

1. Information Collection Request (ICR) for the Electronic Reporting of National Pollutant Discharge Elimination System (NPDES) Program Data (Proposed Rule) (EPA No. 2468.01, OMB No. 2020-NEW)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Title: Electronic Reporting of NPDES Program Data (Proposed Rule).
EPA ICR No.: 2468.01
OMB Control No.: 2020-NEW

1(b) Short Characterization/ Abstract

EPA is proposing a regulation that would require electronic reporting for current paper-based NPDES reports. This action will save time and resources for permittees, states, tribes, territories, and EPA while improving compliance and providing better protection of the Nation's waters. The proposed Clean Water Act regulation would require permittees and regulators to use existing, available information technology to electronically report information and data related to the NPDES permit program in lieu of filing written reports. The proposal will also allow better allocation and use of limited program resources and enhance transparency and public accountability by providing regulatory agencies and the public with more timely, complete, accurate, and nationally-consistent sets of data about the NPDES program and potential sources of water pollution. The benefits of this proposed rulemaking should allow NPDES-authorized programs in states, tribes, and territories to shift precious resources from data management activities to those more targeted to solving water quality and noncompliance issues. This in turn may contribute to increased compliance, improved water quality, and a level playing field for the regulated community.

EPA estimates that, once the rule is fully implemented in two years from its effective date, the 46 states and the Virgin Island Territory that are authorized to administer the NPDES program will collectively save approximately \$29 million each year as a result of switching from paper to electronic reporting. Regulated facilities will be required to start submitting data electronically one year following the effective date of the final rule. Facilities with limited access to the Internet will have one additional year to come into compliance with the new rule. EPA will work closely with states to provide support to develop or enhance state electronic reporting capabilities.

Note that this ICR covers the first three years after the final rule is promulgated; however, according to EPA's schedule, the proposed rule would not be fully implemented until four years after the effective date of the rule. As a result, some activities required by the proposed rule are not reflected in the costs of this ICR. In addition, the full extent of expected savings is not reflected as they do not fully materialize until the rule is fully implemented four years from the effective date.

EPA is proposing to phase in the electronic collection of NPDES program data on the following schedule:

- Pre-Phase 1: Prior to the start of Phase 1, EPA will receive information from states, tribes, and territories regarding inspections, violation determinations, and enforcement actions. This includes authorized NPDES programs entering enter facility, limit, and limit set information into ICIS-NPDES, or transfer that data from their own information systems into ICIS-NPDES, so that electronic reports submitted by regulated entities can be electronically compared to their permit requirements. (EPA believes much of this data is already in ICIS-NPDES, particularly for major

facilities.) EPA would also begin to electronically receive information from authorized NPDES programs regarding inspections, violation determinations, and enforcement actions.

- Phase 1: One year after the effective date of the rule, EPA and authorized NPDES programs would electronically receive Discharge Monitoring Reports (DMRs) from NPDES permittees. EPA would also receive information from facilities covered by Federal general permits [e.g., notices of intent to discharge (NOIs), notices of terminations (NOTs), no exposure certifications (NECs), and low erosivity waivers (LEWs)].
- Phase 2: Two years after the effective date of the rule, EPA and authorized NPDES programs would electronically receive general permit reports [e.g., Notice of Intent (NOI)] from all general permit covered facilities and program reports from all facilities. These program reports include: Pretreatment Program Annual Reports, Industrial Users in Cities Without Approved Pretreatment Programs Periodic Compliance Monitoring Reports, Biosolids Program Annual Reports, concentrated animal feeding operations (CAFO) Annual Reports, Municipal Separate Storm Sewer Systems (MS4) Annual Reports, and Sewer Overflow of Bypass Event Reports [Combined Sewer Overflows (CSOs), Sanitary Sewer Overflows (SSO), and Bypass Event Reports].

State authorized NPDES programs are expected to have adequate¹ electronic reporting systems one year after the effective date of the rule. EPA anticipates the potential need for CWA section 308 reporting for permittees up to three years after the effective date of the rule, to ensure that authorized NPDES programs have adequate electronic reporting systems in place that submit regulated entity and authorized NPDES program information to EPA. Two years after the effective date of the rule, EPA will begin to replace the QNCR, ANCR, semi-annual statistical reports with the NNCR. EPA's planned phase-in over the first three years of implementing the NPDES Electronic Reporting Rule is described in detail in Section 5(d).

This rule-related Information Collection Request (ICR) addresses the incremental paperwork activities for authorized NPDES programs submitting NPDES programmatic data to EPA. This ICR also addresses the incremental paperwork activities associated with electronic submittal of DMRs, general permit reports, and program reports by regulated entities to authorized NPDES programs or EPA. In particular, EPA is using its authority under CWA sections 101, 304(i), 308, 402(b), and 501 to require the electronic collection and transfer of NPDES program data to EPA as part of this rule, where authorized states, tribes, and territories are not ready to implement electronic reporting.

EPA estimates that approximately 233,213 respondents² would incur paperwork-related burden and reporting burden reductions annually following promulgation of the rule. The respondents to this ICR are regulated entities, which include publicly-owned treatment works (POTWs), CAFOs, and stormwater dischargers; as well as states that are authorized to administer the NPDES program. EPA estimates a reporting and recordkeeping burden reduction for these respondents at approximately 190,292 hours annually for the first three years after the rule becomes effective.³

¹ State authorized NPDES programs with adequate electronic reporting systems meet the "State Readiness Criteria," as defined in the preamble to the proposed NPDES Electronic Reporting Rule.

² This number is a three-year average covering both regulated entities and state authorized NPDES programs. In the first year all regulated entities must check the EPA website, and some may incur savings associated with paper mailings (288,994). In the second year, some regulated entities must dual report to EPA and some may incur savings associated with paper mailings (205,252). In the third year, fewer regulated entities must dual report to EPA and a greater number incur savings associated with paper mailings (205,252). Additionally, 47 authorized NPDES programs would incur burden and cost in all three years of this ICR.

³ The average annual burden for regulated entities for the first 3 years is 108,201 hours per year, and the average annual burden reduction for state authorized NPDES programs for the first 3 years is 298,493 hours per year.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

2(a)(i) Need for the Collection

On October 15, 2009, EPA Administrator Lisa Jackson announced an action plan to revitalize the Clean Water Act NPDES program, with an emphasis on compliance and enforcement (“U.S. EPA Administrator Jackson Takes New Steps to Improve Water Quality,” DCN 0009). The CWA Action Plan recognizes that EPA lacks nationally consistent and complete information on the facilities, permits, pollutant discharges, and compliance status of most NPDES-regulated entities. This information gap affects EPA’s and authorized NPDES programs’ ability to identify violations, target compliance and enforcement actions, connect violations to water quality impacts, and share information with the public. The proposed rule would make nationally consistent, timely, accurate, and complete data available to EPA, the authorized NPDES programs, and the public.

The CWA Action Plan identifies electronic reporting as a key component of the new system because it would greatly reduce the reporting related burdens on authorized NPDES programs, EPA, and regulated entities. This information collection activity identifies the NPDES facility-specific information EPA and authorized programs need to receive electronically from NPDES-permitted facilities, and the information EPA needs to receive from authorized NPDES programs to facilitate the conversion from paper reporting to electronic reporting. This information would be submitted to EPA in a nationally-consistent manner. By applying existing technologies for electronic report the proposed rule would substantially reduce the costs of NPDES reporting.

Congress and the public expect environmental program managers at every level of government – local, state, tribal, territorial, and federal – to design and implement programs that deliver environmental results. To target the most important pollution problems and most serious noncompliance, better ensure environmental protection and public health, and enable more integrated program assessment and planning at the national level, data used by EPA should have the following characteristics:

- The data should be current;
- The data should generally be comparable in format, reporting units, frequency, etc;
- The data should be complete; and
- The data should be made available so that the basis for EPA program evaluation and subsequent planning is transparent and reproducible.

These data requirements demonstrate the need for: a shared definition and central management of the information necessary to manage the NPDES program; and ready access to that information by authorized NPDES programs and EPA. The proposed rule would provide definitions for the shared data, ensure the accessibility of that information, and provide the basis for ensuring that the data are nationally consistent, complete, accurate, and timely.

In a previous effort to address state concerns over escalating reporting requirements, EPA and the Environmental Council of the States (ECOS) launched the Burden Reduction Initiative in October 2006. That initiative aimed to identify and reduce what some states consider to be high-burden reporting requirements for various media (e.g., air, water, waste). Among the recommendations from states was reducing the compliance reporting requirements associated with the NPDES program. This ICR would address state reporting burdens by eliminating report processing and transcription activities through the electronic transfer of permit information, as opposed to paper transmission.

2(a)(ii) Authority for the Collection

The Clean Water Act (CWA)⁴ establishes a comprehensive program for protecting and restoring our nation's waters. The National Pollutant Discharge Elimination System (NPDES) permit program was initiated under the CWA to authorize and control the discharges of pollutants to the navigable waters of the United States (CWA Section 402(a)). This information collection activity flows from the proposed NPDES Electronic Reporting Rule (78 FR 46005), which is intended to reduce the burden associated with the existing paper-based reporting system. Echoing the goals of CWA section 101(f), the proposed rule would increase the speed, quality and scope of information received by EPA, authorized NPDES programs, and the public.

EPA is taking this action pursuant to CWA sections 101, 304(i), 308, 402(b), and 501:

- Section 101 encourages, to the extent possible, the minimization of paperwork and interagency decision procedures and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of government.
- Section 304(i) authorizes EPA to establish minimum procedural and other elements of State programs under section 402, including reporting requirements and procedures to make information available to the public.
- Section 308 authorizes EPA to require the submittal of information needed to carry out the objectives of the Act, including sections 301, 305, 306, 307, 311, 402, 404, 405, and 504.
- Sections 402(b) and (c) establish the NPDES permit program for the control of the discharge of pollutants into the nation's waters, and require each authorized state, tribe, or territory to ensure that permits meet certain substantive requirements, and to provide EPA information from point sources, industrial users, and the authorized program in order to ensure proper oversight by EPA.
- Section 501 authorizes EPA to prescribe such regulations as are necessary to carry out provisions of the act.

2(b) Practical Utility/Users of the Data

This information collection activity would deliver more timely, consistent, and accurate information to authorized NPDES programs, EPA, and other stakeholders, which in turn would improve understanding and awareness of NPDES covered discharges. The newly improved and shared information would increase transparency and accountability, and help EPA and authorized NPDES programs monitor compliance with NPDES permits.

EPA has primary responsibility for ensuring the CWA's NPDES program is effectively and consistently implemented nationwide, thus ensuring that public health and environmental protection goals of the CWA are met. Improved NPDES data can significantly improve EPA's knowledge of the regulated community; such knowledge is essential in problem identification and in the development of sound regulations, guidance, and policy. In addition, the information would reflect the performance of state NPDES programs in achieving the goals and objectives of the CWA.

A critical aspect of EPA's ability to oversee NPDES programs is adequate data with which to manage authorized NPDES programs. Previously, data gaps and inconsistencies have limited EPA's ability to conduct adequate oversight. By requiring electronic reporting by NPDES regulated entities, and the additional compliance information generated by the authorized NPDES programs, EPA would receive the data needed for overall management and oversight.

⁴ The 1948 Federal Water Pollution Control Act (FWPCA) and subsequent amendments are now commonly referred to as the Clean Water Act (CWA).

In the development of the proposed NPDES Electronic Reporting Rule, EPA identified several key EPA uses for the NPDES information. These include:

- Permitting, compliance, and enforcement decisions affecting individual facilities or watersheds;
- Making national program decisions and rulemakings;
- Managing and overseeing national and state, tribal, or territorial program management and oversight;
- Leveling the playing field between dischargers and authorized NPDES programs regarding availability of compliance information;
- Establishing program performance indicators;
- Developing trend data on facility compliance and government performance;
- Preparing responses to Congress, the Government Accountability Office, EPA's Inspector General, and OMB; and
- Preparing for and responding to emergencies.

EPA shares much of the existing NPDES information (except for confidential enforcement and business information) with the public, but recognizes that increased transparency of NPDES program implementation and compliance is essential. This information collection activity would allow for a better informed public regarding local and national problems and efforts to address those problems. Increased information may also assist the public in advocating for improved performance from the regulated community, federal, state, tribal, and territorial governments, and for a cleaner, more resilient, and sustainable environment.

Additionally, with the implementation of this information collection activity, regulated entities would be able to ensure that the information used by their authorized NPDES program and EPA is as accurate and timely as possible. Through electronic reporting, regulated entities can be more confident that EPA and authorized NPDES programs receive their reports and acknowledge them in a timely manner, and that reported information and compliance status are characterized correctly. Because the electronic reporting tools would include the ability to check for certain types of errors, regulated entities would also experience savings related to improved data quality and less need to revise and reenter their submissions. However, savings associated with improved data quality were not quantified in this analysis.

3. NON-DUPLICATION, CONSULTATIONS AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

All of the information requested from respondents under this ICR is already required to be collected by statute or regulation and covered by existing information collection requests. However, this ICR documents a change in the mode by which this information is reported to authorized NPDES programs, and requires authorized NPDES programs share with EPA the data they collect and generate.

The implementation plan of the proposed rule will likely require some regulated entities to report the same information to their authorized NPDES programs, as required by permit, and electronically to EPA. The affected facilities will be located in states that do not have sufficiently comprehensive electronic reporting when the rule is promulgated. NPDES program data that are not available electronically are generally not capable of being shared or made available to the public. Consequently, the information collection request by this ICR is only directed at collecting NPDES program data electronically when the authorized NPDES program is not capable to electronically collect NPDES program data in accordance with the proposed rule. The separate reporting to EPA will be discontinued on a state-by-state basis as

each of the affected states achieves adequate electronic reporting. EPA expects all states to have adequate electronic reporting three years after the effective date of the rule.

The separate electronic reporting will allow EPA, for the first time in the history of the program, to assemble comprehensive data on virtually all NPDES permitted facilities. EPA will share that data with the states so EPA and the states can all begin using the data to improve program management, which will lead to improved water quality.

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

This ICR will be made available to the public for comment concurrent with the proposed rule published in the *Federal Register*. The public will have 90 days to provide comments. Any comments received will be given consideration when completing the supporting statement that is submitted to OMB along with the final rule.

3(c) Consultations

EPA has conducted a number of consultations with relevant stakeholders on the proposed NPDES Electronic Reporting Rule. These consultations included:

On October 14, 2008, EPA hosted a listening session with states and interested stakeholders in Washington, D.C. This session was announced in the *Federal Register* by a notice on September 17, 2008. In this meeting, which was complemented by a concurrent conference call and web access to EPA's presentation materials, EPA provided authorized NPDES programs and other stakeholders an opportunity to hear EPA's rulemaking plans and comment on those plans. More than 30 people participated in the meeting, including representatives of several states.

On March 9, 2009, EPA conducted a meeting in Washington, D.C. with representatives from four states. A similar meeting was conducted by EPA in San Francisco on March 13, 2009 with an additional four states. The goal of these meetings was to seek individual state comment on a variety of options under consideration in the rulemaking to effectively reduce potential data entry burden. EPA then conducted two conference calls (on March 18, 2009 and April 8, 2009) with seven additional states to seek comment on those same options under consideration. This series of outreach events provided valuable input from a total of fifteen states from nine EPA Regions regarding the feasibility of the implementation options under consideration for this proposed rule.

Beginning in the summer of 2010, EPA conducted several outreach efforts focused primarily on electronic reporting. First, on July 13, 2010, EPA conducted a meeting in Washington, D.C. with over 100 attendees to announce the electronic reporting approach of this proposed rule. Representatives from state, local and tribal governments, and industry and environmental associations participated in person and by web access. EPA provided attendees the opportunity to learn about EPA's rulemaking plans for the proposed NPDES Electronic Reporting Rule and to comment on those plans.

Subsequently, EPA hosted a series of 11 web sessions from July 2010 through September 2010. The goal of these meetings was to provide further opportunity for comment on the merits of the proposed rule. Altogether, this effort included over 500 participants with representation from 38 states, 10 EPA Regions, and over 150 industry and trade association attendees.

During this rule development, EPA also conducted meetings and consultations to comply with various statutes and executive orders directing federal agencies, including EPA, to coordinate with organizations representing elected officials of states, counties, and municipalities, and consult, as required, with tribes and small businesses and small governmental jurisdictions.

The first of these meetings was held on September 15, 2010, and was attended by 11 state and local government organizations. The focus of this meeting was to comply with Executive Order 13132 (“Federalism”) which requires Federal agencies to consult with elected state and local government officials, or their representative national organizations, when developing regulations or policies that might impose substantial compliance or implementation costs on state and local governments. Through these meetings EPA received substantive feedback on the feasibility of the implementation options under consideration for this rulemaking.

Additionally, EPA met with tribal entities to describe the rulemaking effort and to provide an opportunity for discussion in two separate meetings on November 9, 2010 with the National Tribal Caucus, and on November 10, 2010, with the National Tribal Water Council. The National Tribal Caucus meeting was attended by 19 tribal representatives, elected on a regional basis, who correspond with tribes in each of EPA’s 10 regions. The Tribal Water Council consists of 19 tribal water professionals who represent a national tribal perspective. In addition, after mailing information to 563 nationally-recognized tribal entities, EPA conducted follow-up conference calls on December 14 and December 16, 2010.

The focus of these meetings was to provide an additional opportunity for consultation and thus comply with Executive Order 13175, which states that EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement. These calls did not raise any key issues from the participants, and, in particular, the likely availability of electronic reporting was not an issue for the participants.

On September 20 and 22, 2011, EPA gave the states a presentation on the NPDES Electronic Reporting Rule. The presentation on September 20 was an in-person meeting with 9 states in attendance. The webinar presentation on September 22 had a total of 99 registrants, consisting of 3 contractors, 9 federal, 2 tribal, and 85 state/state association attendees.

In March of 2012 EPA conducted several consultations with various state entities. ACWA organized a small state subset presentation with 6 states in attendance on March 8, 2012, and an Appendix A presentation on March 12, 2012. On March 13, 2012, EPA met in person with the California Association of Sanitation Agencies (CASA). On March 14, 2012, EPA conducted an eDMR Mentoring Call with 70 attendants across the states and regions. On March 15, 2012, EPA conducted a LGEAN MS4 webinar. On March 19, 2012, EPA held an Appendix A webinar with ECOS. On March 27, 2012, EPA presented a NPDES Electronic Reporting Rule webinar to the states, with 82 entities in attendance including, 45 state, 30 EPA, 6 contractors, and 1 federal attendee.

Subsequent to these consultations, on April 25, 2012, EPA met with the NACWA’s National Environmental Policy Forum. On April 26, 2012, EPA met again with the California Association of Sanitation Agencies (CASA) in Napa, California. From May 1, until May 3, 2012, EPA gave presentations at the National Stormwater Conference in Baltimore to the states. On May 23, 2012, EPA conducted a webinar with the National Association of Clean Water Agencies (NACWA), Water Environment Federation (WEF), and the National Rural Water Association (NRWA) with 136 attendees. From May 29, 2012, until June 1, 2012 EPA held the National 2012 Exchange Network Meeting. On June 14, 2012, EPA presented a webinar to the regulated community, including industry and municipalities, which make up the Federal Water Quality Coalition. On July 11, 2012, there was a discussion between EPA and the states regarding Stormwater that was coordinated by ACWA. On July 17, 2012, EPA gave a rule presentation to public interest groups including the River Network, the Clean Water Action Network, and the Environmental Integrity Project. On July 24, 2012, EPA gave a rule

presentation at the 2012 National Environmental Enforcement Information vMeeting. On October 3, 2012, a rule presentation was made to the WEFTEC 2012 National Meeting at New Orleans.

In concert with these meetings and the series of web sessions, EPA also implemented a website for the NPDES Electronic Rule. The NPDES Electronic Rule website is a government flagship project that falls under the theme of “Expanding Public Awareness and Involvement in the Development of Rules and Regulations.” The purpose of the website was to provide background information on the rule, the status of rule development, announcements of upcoming stakeholder meetings, and a discussion forum with questions and topics. To date, over half a million visitors have accessed the website.

EPA also engaged in dialogue with a State Working Group to explore the implementation issues related to this proposed rule. This technical working group focused on identifying issues and roadblocks to implementing various aspects of the proposed rule, and shared information concerning how these issues could be best addressed. EPA worked with Association of Clean Water Administrators (ACWA) and ECOS to identify a group of 11 states to help EPA understand the concerns of individual states. These states supported the concept of electronic reporting, but also raised concerns related to implementation requirements, funding, and available resources. The participants also noted the varying degrees of state readiness for electronic reporting. Some states requested that EPA explicitly identify the required data and the need for each item. EPA has addressed these concerns through the phased implementation plan and the identification of required data in Appendix A to 40 CFR 127.

Upon request, EPA also met with states in an individual capacity. On September 24, 2012, EPA presented a webinar to Kentucky discussing the implementation and outreach process for the proposed rule. On November 16, 2012, EPA presented a webinar to Tennessee’s Department of Environment and Conservation in regards to their questions and comments on the implications of the electronic reporting system. EPA also reached out to the states on numerous occasions through the ICIS State Dialogue Calls, where some states provided comment on the proposed rule. As of February 2, 2012, 29 states participated in this dialogue with EPA.

3(d) Effects of Less Frequent Collection

EPA recognizes the importance of balancing the need for data collection efforts against burden and costs to the respondents. 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 10 years, the executive and legislative branches of the U.S. government have stressed the need for evaluating the costs and benefits of regulation and the financial impact on the regulated community, state, and local government. EPA expects that the proposed NPDES Electronic Reporting Rule would ultimately result in savings for regulated entities, states, and EPA through the elimination of requirements associated with mailing and processing paper reports.

EPA and authorized states need current information about regulated entities, 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 information currently being reported, and subject to the proposed rule, is submitted on a variety of schedules. Some information is only submitted once (e.g., applying for a permit), some information is submitted regularly (e.g., monthly discharge monitoring reports), while some information is submitted as needed (e.g., enforcement actions). The reporting frequencies associated with the NPDES program, as laid out in existing ICRs, represent the minimum reporting frequency attainable while still supporting the programmatic requirements of the NPDES program. Therefore, less frequent reporting would make it more difficult for EPA to effectively provide

guidance to state programs, review or comment on state actions, or intervene in compliance or enforcement cases, as necessary.

This ICR does not alter the reporting frequencies associated with the NPDES program, but rather changes the mode of submission from paper to electronic. The effects of less frequent collection of NPDES data are discussed in the program's current ICRs, including:

- National Pollutant Discharge Elimination System (NPDES) Program (OMB Control No. 2040-0004);
- National Pretreatment Program (OMB Control No. 2040-0009);
- Cooling Water Intake Structures New Facility Rule (OMB Control No. 2040-0241);
- Cooling Water Intake Structures Phase II Existing Facilities (OMB Control No. 2040-0257);
- Cooling Water Intake Structures Phase III Facilities (OMB Control No. 2040-0268); and
- NPDES Animal Sectors (OMB Control No. 2040-0250).

3(e) General Guidelines

This information collection is consistent with the requirements of the Paperwork Reduction Act (PRA), Office of Management and Budget (OMB) implementing regulations (5 CFR 1320.6), and OMB Guidance.

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 would 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. CWA section 308(b) specifically states, however, that effluent data may not be treated as confidential.

3(g) Sensitive Questions

The requirements addressed in this ICR do not include 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 information addressed in this ICR is generally related to potential pollutants and the processes that generate those pollutants. The only information collected about individuals is the name and contact information for responsible individuals.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/ North American Industry Classification System (NAICS) Codes

The reporting requirements associated with this information collection activity would apply to EPA and state authorized NPDES programs as well as to regulated entities.

EPA issues NPDES permits except where a state demonstrates 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 the NPDES program, or parts of it. EPA is the authorized NPDES program for the entire program in the other 4 states, for all of the tribes and 15 territories. EPA is also the authorized NPDES program for any subprogram for which authorized states have declined to assume

responsibility, and for certain national subprograms such as vessels. The authorized states and territories are considered respondents for evaluating paperwork burden in this ICR. The current NPDES program authorization status is posted on EPA's website.⁵

NPDES regulated entities, whether permitted by EPA or a state, are also respondents in this ICR. The NPDES regulated entities affected by this information collection activity include:

- Standard industrial dischargers;
- Publicly owned treatment works (POTWs);
 - Biosolids generators and handlers;
 - POTWs with combined sewer systems (CSSs);
 - Approved pretreatment program and significant industrial users (SIUs);
 - POTWs with sanitary sewer systems (SSSs); and
- Concentrated animal feeding operations (CAFOs);
- Stormwater discharges (including industrial, construction, and municipal separate storm sewer systems (MS4s).

A significant portion of NPDES regulated entities are publicly-owned (i.e., municipal) treatment works (POTWs) classified in the NAICS system as Sewage Treatment Facilities (NAICS sector 221320). In contrast, non-municipal dischargers fall in to more than 1,000 NAICS classifications including industrial, agricultural, commercial, and service sectors.

⁵ See <http://cfpub.epa.gov/npdes/statestribes/astatus.cfm>.

4(b) Information Requested

4(b)(i) Data Items, Including Recordkeeping Requirements

(4)(b)(i)(1) Electronic Reporting from NPDES Regulated Entities

EPA is proposing to revise existing federal regulations to change the mode by which NPDES information is provided. Under the proposed rule, regulated entities would be required to report certain information electronically instead of submitting paper reports. The information to be submitted electronically varies by NPDES subprogram, as indicated below. NPDES reporting requirements not listed below would continue being submitted in the manner prescribed by applicable authorized NPDES programs:

- **Standard Industrial Dischargers** would be required to submit their DMRs and general permit reports (i.e., NOIs, NOTs)⁶ electronically.
- **POTWs** would be required to submit DMRs and the following:
 - **Biosolids Generators and Handlers** would be required to submit their annual program reports⁷ electronically. Biosolids generators and handlers covered under a general permit would submit their general permit reports (i.e., NOIs, NOTs) electronically.
 - **Combined Sewer Systems** would be required to submit their DMRs and sewer overflow reports (including bypass events)⁸ electronically. Those regulated entities regulated under general permits would also be required to submit electronic general permit reports (i.e., NOIs, NOTs).
 - **Approved Pretreatment Program** would be required to submit electronic DMR-equivalents [40 CFR 403.12(e) and (h)] and annual program reports [40 CFR 403.12(i)].⁹ Those regulated entities regulated under general permits would also be required to submit electronic general permit reports (i.e., NOIs, NOTs).
 - **Sanitary Sewer Systems** would be required to submit their DMRs and sewer overflow reports (including bypass events)¹⁰ electronically. Those regulated entities regulated under general permits would also be required to submit electronic general permit reports (i.e., NOIs, NOTs).
- **Significant Industrial Users** (indirect dischargers to POTWs not covered under Approved Pretreatment Program) would be required to submit electronic program reports.
- **Concentrated Animal Feeding Operations** would be required to submit DMRs and their general permit reports (i.e., NOIs, NOTs) and annual program reports¹¹ electronically.
- **Stormwater Municipal Separate Storm Sewer Systems (MS4s)** would be required to submit their DMRs and annual program reports¹² electronically. MS4s covered under a general permit would submit their general permit reports (i.e., NOIs, NOTs) electronically.
- **Stormwater Industrial and Construction General Permits** would be required to submit DMRs and their general permit reports (i.e., NOIs, NOTs, LEWs, and NECs) electronically.

Existing federal regulations already require the submission of these reports; however, most reports are submitted on paper. This information collection activity only changes the mode by which they are submitted. This information collection activity does not create any new reporting requirements or add new data elements beyond what is required to be collected by regulation.

⁶ Only those general permits located in states where EPA is the authorized NPDES program would be required to submit electronic NOIs during the period of this ICR.

⁷ Electronic reporting of program reports would be required two years after the effective date of the rule.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

The implementation plan of the proposed rule will likely require some regulated entities to report the same information to their authorized NPDES programs, as required by permit, and electronically to EPA for a period of time. The affected facilities will be located in states that do not have sufficiently comprehensive electronic reporting when the rule is promulgated. The separate reporting to EPA will be discontinued on a state-by-state basis as each of the affected states achieves adequate electronic reporting. For this analysis, EPA assumed that all states would have adequate electronic reporting three years after the effective date of the rule.

The separate electronic reporting will allow EPA, for the first time in the history of the program, to assemble comprehensive data on virtually all NPDES regulated entities. EPA will share that data with the states so EPA and the states can all begin using the data to improve program management, which will lead to improved water quality.

(4)(b)(i)(2) Data Submissions from Authorized NPDES Programs

Historically, EPA has relied upon authorized NPDES programs to receive data from regulated entities, enter that data into databases, enter their own programmatic data into databases, and then forward some of that data to EPA. Under the proposed rule, EPA would require regulated entities to submit a large portion of their NPDES data electronically, thus significantly reducing the amount work performed by the states.

Nevertheless, EPA would still require certain NPDES information from authorized NPDES programs, particularly information linked to NPDES permitting, compliance monitoring, and enforcement activities and responsibilities of the authorized NPDES programs. The types of NPDES information that EPA would require authorized NPDES programs to report electronically include:

- **Facility and permit information** for individually-issued NPDES permits (much of this information is already reported to EPA and resides in national NPDES databases), for industrial users located in cities without approved local pretreatment programs, and for general permits (generally to be entered by authorized NPDES programs once in the permit cycle, and when the permit is modified, and linked to facility-submitted general permit report information);
- **Limit and limit set information**, which characterize the parameters of releases (total dissolved solids, pH, etc.) authorized by each NPDES permit;
- **Compliance monitoring information** documenting and tracking compliance monitoring activities (e.g., inspections) at permitted facilities;
- **Violation information** for data associated with single event, effluent, and compliance schedule violations; and,
- **Enforcement action information** about the enforcement action itself, as well as associated compliance schedules and penalties.

4(b)(ii) Respondent Activities

(4)(b)(ii)(1) Regulated Entities

In order to comply with this information collection activity, regulated entities would be required to complete some or all of the following activities, depending on the type of permit under which it is regulated and the state in which it is located:

- Check an EPA website to determine if they need to report to both EPA and to the state authorized NPDES program;
- Set up an account on the Central Data Exchange (CDX) or a similar data portal provided by their authorized NPDES program;

- Mail the authorized NPDES program an electronic signature agreement (ESA) stating that their electronic PIN number is the legal equivalent of their written signature;
- Complete online training to learn how to submit DMRs electronically;
- Submit general permit reports, DMRs, and Program Reports electronically using reporting tools developed by EPA, state authorized NPDES programs, or EPA-approved third-party developers; and
- Report electronically to EPA in addition to current state authorized NPDES program reporting requirements if the state does not have an electronic reporting system.

(4)(b)(ii)(2) State Authorized NPDES Programs

State authorized NPDES programs would be required to complete some or all of the following activities:

- Attend EPA training webinars on changes to the ICIS-NPDES system and new data standards;
- Share facility information, limits, and limit sets with EPA electronically;
- Share programmatic data required by Appendix A to 40 CFR 127, such as inspections, violations determinations and enforcement actions, with EPA electronically;
- Modify permits to include electronic reporting requirements; and
- Reconcile regulated entity paper reports with information submitted electronically to EPA.

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

5(a) Agency Activities

EPA Headquarters would conduct the following activities in order to implement electronic reporting of NPDES program data:

- Develop a training webinar for authorized NPDES programs;
- Modify NetDMR and NPDES e-Reporting Tool (NeT) to accommodate data defined in Appendix A to 40 CFR 127, and create a new electronic tool for program report submission;
- Accept data from regulated entities, receive data from state authorized NPDES programs, and send EPA data to state authorized NPDES programs;
- Conduct routine database refreshes, updates, and licensing; and
- Reconcile regulated entity paper reports submitted to state authorized NPDES programs with information submitted electronically to EPA.

To comply with this information collection activity, EPA Region authorized NPDES programs would also be required to complete the following activities:

- Attend EPA training webinars on changes to the ICIS-NPDES system and new data standards;
- Share facility information, limits, and limit sets with EPA electronically;
- Modify permits to require electronic submissions; and
- Share programmatic data required by Appendix A to 40 CFR 127, such as inspections, violations determinations and enforcement actions, with EPA electronically.

5(b) Collection Methodology and Management

This information collection activity would require regulated entities to submit certain data electronically, and would require authorized NPDES programs to share with EPA a larger percentage of the NPDES data they collect from regulated entities or generate while administering the NPDES program locally. EPA

would store the data in the Integrated Compliance Information System (ICIS)-NPDES, EPA's central repository for NPDES program information.

Authorized NPDES programs use the National Environmental Information Exchange Network to share information with EPA, and with each other, over the internet. All 50 states have a node on the Exchange Network and participate in some degree of data sharing. However, not all states store all of the required data electronically. For this reason, to accept electronic reporting from regulated entities, or data transfers from EPA, some states would need to modify their data systems to map all of the required data elements to the appropriate fields within their systems.

ICIS-NPDES ensures that the NPDES information regarding regulated entities remains available, accessible, and in a nationally consistent format for analyses. The public may access NPDES program information via the EPA Enforcement and Compliance History Online (ECHO) or Envirofacts websites, which derive their NPDES program data from ICIS-NPDES.

The proposed rule does not dictate how the state authorized NPDES programs collect data electronically from regulated entities. Several states have already developed or are developing electronic reporting tools for use by NPDES-regulated entities, and EPA encourages them to continue that work. To assist other states in converting to electronic reporting, EPA would develop new, or modify existing, reporting tools to allow for the electronic submission of information from NPDES-regulated entities. These tools would use the Environmental Information Exchange Network's Central Data Exchange (CDX) to flow data into ICIS-NPDES. Authorized NPDES programs would have the option to use EPA's electronic reporting tools, EPA-approved third-party software provider tools, or to build their own tools. All reporting tools, whether existing or to be developed, would be compliant with EPA's Cross-Media Electronic Reporting Regulation (CROMERR).

5(c) Small Entity Flexibility

During the period of this ICR, EPA expects regulated entities to incur net costs while implementing electronic reporting. In addition, some regulated entities will incur net costs while reporting electronically to EPA in addition to meeting state authorized NPDES program requirements. State authorized NPDES programs would also incur costs during the period of this ICR, but by definition are not considered to be small entities.

As estimated in the Economic Analysis for the proposed rule, all small parent entities potentially affected by this proposed rule would have a cost impact of less than one percent of their annual revenue. Since the estimated regulatory costs represent a small fraction of a typical parent entity's revenue (i.e., less than one percent), the impacts of this regulation are likely to be minimal.

5(d) Collection Schedule

During the first year after rule promulgation, EPA would develop and offer webinars that state and EPA Region authorized NPDES programs would attend. Prior to rule promulgation, EPA would implement the necessary IT changes to allow for electronic reporting by regulated entities and authorized NPDES programs to begin reporting electronically immediately if they are able to do so.

During the first year of the rule, state and EPA Region authorized NPDES programs would share facility information, limits, and limit sets with EPA so that information reported electronically by regulated entities can be compared to their permit requirements. Regulated entities would need to check an EPA website to determine whether they are required to report electronically to EPA in addition to submitting separate reports to the state authorized NPDES program. Regulated entities would also need to register to

use the electronic reporting tools. EPA Region authorized NPDES programs would begin modifying permits to require electronic reporting, as well as begin to enter the newly shared data into ICIS-NPDES.

Also during the first year of the rule, regulated entities located in authorized states that lack electronic reporting tools would begin reporting DMRs electronically to EPA. DMRs would be reported according to the schedules required by permits, typically monthly. State authorized NPDES programs and EPA would hold monthly conference calls to reconcile the data submitted electronically by regulated entities. EPA Regions would also enter programmatic data into ICIS-NPDES and modify permits to require electronic reporting during the first year.

The schedule for authorized NPDES programs to share programmatic data with EPA is based on the frequency with which the required data are generated. For example, enforcement action data would need to be shared when an enforcement action occurs. As a result, frequencies vary by subprogram and by permit type. Table 1 below presents relevant annual reporting frequencies by data family, subprogram, and permit type. The annual reporting frequency assumes that, for example, reports that are submitted every 5 years have annual reporting frequencies of 0.2, i.e., authorized NPDES programs must enter the relevant data elements for 20% of regulated entities in a given year. Note that there are two principal mechanisms for authorized NPDES programs to share their programmatic data with EPA. States that use ICIS-NPDES as their programmatic data system will likely enter the data directly. States that operate their own information systems will most likely enter their programmatic data into those systems, and flow the data to ICIS-NPDES periodically.

Table 1: Annual Reporting Frequency Summary by Data Family and Permit Type									
Subprogram	Permit Type	Annual Reporting Frequency							
		Permits	Limits	Limit Sets	DMRs	Program Reports	Compliance Monitoring	Violations	Enforcement Actions
Industrial and Stormwater									
Standard Industrial Dischargers	Individual Major	0.2	0.2	0.2	12	0	0.2	0.4	0.11
	Individual Nonmajor	0.2	0.2	0.2	12	0	0.2	0.4	0.11
	General Nonmajor	0.2	0	0	12	0	0.2	0.4	0.11
CAFOs	Individual Nonmajor	0.2	0	0	0	1	0.2	0.01	0.02
	General Nonmajor	0.2	0	0	0	1	0.2	0.01	0.02
Stormwater	Phase I MS4	0.2	0.2	0.2	12	1	0.2	0.06	0.12
	Phase II MS4	0.2	0	0	0	0.4	0.2	0.01	0.01
	Construction General Permit	0.17	0	0	0 ^b	0	0.05	0.02	0.02
	Multisector General Permit	0.18	0	0	3	0	0.05	0.02	0.02
SIUs	Nonmajor	n/a	n/a	n/a	n/a	1	n/a	n/a	n/a
POTWs									
Biosolids	Individual Major	0.2 ^a	0	0	0	1	0	0	0
	Individual Nonmajor	0.2	0	0	0	1	0	0	0
Pretreatment	Individual Major	0.2 ^a	0.2	0.2	12	1	0.20	0.23	0.39
	Individual Nonmajor	0.2	0.2	0.2	12	1	0.17	0.14	0.22
CSSs	Individual Major	0.2	0.2	0.2	12	11.22	11.22	0.23	0.36
	Individual Nonmajor	0.2	0.2	0.2	12	11.22	11.22	0.11	0.14
	General Nonmajor	0.2	0.2	0.2	12	11.22	11.22	0.11	0.14
SSSs	Individual Major	0.2	0.2	0.2	12	2.57	2.57	0.23	0.36
	Individual Nonmajor	0.2	0.2	0.2	12	2.57	2.57	0.11	0.14
	General Nonmajor	0.2	0.2	0.2	12	2.57	2.57	0.11	0.14

^a Annual reporting frequency applies only to those permit data elements specific to the pretreatment or biosolids program. All other permit data elements are captured by CSSs and SSSs and have an annual reporting frequency of 0.

^b 1% of Stormwater Construction regulated entities have DMR requirements due to an enforcement action. These facilities need to submit DMRs to show they have returned to compliance and are assigned a frequency of 1.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

This section presents the burden and cost estimates associated with the proposed rule that would require electronic submission for general permit reports, DMRs, and program reports. EPA estimates that the proposed rule would affect an average of 233,213 respondents each year¹³. In the long-term, respondents would experience annual burden reduction and cost savings. This ICR Supporting Statement presents the total paperwork burden and costs/cost savings associated with the requirements of the proposed electronic reporting rule in the first three years after promulgation. As noted previously, the annual savings expected from this proposed rule will not be fully realized until the fourth year after rule promulgation (e.g., once dual reporting to EPA ceases and EPA fully eliminates annual and quarterly noncompliance reports).

6(a) Estimating Total Respondent Burden

This section discusses the total potential paperwork-related burden to respondents of the proposed electronic reporting rule during the three-year period of the ICR. As described previously, the proposed rule does not change any of the recordkeeping or reporting requirements set out in earlier ICRs or

¹³ This number is a three-year average covering both regulated entities and state authorized NPDES programs. In the first year all regulated entities must check the EPA website, and some may incur savings associated with paper mailings (288,994). In the second year, some regulated entities must dual report to EPA and some may incur savings associated with paper mailings (205,252). In the third year, fewer regulated entities must dual report to EPA and a greater number incur savings associated with paper mailings (205,252). Additionally, 47 authorized NPDES programs would incur burden and cost in all three years of this ICR.

required by authorized NPDES programs. The proposed rule does change the mode of submission for regulated entities and requires authorized NPDES programs to share more of that data, and their own programmatic data, with EPA. Note that the burden to respondents would vary year-to-year during the first three years of implementation as the requirements of the rule are rolled out. Four years after the effective date of the rule, after implementation is complete, the requirements of the proposed rule would remain the same in all subsequent years. The methodology EPA uses to estimate incremental burden associated with electronic reporting requirements follows the methodology used in the Economic Analysis of the Proposed NPDES Electronic Reporting Rule.¹⁴

Respondents affected by this ICR include regulated entities and state authorized NPDES programs. Due to the different activities required of each respondent group, the burden to regulated entities and state authorized NPDES programs is discussed separately below. The detailed burden estimates for regulated entities and state authorized NPDES programs are presented in Appendix A and Appendix B, respectively.

6(a)(i) Regulated Entities

As a result of this information collection activity, EPA estimates that regulated entities would incur additional burden in carrying out the additional paperwork activities that would be imposed by the proposed rule. Specifically, they would incur costs to: 1) check the EPA website to determine whether they are subject to Section 308 reporting; 2) register with CDX or a similar data portal in order to transmit required data directly to ICIS-NPDES; 3) establish an electronic signature agreement in order to use the data portal; 4) participate in training on how to electronically report DMRs; and 5) for some regulated entities, electronically report DMRs and general permit reports to EPA until their authorized NPDES program has an electronic reporting system in place. EPA estimates the burden associated with each of these activities as described below.

(6)(a)(i)(1) Checking the EPA Website

All regulated entities, regardless of subprogram and permit type, would check an EPA website to determine if they need to report both to EPA and to the state authorized NPDES program. Whether the regulated entity needs to report to EPA would depend on whether the state authorized NPDES program already has an electronic system in place that meets certain minimum requirements. Regulated entity managers would need five minutes (0.08 hours) to find the EPA website and review instructions on electronic reporting to EPA in their state.

(6)(a)(i)(2) Registration with CDX, Electronic Signature Agreement, and NetDMR Training

To submit information through NetDMR and NPDES e-Reporting Tool (NeT), or comparable tools operated by individual authorized NPDES programs, all regulated entities will need to register with CDX, EPA's Exchange Network node, or an equivalent system prescribed by the applicable state authorized NPDES program. Because state authorized NPDES programs' IT systems are highly variable, both in the technology used and the scope of reporting (e.g., eDMR), this analysis applies the estimated costs of the EPA-built systems to all regulated entities.

To use the electronic reporting system for NetDMR and NeT, each regulated entity would need to set up an account, either on the Central Data Exchange (CDX), EPA's node on the Exchange Network, or a similar data portal provided by their authorized NPDES program. It is estimated that it would take regulated entities 20 minutes (0.33 hours) to register for an electronic account with CDX. Additionally, regulated entities using NetDMR and NeT would need to spend another 11 minutes (0.18 hours) to mail an electronic signature agreement (ESA) to the authorized NPDES program. The estimated time required

¹⁴ U.S. EPA. 2013. Economic Analysis of the Proposed NPDES Electronic Reporting Rule.

to complete the CDX registration and ESA application, as well as the cost to mail the ESA application, is based on data from the Electronic Pre-Manufacturing Notice Proposed rule.

NetDMR or authorized NPDES program eDMR systems are sufficiently complex that many regulated entities would need training to effectively use them. EPA currently offers an online training session explaining how to submit DMRs through the NetDMR tool. The training informs regulated entities about login procedures, uploading their DMR information, and how their third party testing laboratory can upload their DMR monitoring information directly into the NetDMR system. Therefore, it is assumed that a manager and a technical staff person at facilities using NetDMR or state eDMR systems would engage in 1.7 hours of on-line training to familiarize themselves with the electronic reporting process for DMRs. This estimate is based on the length of EPA's NetDMR training. Experience with currently operating systems has shown that training is not necessary for submitting general permit reports electronically, as these tools are less complicated.

It was assumed that one managerial staff member and one technical staff member would complete CDX registration, an Electronic Signature Agreement, or NetDMR training based on the reporting requirements of the permitted facility. Whether the regulated entity is required to use NetDMR or NeT would depend on the type of permit and associated reporting requirements. Regulated entities covered under individual permits that are required to submit DMRs would need to register to use NetDMR or the authorized NPDES program equivalent, while those covered under general permits would need to register to use NeT or the authorized NPDES program equivalent.

Implementation costs vary based on the permit type (individual, general, major, non-major) and the reporting requirements of the applicable subprogram. The activities specific to each permit type and subprogram are discussed below.

Standard Industrial Dischargers

Standard industrial dischargers covered under individual permits would use NetDMR, or a similar tool, to electronically submit DMRs. Therefore, they would incur burden to register with CDX, establish an ESA, and take NetDMR training, for a total burden of 4.25 hours per regulated entity. Standard industrial dischargers covered under general permits would use NeT, or a similar tool, to submit their general permit reports and DMRs. Therefore, they would incur only the burden to register with CDX, for a total burden of 0.67 hours per regulated entity.

Concentrated Animal Feeding Operations (CAFOs)

CAFOs covered under individual permits would use NeT, or a similar tool, to submit their annual reports, which requires registering with CDX and establishing an ESA, for a total burden of 0.85 hours per regulated entity. CAFOs covered under general permits would need to register with CDX in order to use NeT, or a similar tool, for a total burden of 0.67 hours per regulated entity.

Combined Sewer Systems (CSSs)

CSSs covered under general permits would use NetDMR, or a similar tool, to electronically submit DMRs and NeT to submit combined sewer overflow reports. They would incur burden to register with CDX, establish an ESA, and take Net DMR training, for a total burden of 4.25 hours per regulated entity. CSSs covered under general permits would use NeT, or a similar tool, to submit their general permit reports and DMRs. Therefore, they would incur burden to register with CDX only, for a total burden of 0.67 hours per regulated entity.

Sanitary Sewer Systems (SSSs)

SSSs covered under general permits would use NetDMR, or a similar tool, to electronically submit DMRs and NeT to submit sanitary sewer overflow reports. They would incur burden to register with CDX, establish an ESA, and take Net DMR training, for a total burden of 4.25 hours per regulated entity. SSSs covered under general permits would use NeT, or a similar tool, to submit their general permit reports and DMRs. Therefore, they would incur burden to register with CDX only, for a total burden of 0.67 hours per regulated entity.

Stormwater Municipal Separate Storm Sewer Systems (MS4s)

Phase I MS4s would use NetDMR, or a similar tool, to electronically submit DMRs and NeT to submit annual reports. They would incur burden to register with CDX, establish an ESA, and take Net DMR training, for a total burden of 4.25 hours per regulated entity. Phase II MS4s would use NeT, or a similar tool, to submit annual reports, and therefore would incur burden to register with CDX and establish an ESA, for a total burden of 0.85 hours per regulated entity.¹⁵

Stormwater Multi-Sector General Permit (MGP)

Regulated entities covered under industrial stormwater permits would need to register with CDX in order to use NeT, or a similar tool, for a total burden of 0.67 hours per regulated entity.

Stormwater Construction General Permit (CGP)

Regulated entities covered under construction stormwater permits would need to register with CDX in order to use NeT, or a similar tool, for a total burden of 0.67 hours per regulated entity.

(6)(a)(i)(3) Electronic Reporting to EPA

In states with authorized NPDES program but no electronic reporting system in place, regulated entities would be required to continue their current reporting to the state authorized NPDES program and, in addition, report electronically to EPA. This requirement would stay in effect until the state authorized NPDES program implements an electronic reporting system meeting certain requirements (expected to be completed three years after the effective date of the rule). To report electronically to EPA, facilities would copy information from their paper forms into an online web form provided by EPA. The process of copying the data onto the electronic form is estimated to take 10 seconds per data element.

During the period of this ICR, electronic reporting to EPA would begin in the second year for all DMRs and in the third year for general permitted facility data and program reports. Note that for this analysis, it is assumed that only half of the facilities reporting to EPA in the second year would report in the third year because authorized NPDES programs would have made progress in electronic reporting activities.

General permit reports (i.e., NOIs, NOTs, NECs, LEWs) for Federally-issued general permits would also be required to be electronically reported during the first year, but EPA is the authorized NPDES program for these permits and expects to discontinue paper-based reporting, so the electronic reporting would not result in additional burden.¹⁶ EPA expects this dual reporting of information to EPA to only last until the end of the third year after the rule becomes effective. Because the electronic reporting requirements vary based on the permit type (individual, general, major, non-major) and the reporting requirements of the applicable subprogram, the activities specific to each subprogram are discussed in the sections below.

¹⁵ Ibid.

¹⁶ By definition, Federally-issued general permits are administered by EPA Regions. It is assumed that all EPA Regions would adopt EPA's electronic tools, and therefore facilities located in states where the EPA Region is the authorized NPDES program would begin electronic reporting and discontinue paper reports one year after the effective date of the rule.

Standard Industrial Dischargers

Both individual and general standard industrial dischargers are required to submit monthly DMRs. There are 11 Appendix A to 40 CFR 127 data elements on the DMRs that would be electronically reported to EPA using NetDMR or NeT, or similar tools, depending on the permit type. The incremental reporting burden per facility to electronically submit DMRs is 22 minutes (0.37 hours) per year.

Concentrated Animal Feeding Operations (CAFOs)

General permit-covered CAFOs would be required to use NeT, or a similar tool, to electronically report the information to EPA. For this analysis, it is assumed that half of the CAFOs would need to dual report permit information to EPA in the third year to account for those facilities in states that do not yet have adequate electronic reporting systems. A CAFO general permit reports consist of 60 data elements. Therefore, the incremental reporting burden per facility to electronically submit general permit reports is 10 minutes (0.17 hours) per year. Note because permits are issued every five years, only 20% of facilities would incur this cost in the third year.

In the third year, approximately one half of the CAFOs would also need to submit program report data to EPA electronically. The incremental reporting burden per facility is 10 seconds per program report.

Combined Sewer Systems (CSSs)

Both individual and general CSSs are required to submit monthly DMRs. There are 11 Appendix A to 40 CFR 127 data elements on the DMRs that would be electronically reported to EPA using NetDMR or NeT, or similar tools, depending on the permit type. The incremental reporting burden per facility to electronically submit DMRs is 22 minutes (0.37 hours) per year.

In the third year, EPA assumed that approximately one half of the CSSs would also need to submit annual program report data on overflow and bypass events to EPA electronically. The average yearly frequency is 12.43, based on the number of CSOs and bypasses divided by the number of CSSs (to represent the number of overflows per year). The incremental reporting burden per facility is 10 seconds per program report.

Approved Pretreatment Program

Pretreatment facilities are required to submit monthly DMRs. There are 11 Appendix A to 40 CFR 127 data elements on the DMRs that would be electronically reported to EPA using NetDMR, or a similar tool, depending on the permit type. The incremental reporting burden per facility to electronically submit DMRs is 22 minutes (0.37 hours) per year.

In the third year, EPA assumed that approximately one half of the indirect dischargers would also need to submit program report data to EPA electronically. The incremental reporting burden per facility is 10 seconds per program report.

Significant Industrial Users (SIUs)

In the third year, EPA assumed that approximately one half of the SIUs would also need to submit program report data to EPA electronically. The incremental reporting burden per facility is 10 seconds per program report.

Sanitary Sewer Systems (SSSs)

Both individual and general SSSs are required to submit monthly DMRs. There are 11 Appendix A to 40 CFR 127 data elements on the DMRs that would be electronically reported to EPA using NetDMR or NeT, or similar tools, depending on the permit type. The incremental reporting burden per facility to electronically submit DMRs is 22 minutes (0.37 hours) per year.

In the third year, EPA assumed that approximately one half of the SSSs would also need to submit annual program report data on overflow and bypass events to EPA electronically. The average yearly frequency is 2.70, based on the number of SSOs and bypasses divided by the number of SSSs (to represent the number of overflows per year). The incremental reporting burden per facility is 10 seconds per program report.

Stormwater Municipal Separate Storm Sewer Systems (MS4s)

Phase I MS4s are required to submit monthly DMRs. There are 11 Appendix A to 40 CFR 127 data elements on the DMRs that would be electronically reported to EPA using NetDMR, or a similar tool, depending on the permit type. The incremental reporting burden per facility to electronically submit DMRs is 22 minutes (0.37 hours) per year.

In the third year, EPA assumed that approximately one half of the MS4s would also need to submit annual program report data to EPA electronically. Phase I MS4s must submit annual program reports. Phase II MS4s must submit program reports in the second and fourth years of the five year permit cycle, resulting in an annual frequency of 0.4. The incremental reporting burden per facility is 10 seconds per program report.

6(a)(ii) State Authorized NPDES programs

EPA estimates that state authorized NPDES programs would incur additional burden in carrying out the additional activities required by the proposed rule. Specifically, they would incur burden to: 1) attend EPA training webinars; 2) enter NPDES programmatic data for all facilities; 3) reconcile information submitted separately to state authorized NPDES programs and EPA as required by Section 308; 4) submit programmatic data to EPA; and 5) modify permits to include electronic reporting requirements. However, with the implementation of electronic reporting, state authorized NPDES programs would also receive savings from: 1) elimination of time spent processing paper DMRs and program reports; and 2) data entry savings, as information on DMRs and general permit reports would be flowed directly into ICIS-NPDES. EPA estimates the burden associated with each of these activities as described below.

(6)(a)(ii)(1) EPA Training Webinars

Two data clerks and one programmer from each state authorized NPDES program would be required to attend online training webinars explaining the changes to the ICIS-NPDES system and the new data standards. The webinar is 90 minutes, translating to a burden of 4.5 hours per state.

(6)(a)(ii)(2) Initial Data Entry

For the electronic systems to properly route regulated entity information between state authorized NPDES programs and EPA, and to automate the comparison of DMR data to the limits and limit sets in the permit, authorized NPDES programs would need to have their facility information, limits and limit sets entered into databases. Currently, much of the monitoring information for nonmajor permits is maintained on paper files or electronically in state computer systems that is not routinely shared with EPA.

Additionally, EPA does not have detailed information about the information systems of the authorized NPDES programs. Therefore, EPA does not know which of those systems conform to the requirements

of this information collection activity, or how much of the data has been entered into information systems. For that reason, EPA assumes each authorized NPDES program would manually enter appropriately formatted permit, limit, and limit set information into the new system within the first year of rule promulgation so that regulated entities can use the system to sign up for electronic accounts during the first year. In reality, many states may have already automated much of this data, in which case their costs and burden would be lower than those estimated in this analysis.

The burden associated with initial data entry is estimated by multiplying the number of permit, limit, and limit set data elements required for each subprogram and permit type by the number of permits and the average data entry burden for the mode of submission (batch, hybrid, or direct) and subprogram. Estimated data entry times were developed by surveying nine states with regard to the time requirements associated with entering various data elements. This survey is described in further detail in the Economic Analysis of the Proposed NPDES Electronic Reporting Rule. Due to the variation in the number and types of permits, data entry burden, and frequency of reporting, the burden for initial data entry will vary by state. The average burden per state for this activity is 9,959 hours.

(6)(a)(ii)(3) Reconcile Electronic Reporting to EPA

Once electronic reporting to EPA begins, EPA and state authorized NPDES programs would need to confirm that the same information is received by both parties. EPA and the state authorized NPDES programs would meet monthly to compare submissions and identify and resolve discrepancies via conference call. One manager from each state would attend a monthly 1-hour reconciliation meeting, for a total of 12 hours per state authorized NPDES program in the first year. EPA assumed that only one-half of the states would need these monthly meetings with EPA in the second year because they are likely to have developed adequate electronic tools to eliminate the need for dual reporting to EPA.

(6)(a)(ii)(4) Submit Programmatic Data to EPA

The proposed rule would change the amount of information authorized NPDES programs must share with EPA. This analysis estimates the change in data entry burden for state authorized NPDES programs by multiplying the change in the number of programmatic data elements in each subprogram and permit type (major vs. nonmajor, individual vs. general) by the frequency of reporting (see [Table 1](#)), the number of permits, and average data entry burden for each mode of submission (batch, hybrid, or direct) and subprogram. As noted above, estimated data entry times were developed by surveying nine states with regard to the time requirements associated with entering various data elements. Due to the variation in the number and types of permits, data entry burden, and frequency of reporting, the burden for submitting programmatic data to EPA will vary by state. The average burden reduction per state for this activity is 29,209 hours.

(6)(a)(ii)(5) Modify Permits to Include Electronic Reporting Requirements

State authorized NPDES programs would need to modify existing permits to include requirements to report data electronically. EPA estimates that this activity would require approximately 5 minutes (0.83 hours) per permit, and would occur during the second year of the rule. However, because permits are regularly reissued every 5 years, 20% of the permits would have to be reissued/renewed at this time as part of the existing NPDES permitting process. Thus, additional effort to include electronic reporting requirements would not be needed (i.e., it would be done as part of the existing reissuance process). Thus, only 80% of the permit modifications would be incremental to the proposed rule.

(6)(a)(ii)(6) DMR Processing Savings

Electronic submission of DMRs by regulated entities would create savings for state authorized NPDES programs in the first three years after the effective date of the rule by eliminating the cost of processing incoming DMRs. Currently, authorized NPDES programs receive these reports in the mail, staff open and

inspect them to ensure they are filled out correctly, enter their information into the state or EPA data system, and usually store them in a physical filing system. This process is estimated to take a data entry clerk 20 minutes per DMR. Following rule implementation, the processing activities would be automated. As a result, authorized NPDES programs would save \$10.65 for every DMR received electronically.

(6)(a)(ii)(7) Program Report Processing Savings

Electronic submission of program reports by regulated entities would create savings for state authorized NPDES programs in the second and third years after the effective date of the rule by eliminating the cost of processing incoming program reports. Currently, authorized NPDES programs receive these reports in the mail, staff open and inspect them to ensure they are filled out correctly, enter their information into the state or EPA data system, and usually store them in a physical filing system. This process is estimated to take a data entry clerk 7.5 minutes per program report. Following rule implementation, the processing activities would be automated. As a result, authorized NPDES programs would save \$3.99 for every program report received electronically.

(6)(a)(ii)(8) Elimination of ANCR/QNCR

Existing CWA regulations (40 CFR 123.45) require that authorized NPDES programs submit to EPA annual, quarterly, and semi-annual reports regarding the compliance status of regulated entities in their jurisdiction. To meet this requirement, state authorized NPDES programs submit their non-compliance information to the Regional Administrator, who submits them to EPA headquarters. Under the proposed rule, this information will be readily available to EPA directly from ICIS-NPDES, obviating the need for state authorized NPDES programs to compile and submit the information. Therefore, the proposed rule will eliminate this reporting requirement, resulting in savings for state authorized NPDES programs.

EPA estimates that state authorized NPDES programs will incur reductions associated with this requirement in the third year after the effective date of the rule. The burden reduction for these activities vary based on whether states are direct, batch, or hybrid users, with a total burden reduction of approximately 15,800 hours.

6(b) Total Respondent Costs

To estimate the total respondent costs, EPA multiplies the burden estimates derived in Section 6(a) by the appropriate labor costs (discussed in Section 6(b)(i) below). Next, EPA estimates the capital costs associated with paper and mailing savings (see Section 6(b)(ii) below). Detailed cost estimates for regulated entities and state authorized NPDES programs are presented in Appendix A and Appendix B, respectively.

6(b)(i) Labor Costs

EPA estimates respondent costs by multiplying the unit burden hour estimates described above by fully loaded hourly rates for workers of appropriate labor categories. The analysis uses 2012 hourly wage rates for three job categories: managerial, programmer, and data clerk; each of which includes fringe benefits and overhead. Average wage data for these categories were taken from the Bureau of Labor Statistics' (BLS) Employer Costs for Employee Compensation in December 2012, which has separate wage estimates for government and private sector workers.¹⁷

The managerial labor rate is defined as the average hourly wage for staff that plan, direct, or coordinate electronic data processing, information systems, systems analysis, and computer programming. The programmer labor rate is defined as the average hourly wage for staff that convert project specifications and statements of problems and procedures to detailed logical flow charts for coding into computer

¹⁷ <http://www.bls.gov/news.release/ecec.nr0.htm>

language; develop and write computer programs to store, locate, and retrieve specific documents, data, and information; and may program web sites. The data clerk labor rate is defined as the average hourly wage for staff who compute, classify, and record numerical data to keep financial records complete; perform any combination of routine calculating, posting, and verifying duties to obtain primary financial data for use in maintaining accounting records; and may also check the accuracy of figures, calculations, and postings pertaining to business transactions recorded by other workers.

The BLS provides hourly wage and benefit rates (e.g., paid leave and insurance). Based on information provided by the chemical industry and chemical industry trade associations, an additional loading factor of 17% is applied to hourly wages and benefits to account for general overhead (see [Table 2](#)).¹⁸

Table 2: Deriving Loaded Hourly Costs		
Cost Components, by Job Category	2012 BLS Government Hourly Wage Rate	2012 BLS Industry Hourly Wage Rate
Managerial		
Hourly Wage	\$34.46	\$40.77
Benefits	\$16.55	\$17.95
Overhead	\$5.86	\$6.93
Managerial Fully Loaded Wage Rate Per Hour	\$56.87	\$65.65
Programmer		
Hourly Wage	\$34.09	\$33.18
Benefits	\$16.03	\$13.68
Overhead	\$5.80	\$5.64
Programmer Fully Loaded Wage Rate Per Hour	\$55.92	\$52.50
Data Clerk		
Hourly Wage	\$17.52	\$16.24
Benefits	\$11.45	\$7.20
Overhead	\$2.98	\$2.76
Data Clerk Fully Loaded Wage Rate Per Hour	\$31.95	\$26.20

6(b)(ii) Capital Costs

Regulated entities would benefit from reduced paper and postage costs as a result of submitting DMRs electronically in all three years after the effective date of the proposed rule (Phase 1 data). Regulated entities would benefit from reduced paper and postage costs as a result of submitting electronic program reports electronically in the second and third years after rule promulgation (Phase 2 data).

According to EPA NPDES program experts, the average DMR is five pages long. DMRs are filled out by the regulated entity, sent to an independent laboratory, and then sent to the authorized NPDES program. Therefore, electronic DMR submission would save regulated entities two standard envelopes, two first class stamps and five pages of paper, for a total of \$1.01 per submission.

According to EPA NPDES program experts, the average program report is 1.5 pages long. Program reports are filled out by the regulated entity and sent to the authorized NPDES program. Therefore, electronic program report submission would save regulated entities one standard envelope, one first class stamp and 1.5 pages of paper, for a total of \$0.52 per submission.

¹⁸ Heiden Associates, *Final Report: A Study of Industry Compliance Costs Under the Final Comprehensive Assessment Information Rule*, Prepared for the Chemical Manufacturers Association, December 14, 1989.

6(c) Estimating Agency Burden and Cost

EPA Headquarters and EPA Regions would incur burden and cost associated with the transition to electronic reporting and newly shared data. Due to the different activities each group would undertake to comply, the burden to EPA Headquarters and EPA Regions is discussed separately in the following sections. When calculating the Agency cost, EPA uses the loaded hourly costs for government workers shown in [Table 2](#). The detailed burden and cost estimates for EPA are presented in Appendix C.

6(c)(i) EPA Headquarters

EPA Headquarters is responsible for IT implementation, operations and maintenance of the ICIS-NPDES system, developing webinars for authorized NPDES programs, and reconciling regulated entity electronic reporting to EPA with regulated entity paper reporting to states. The burden associated with each of these activities is discussed below.

(6)(c)(i)(1) IT Implementation

EPA would need to augment the current NetDMR and NeT systems, as well as develop a new tool for submitting program reports electronically. Cost estimates for IT system modifications were derived by comparing the architecture of the current system to the requirements of the rule. The burden to implement the necessary IT infrastructure is approximately 79,300 hours for a single year.

(6)(c)(i)(2) Operations and Maintenance

EPA would have ongoing annual costs to operate and maintain the necessary changes in the ICIS-NPDES system. Operations include accepting data from regulated entities, receiving data from authorized NPDES programs, and sending EPA data to the state authorized NPDES programs. Maintenance includes routine database refreshes, updates, and licensing. The annual burden of EPA activities required by the proposed rule to support this information collection activity are estimated at 17,400 hours per year.

(6)(c)(i)(3) Develop Webinars

To ensure that state authorized NPDES programs are properly informed of the changes to the ICIS-NPDES system and the new data standards, EPA would develop and offer two 90-minute online training webinars (for NetDMR and NeT). The webinars would require a total of 100 hours of EPA technical time to develop.

(6)(c)(i)(4) Reconcile Electronic Reporting to EPA

Once electronic reporting to EPA is initiated, EPA and state authorized NPDES programs would need to confirm that the same information is received by both parties. EPA and the state authorized NPDES programs would meet monthly to compare submissions and identify and resolve discrepancies. One EPA manager would conduct monthly 1-hour reconciliation meetings with each state authorized NPDES program, for a total of 432 hours in the first and second years of the rule (assuming only half of the states need to attend the meetings in the second year).

(6)(c)(i)(5) Develop New National Non-Compliance Report

Under the proposed rule, compliance information will be readily available to EPA directly from ICIS-NPDES, obviating the need for state authorized NPDES programs to compile and submit the information. Therefore, the proposed rule will replace the existing annual, quarterly, and semi-annual reports with a National Non-Compliance Report that EPA headquarters will develop. The burden to develop this report is approximately 40 hours, 4 hours for a manager and 36 hours for a programmer.

6(c)(ii) EPA Regions

EPA Region authorized NPDES programs would incur costs similar to those incurred by state authorized NPDES programs (discussed in Section 6(a) above). Specifically, they would incur costs to: 1) attend EPA training webinars; 2) enter newly shared data for all facilities; 3) modify permits to require electronic reporting; and, 4) submit programmatic data to EPA. However, with the implementation of electronic reporting, EPA Regions would also receive savings from: 1) elimination of time spent processing paper DMRs and program reports; 2) elimination of mailing pre-populated DMRs to regulated entities; 3) data entry savings, as information on DMRs and general permit reports would be flowed directly into ICIS-NPDES, and 4) elimination of annual, quarterly, and semi-annual non-compliance reports. The burden increase or reduction associated with each of these activities is discussed below.

(6)(c)(ii)(1) EPA Training Webinars

Two data clerks and one programmer from each EPA Region authorized NPDES program would be required to attend the 90-minute online training webinar offered by EPA.

(6)(c)(ii)(2) Initial Data Entry

As with state authorized NPDES programs, EPA Region authorized NPDES programs would need to share their facility information, limits and limit sets with EPA. This analysis assumes each EPA Region authorized NPDES program would manually enter appropriately formatted limit and limit set information into the new system in the first year after the effective date of the rule so that regulated entities would be able to use the system when the proposed rule requires them to sign up for electronic accounts. In reality, many EPA Regions may have already automated much of this data, in which case their costs would be lower than those estimated in this analysis.

The data entry burden associated with initial data entry is estimated by multiplying the number of permit, limit, and limit set data elements required for each subprogram and permit type by the number of permits and the average data entry burden for the mode of submission (all Regions are direct users) and subprogram. Estimated data entry times were developed by surveying nine states with regard to the time requirements associated with entering various data elements. This survey is described in further detail in the Economic Analysis of the Proposed NPDES Electronic Reporting Rule. Due to the variation in the number and types of permits, data entry burden, and frequency of reporting, the burden for initial data entry will vary by region. The average burden per region for this activity is 675 hours.

(6)(c)(ii)(3) Permit Modifications

EPA Regions would modify permits for regulated entities in states where the EPA Region is the authorized NPDES program to require electronic reporting. It is estimated that it would take EPA Regions five minutes per permit to make the necessary modifications. However, because permits are regularly reissued every 5 years, 20% of the permits would have to be reissued/renewed at this time as part of the existing NPDES permitting process. Thus, additional effort to include electronic reporting requirements would not be needed (i.e., it would be done as part of the existing reissuance process), and only 80% of the permit modifications would be incremental to the proposed rule.

(6)(c)(ii)(4) Submit Programmatic Data to EPA

The proposed rule would increase the amount of information authorized NPDES programs must share with EPA. In this analysis, the data entry burden for EPA Region authorized NPDES programs is estimated by multiplying the number of programmatic data elements in each permit subprogram and permit type (major vs. nonmajor individual vs. nonmajor general) by the average data entry burden for each mode of submission and subprogram. The total cost for each permit is then multiplied by the number of permits as well as the frequency of reporting. Estimated data entry times were developed by surveying nine states with regard to the time requirements associated with entering various data elements.

EPA Regions would also receive savings from no longer having to enter information submitted by regulated entities on paper DMRs and general permit reports. Data entry savings are calculated using the same method as data entry costs: multiply the number of programmatic data elements that are no longer entered by the Region by the data entry burden, number of permits, and frequency of reporting. Due to the variation in the number and types of permits, data entry burden, and frequency of reporting, the burden for submitting programmatic data to EPA will vary by region. The average burden reduction per region for this activity is 632 hours.

(6)(c)(ii)(5) DMR Processing Savings

Electronic submission of DMRs by regulated entities would create savings for EPA Region authorized NPDES programs in the first three years after the effective date of the rule by eliminating the cost of processing incoming DMRs. Currently, authorized NPDES programs receive these reports in the mail, staff open and inspect them to ensure they are filled out correctly, enter their information into the state or EPA data system, and usually store them in a physical filing system. This process is estimated to take a data entry clerk 20 minutes per DMR. Following rule implementation, the processing activities would be automated. As a result, authorized NPDES programs would save \$10.65 for every DMR received electronically.

(6)(c)(ii)(6) Program Report Processing Savings

Electronic submission of program reports by regulated entities would create savings for EPA Region authorized NPDES programs in the second and third years after the effective date of the rule by eliminating the cost of processing incoming program reports. Currently, authorized NPDES programs receive these reports in the mail, staff open and inspect them to ensure they are filled out correctly, enter their information into the state or EPA data system, and usually store them in a physical filing system. This process is estimated to take a data entry clerk 7.5 minutes per program report. Following rule implementation, the processing activities would be automated. As a result, authorized NPDES programs would save \$3.99 for every program report received electronically.

(6)(c)(ii)(7) Pre-Populated DMR Paper and Mailing Savings

EPA Regions would also experience savings by no longer sending pre-populated DMR forms to regulated entities. Currently, EPA Regions mail DMR forms with regulated entity-specific limits to an estimated 50% of all NPDES regulated entities. When fully implemented, the proposed rule would allow all authorized NPDES programs to provide electronic copies of DMR forms to all regulated entities, making them universally available and eliminating the need to mail the forms out. EPA Regions would save \$2.37 per permit in paper and mailings savings.

(6)(c)(ii)(8) Elimination of ANCR/QNCR

Existing CWA regulations (40 CFR 123.45) require that authorized NPDES programs submit to EPA annual, quarterly, and semi-annual reports regarding the compliance status of regulated entities in their jurisdiction. To meet this requirement, EPA Region authorized NPDES programs submit their non-compliance information to the Regional Administrator, who submits them to EPA headquarters. Under the proposed rule, this information will be readily available to EPA Headquarters directly from ICIS-NPDES, obviating the need for EPA Region authorized NPDES programs to compile and submit the information. Therefore, the proposed rule will eliminate this reporting requirement, resulting in savings for EPA Region authorized NPDES programs.

EPA estimates that EPA Region authorized NPDES programs will incur reductions associated with this requirement in the third year after the effective date of the rule. The burden reduction for these activities is approximately 1,132 hours per year across all EPA Regions.

6(d) Estimating the Respondent Universe

The respondent universe is comprised of state authorized NPDES programs and regulated entities. As was noted in Section 4(a), 46 states and one U.S. territory are authorized by EPA to administer some or all of the NPDES program. The regulated entity respondent universe is estimated based on information in ICIS-NPDES and information provided by EPA's Office of Water. **Table 3** summarizes the regulated entity universe by subprogram and permit type.

Table 3: Regulated Entity Universe Summary			
Subprogram	Number of Permits		
	Individual Majors^a	Individual Nonmajors	General Nonmajors
Industrial and Stormwater			
Standard Industrial Dischargers	3,727	38,926	31,805
CAFOs	0	2,782	11,624
Stormwater	297	6,300	322,137 ^b
SIUs ^c	0	20,630	0
POTWs			
Biosolids	4,209	694	0
Pretreatment	1,390	109	0
CSSs	591	199	38
SSSs	3,682	9,955	1,945
^a Note that there are approximately 6,700 major facilities, which often have more than one NPDES component. ^b This universe includes 222,137 regulated entities covered under stormwater construction general permits (CGP). According to EPA's work on the post-construction rulemaking, the average construction company owns/operates 2.9 construction sites. Therefore the number of facilities that would incur costs associated with the proposed NPDES Electronic Reporting Rule is the total number of construction sites divided by 2.9. Throughout this ICR, the number of CGP respondents included in the count of regulated entities corresponds to the number of construction companies rather than the number of individual facilities. ^c Not NPDES-permitted.			

6(e) Bottom Line Burden Hours and Cost Tables

This section presents the total incremental burden and cost to regulated entities, authorized NPDES programs and EPA to comply with the information collection requirements associated with the proposed NPDES Electronic Reporting Rule in the three-year period covered by this ICR.

6(e)(i) Respondent Tally

The bottom line burden hours and costs for regulated entities and state authorized NPDES programs are the average annual hours and costs collectively incurred for all activities during the 3-year period covered by this ICR. Table 4 provides a summary of the average annual number of respondents, burden hours, and costs. A more detailed summary is provided in Appendix A and B.¹⁹

¹⁹ The appendices present the total incremental burden and cost to regulated entities and state authorized NPDES programs over the three-year period of the ICR. These costs are divided by three to calculate the average annual incremental burden and cost.

Table 4: Average Annual Respondent Burden and Cost			
	Regulated Entities	States/tribes/territories	Totals
Unique Respondents (number)*	233,166	47	233,213
Responses (number)	187,114	1,069,905	1,257,019
Total Increase in Burden (hours)	108,201	324,302	432,503
Total Decrease in Burden (hours)	0	- 622,795	-622,795
Incremental Burden (hours)	108,201	-298,493	-190,292
Incremental Costs (labor)	\$6,249,803	-\$17,758,888	-\$11,509,085
Incremental Costs (capital)	-\$1,018,325	\$0	-\$1,018,325
Total Incremental Costs	\$5,231,478	-\$17,758,888	-\$12,527,410
*Note that the number of unique respondents includes regulated entities that both submit information (a response) and experience a cost or cost savings while the number of responses is limited to a count of information submitted.			

6(f) The Agency Tally

Incremental Agency bottom line burden hours and costs are the average annual incremental hours and costs collectively incurred for all activities during the 3-year period covered by this ICR. Table 5 provides a summary of the average annual burden hours and costs. A more detailed summary is provided in Appendix C.²⁰

Table 5: Average Annual Incremental Agency Burden and Cost	
Burden (hours)	-6,508
Costs (labor)	-\$1,688,351
Costs (capital & O&M)	\$1,478,364
Total costs	-\$209,986

6(g) Reasons for Change in Burden

EPA believes electronic reporting is needed to improve data quality and availability while reducing costs. Specifically, the proposed rule is expected to save time and resources for regulated entities and states while improving compliance and better protecting the Nation's waters. This ICR estimates that respondents would incur a total average annual incremental burden reduction of 190,262 hours to comply with the requirements of the proposed NPDES Electronic Reporting Rule in the first three years of its implementation. Note that regulated entities savings are related entirely to postage and mailing supplies; they do not experience a reduction in labor burden.

6(h) Burden Statement

The calculations made for this ICR cover the burden and costs for EPA, authorized states, and operators of regulated entities. This ICR estimates a total average annual burden of 108,201 hours for 233,166 regulated entity respondents at a cost of \$5,231,478. Burden reduction for the state respondents is 298,493 hours annually for 47 state respondents at a cost savings of \$17,758,888. Agency burden reduction is 6,508 hours annually at a cost savings of \$209,986. The annual reporting and record-keeping burden reduction this collection of information is estimated to average 0.82 hours per respondent.

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:

²⁰ The appendix presents the total incremental burden and cost to the Agency over the three-year period of the ICR. These costs are divided by three to calculate the average annual incremental burden and cost.

- 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 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.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OECA-2009-0274, which is available for online viewing at www.regulations.gov, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OECA Docket is (202) 566-1752. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2009-0274 in any correspondence.