES Program Modifications—EPA staff will require 50 hours to review each request for program modification for the following:
    - Request for Authority to Issue General Permits;
    - Request for Authority to Issue Permits to Federal Facilities; and
    - Request to Update Legal Authority in Other Areas.
- Request for Program Transfers—EPA estimates that the Agency burden to review program transfers is 240 hours.
- Request for Sludge Program Authorization—EPA must review and process each state program submission, expending approximately 400 hours per request.
- Request for Pretreatment Program Authorization—this activity is covered under the ICR for the National Pretreatment Program (OMB Control No. 2040-0009; EPA ICR No. 0002.14).

Compliance Inspection Report (CIR) [EPA15–EPA16]
The burden and cost for EPA is based on the time required to review the CIRs or the pretreatment checklists.[16] On the basis of previous experience, 90 percent of the inspection reports will require an initial review of 0.5 hour each, while the remaining 10 percent will require a more intensive review of 5 hours.

Quarterly, Semiannual, and Annual Reports [EPA17]
The burden and cost for EPA is based on the time to review reports by EPA Regions and by EPA headquarters. EPA estimates the burden for this information item to be 15 hours, including 8 hours of review by EPA Regions and 7 hours of review by EPA headquarters.

Submittal of Noncompliance Information for Sludge Management Programs Annual Sewage Sludge Program Reports [EPA18]
The burden and cost for EPA is based on the time to review the reports. EPA estimates that the review time is 55 hours per report.

Review Support for Subpart B, Bleached Papergrade Kraft and Soda Milestone Plans [EPA164–EPA165]
EPA estimates the burden for this information item to be 20 hours for the initial review and 4 hours for recurring review of milestone plans.

[16] As discussed above, states are not required to use these forms. However, the federal burden is not likely to depend greatly on the format in which results are reported. Therefore, for simplicity, it is assumed that states use these forms.

Support to State and Local Entities for the Pulp, Paper and Paperboard Point Source Category [EPA167]
The burden and cost for EPA is based on review data and program oversight. EPA estimates that the Agency burden for program oversight is 8 hours.

Coal Remining [EPA168–EPA169]
EPA's burden for this information item is estimated at 1 hour for the initial review and 8 hours for recurring review of the site.

Western Alkaline Coal Mining [EPA170–EPA172]
EPA estimates the burden for this information item to be 1 hour for the initial review and 8 hours for recurring review of the site.

Great Lakes Water Quality Guidance [EPA199]
EPA estimates an annual burden to the Agency of 400 hours to maintain the water quality database to serve as the Information Clearinghouse.

Vessel General Permit NOI filing [EPA200]
EPA will be the permitting authority for the Vessels General Permit. The Agency estimates that it will spend 0.5 hour processing each NOIs.

Vessel General Permit Standard Permit Conditions [EPA71, EPA81, EPA103]
As the permit authority, EPA will handle and review Permittee Report of Planned Facility Changes, Permittee Report of Anticipated Noncompliance, and Permittee Report of Inaccurate Previous Information. EPA estimates it will spend 20 hours, 10 hours, and 4 hours, respectively for this activity.

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

Detailed information describing the universe and basis for burden and costs is provided in Section 6(a). Results are presented in the Respondents Activities Table in Appendix B. The Respondents Table in Appendix A provides the respondents universe and the source of information for all respondent categories used throughout this ICR.

6(e) Bottom Line Burden Hours and Cost Tables

6(e)(i) Respondent Tally

The bottom line burden hours and costs for facilities and authorized states are the average annual hours and costs collectively incurred for all activities during the 3-year period covered by this ICR. Table 6.5 provides a summary of the average annual number of respondents, burden hours, and costs. A more detailed summary is in the Respondents Activities Table in Appendix B.

Table 6.5 Respondent Tally

	Permittees	States/tribes/territories	Totals
Unique Respondents (number) [a]	397,703	637	398,340
Responses (number)	4,184,125	796,791	4,980,917
Burden (hours)	19,666,765	1,657,976	21,324,741
Costs (labor)	$928,775,997	$66,785,464	$995,561,461
Costs (capital)	$211,074	$0	$211,074
Costs (O&M)	$18,551,848	$0	$18,551,848
Total costs	$947,538,919	$66,785,464	$1,014,324,384

a. 590 of these 637 states respond to only one information item (certification of EPA-issued permits) [4.356]

6(e)(ii) The Agency Tally

The bottom line burden hours and costs for the Agency are the total annual hours and costs collectively incurred for all activities during the period covered by this ICR. Table 6.6 provides a summary of the average annual Agency burden hours and costs. A more detailed summary is in the Agency Activities Table in Appendix C.

Table 6.6 Agency Tally

Responses (number)	109,249
Burden (hours)	91,568
Costs (labor)	$3,806,493
Costs (capital)	$0
Costs (O&M)	$0
Total costs	$3,806,493

6(f) Reasons for Change in Burden

This ICR renewal does not include any programmatic changes to the NPDES permit program; it is simply an update of the 2008 consolidated ICR. Any changes are primarily due to new and better data, and some minor changes from elimination of obsolete or redundant respondent activities.

The burden currently approved by OMB for the ICR is 30,943,308 hours. This ICR renewal estimates a total burden that is 9,618,566 hours less than the currently approved burden. This decrease in burden corresponds to 31 percent of the overall burden. The main reasons for the change in burden is that EPA generated a new estimate of construction sites based on data collected for the development of the final Construction Effluent Limitation Guidelines. The Agency revised its estimate of the number of large and small construction sites covered by this

ICR downward from 243,076 to 84,472 sites annually. The impact of this change in the number of construction sites is a decrease of 8,051,315 hours.

Some other specific reasons for burdens changes are presented below. In addition, Appendix D presents a table with all activities with burden changes greater than 50 percent and an explanation of the reasons for the change and any quality assurance actions taken to verify the estimates.

- EPA's continuous effort to improve the quality of data in its PCS and ICIS-NPDES. This change could reflect more accurate data rather than a significant change in the number of permits actually administered. This change is particularly important for activities related to general permittees because in previous ICRs, EPA based the calculation on best professional estimates; whereas, for this ICR, the Agency has real inventory numbers from PCS and ICIS-NPDES.
- All CSO permits or enforcement orders have fulfilled the obligation of Phase I technology-based CSO control requirements (Nine Minimum Controls)
- Previously, EPA accounted for 6 hours per CAAP facilities to submit Form 2b and 0.5 hours per application per state to process and review the form. This burden from CAAP facilities and states has been transferred to the Animal Sectors ICR (OMB Control No. 2040-0250).
- In the previous ICR, EPA accounted for the state burden of 24 hours per pretreatment compliance inspection, but this burden has been transferred to the Pretreatment ICR (OMB Control No. 2040-0009).
- For this ICR, labor rates have been updated to January 2011 dollars. These changes affect the estimated costs of reporting and recordkeeping requirements of the NPDES Program.

6(g) Burden Statement

The calculations made for this ICR cover the burden and costs for EPA, authorized states, and operators of regulated facilities. This ICR estimates a burden of 19,666,765 hours annually for 397,703 operator respondents at a cost of $948 million. Burden for the state respondents is 1,657,976 hours annually at a cost of $67 million. Agency burden is 91,568 hours annually at a cost of $3.8 million. The annual reporting and record-keeping burden for this collection of information is estimated to average 4.3 hours per response.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and 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 information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR chapter 15.

6. Estimating the Burden and Cost of the Collection
6(a)(i) Application/NOI

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 through http://www.regulations.gov/. Use FDMS 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. 2040-0004 in any correspondence.