Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Permits for Point Source Discharges from the Application of Pesticides to Waters of the United States

OMB Control No. 2040-0284, EPA ICR No. 2397.02

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United States Environmental Protection Agency
Office of Wastewater Management
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Contents

Appendices

Tables

1. Identification of the Information Collection

1(a) Title of the Information Collection

Title: National Pollutant Discharge Elimination System (NPDES) Permits for Point Source Discharges from the Application of Pesticides to Waters of the United States (Renewal)
OMB Control Number: 2040-0284;
EPA ICR Number: 2397.02

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) renews Office of Management and Budget (OMB) ICR Number 2040-0284. This ICR calculates the burden and costs associated with NPDES permits for point source discharges from the application of pesticides.

On November 27, 2006, EPA issued a final rule (hereinafter called the "2006 NPDES Pesticides Rule") clarifying circumstances where an NPDES permit was not required to apply pesticides to or around water when applied in compliance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). On January 7, 2009, the Sixth Circuit Court vacated EPA's 2006 NPDES Pesticides Rule. As a result of the Court's decision, as of October 31, 2011 NPDES permits were required for discharges to waters of the United States from the application of biological pesticides and chemical pesticides that leave a residue.

The CWA authorizes EPA to issue permits for the discharge of pollutants to waters of the United States. EPA regulates discharges of pollutants to waters of the United States under its NPDES program. CWA Section 402(b) allows states (defined to include Indian Tribes and U.S. territories) to acquire authority to administer the NPDES program. This authority enables them to issue and enforce NPDES permits.

EPA estimates that the Sixth Circuit Court's ruling would affect approximately 365,000 pesticide applicators nationwide. Given the vast number of operators requiring NPDES permit coverage, EPA and NPDES-authorized states developed general permits for discharges from the application of pesticides. EPA estimates that the overwhelming majority of operators required to seek coverage will do so under an NPDES general permit instead of an NPDES individual permit. For the small number of operators who will seek coverage under an NPDES individual permit, EPA believes their information collection and reporting activities are already covered under the existing ICR for the NPDES Program (ICR Number 0229.20, OMB Number 2040-0004). As part of the routine ICR reissuance, EPA will update that ICR to clarify this determination. This ICR calculates the burden and costs associated with information collection and reporting activities from EPA's and NPDES-authorized states' general permits for discharges from the application of pesticides.

This ICR estimates an annual burden of 828,141hours for 365,000 respondents (permittees) at an annual labor cost of $38.5 million. The burden for the state respondents is 6,615 hours annually at a labor cost of $0.2 million. The agency burden is 776 hours annually at a labor cost of $32,268.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

The purpose of the Clean Water Act (CWA) is "to restore and maintain the chemical, physical and biological integrity of the nation's waters" [section 101(a)]. Section 301(a) of the CWA provides that "the discharge of any pollutant by any person shall be unlawful" unless the discharge is in compliance with certain other sections of the Act. The CWA defines "discharge of a pollutant" as "(A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft." 33 U.S.C. 1362(12). A "point source" is any "discernible, confined and discrete conveyance" but does not include "agricultural stormwater discharges and return flows from irrigated agriculture." 33 U.S.C. 1362(14).

One way a person may discharge a pollutant without violating the section 301 prohibition is by obtaining authorization to discharge (referred to herein as "coverage") under a section 402 National Pollutant Discharge Elimination System (NPDES) permit (33 U.S.C. 1342). Under section 402(a), EPA may "issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 1311(a)" upon certain conditions required by the Act.

An NPDES permit authorizes the discharge of a regulated amount of a pollutant or pollutants into a receiving water under certain conditions. The NPDES program relies on two types of permits: individual and general. An individual permit is a permit specifically tailored for an individual discharger. Upon receiving the appropriate permit application(s), the permitting authority, i.e., the U.S. Environmental Protection Agency (EPA) or a state, develops a draft permit for public comment for that particular discharger based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). Following consideration of public comments, a final permit is then issued to the discharger for a specific time period (not to exceed 5 years) with a provision for reapplying for further permit coverage prior to the expiration date.

In contrast, a general permit covers multiple facilities/sites/activities within a specific category for a specific period of time (not to exceed 5 years). Under 40 CFR 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Courts have approved of the use of general permits. See e.g., *Natural Res. Def. Council v. Costle*, 568 F.2d 1369 (D.C. Cir. 1977); *EDC v. US EPA*, 344 F.3d 832, 853 (9th Cir. 2003). The general permit approach allows EPA to allocate resources in a more efficient manner and to provide more timely coverage and may significantly simplify the permitting process for the majority of pesticide dischargers. As with any permit, the CWA requires the general permit to contain technology-based effluent limitations, as well as any more stringent limits when necessary to meet applicable state water quality standards. State water quality standards apply in the territorial seas, defined in section 502(8) of the CWA as extending three miles from the baseline. *Pacific Legal Foundation v. Costle*, 586 F.2d 650, 655-656 (9th Cir. 1978); *Natural Resources Defense Council, Inc. v. U.S. EPA*, 863 F.2d 1420, 1435 (9th Cir. 1988).

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

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

Regulations governing permit requirements for NPDES discharges are contained in 40 CFR part 122. The specific monitoring, reporting, and recordkeeping requirements for NPDES programs are applicable to both EPA- and state-administered NPDES permit programs.

On November 27, 2006, EPA issued the 2006 NPDES Pesticides Rule clarifying circumstances where an NPDES permit was not required in order to apply pesticides to waters of the United States. On January 7, 2009, the Sixth Circuit Court vacated EPA's 2006 NPDES Pesticides Rule. As a result of the Court's decision, NPDES permits will be required for discharges to waters of the U.S. from the application of biological pesticides and chemical pesticides that leave a residue. Table 2.1 lists the areas where EPA is the permitting authority for discharges from pesticide application activities.

Given the vast number of operators requiring NPDES permit coverage and the discharges common to these operators, EPA believes that it makes administrative sense to issue a general permit, rather than issuing individual permits to each operator. Thus, the agency and states issued general permits for discharges from application of pesticides. EPA believes the majority of the affected entities will seek coverage under an NPDES general permit instead of an NPDES individual permit.

Table 2.1 Areas for which EPA is the Permitting Authority for Discharges from Pesticide Application Activities

States					
Idaho	Massachusetts	New Hampshire	New Mexico		
Territories and Others					
American Samoa District of Columbia Guam	Johnston Atoll Midway Island Wake Island	Northern Mariana Islands Puerto Rico			
States with Federal Facilities for which EPA has Permitting Authority					
Colorado	Delaware	Vermont	Washington		
States with Tribal Lands for which EPA has Permitting Authority					
Alabama Alaska Arizona California Colorado	Connecticut Florida Idaho Iowa Kansas Louisiana	Massachusetts Michigan Minnesota Mississippi Montana	Nebraska Nevada New Mexico New York North Carolina	North Dakota Oklahoma Oregon Rhode Island South Dakota	Texas Utah Washington Wisconsin Wyoming

On October 31, 2011, EPA issued a final general permit (Pesticide General Permit or PGP) for the areas where it is the permitting authority. See Federal Register notice (76 FR 68750). The PGP covers the discharge of pesticides (biological pesticides and chemical pesticides which leave a residue) to waters of the United States resulting from the following use patterns: 1) mosquito and other flying insect pest control; (2) weed and algae pest control; (3) animal pest control; and (4) forest canopy pest control. In the PGP, operators are identified as either "applicators" or "decision-makers" or both. An applicator is an entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that results in a discharge to waters of the United States. A decision-maker is an entity with control over the decision to perform pesticide applications, including the ability to modify those decisions that result in discharges to waters of the United States. By 2011, NPDES-authorized states had also issued final general permits for pesticide discharges. For this ICR renewal, EPA is using the EPA's NPDES PGP to estimate the burden associated with the NPDES-authorized state's general permits.

2(b) Practical Utility/Users of the Data

This ICR includes information used primarily by permitting authorities and permittees. Much of these data must be submitted to permitting authorities, while other information must be maintained on-site by the permittee. Information collection and reporting activities required in EPA's PGP are listed below:

- Information routinely submitted in a Notice of Intent (NOI) when requesting coverage under a general permit;
- Information used to develop a Pesticide Discharge Management Plan (PDMP);
- Information submitted to the permitting authority annually (i.e., annual report);
- Information collected after pesticide application;
- Information collected from self-monitoring;
- Information submitted as a result of any spill, leak or other unpermitted discharge;
- Information submitted as a result of any adverse incident;
- Information used to assess the effects of discharges on federally listed endangered and threatened species, and designated critical habitat;

- Information filed or otherwise retained by the permitting authority including the NOI, adverse incident reports, and annual reports; and
- Information routinely submitted in an NOT (Notice of Termination) when terminating coverage under the PGP.

Information can be categorized into two sets: operator identification information and operator Discharge and Management Practice Information. Permitting authorities use the information in the ways discussed below.

Identification Information
Permitting authorities use information such as the name, location, and description of pest management area to identify entities that are requesting coverage under a general permit. EPA and most states store basic NOI information submitted for coverage under an NPDES general permit in databases that provide an inventory of permit holders. EPA Headquarters uses the information contained in the NOI databases to develop reports on permit issuance and compliance rates. The agency also uses the information to respond to public and Congressional inquiries, develop and guide its policies, and formulate its budgets.

To meet the agency's obligations under the Endangered Species Acts (ESA), EPA must ensure that its permit does not jeopardize listed species. Operators seeking coverage under EPA's PGP are required to assess the effects of their pesticide discharges on federally listed endangered and threatened species and designated critical habitat. Similar to other EPA general permits, the agency assumes for this ICR that information will be captured on the NOI and therefore contained in the NOI database. NPDES-authorized states are not required to meet similar ESA obligations and as such no ESA burden is associated with state-issued NPDES general permits.

Discharge and Management Practice Information
Permitting authorities use discharge information and management practice information from self-monitoring activities, annual reports, and PDMPs as part of compliance evaluations to ensure that permittees adhere to procedures or conditions as stated in these documents. Collection and reporting of data to permitting authorities also improves permittee accountability for remaining in compliance with their established permit conditions. If noncompliance with permit conditions is detected, the permitting authority will determine the appropriate enforcement action response on the basis of the nature and severity of the violation, the overall degree of noncompliance frequency, and degree of seriousness of the violation.

NPDES permits may not be issued for a period to exceed five years. Information obtained during the next five years related to discharges and practices could lead the permit writers to take the following actions in the next permit development:

- Specify additional permit limitations;
- Assess adequacy of the permit in protecting water quality;
- Assess compliance with existing permit limitations and conditions; and
- Place appropriate special conditions in permits.

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

3(a) Non-duplication

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

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

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

In addition, EPA has examined potentially similar reporting requirements under FIFRA for duplication of the CWA requirement. While some of the information required in these general permits may be similar to that already required under FIFRA, the universe of respondents is different or is only a subset of the universe in this ICR. For example, adverse incident reporting requirements in the permit are currently required of pesticide registrants under FIFRA but not from operators. EPA believes the expansion of this requirement to operators provides a more comprehensive dataset on which to assess potential impacts from activities covered under these general permits. Another example is the ICR for Certification of Pesticide applicators (OMB No: 2070-0029, EPA No: 0155.11) which requires commercial applicators, who are certified by program administered by non-federal agencies, to keep records on restricted-use pesticides. See 40 CFR 171. EPA believes that any duplication between activities required under the NPDES general permits and 40 CFR 171 is negligible. The PGP allows operators to rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs to meet the recordkeeping requirements, provided all requirements of the permit are satisfied.

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

This ICR was published in the *Federal Register* on July 16, 2014, (79 FR 41548). The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. EPA received one comment in response to the notice which did not relate to the ICR.

3(c) Consultations

EPA headquarters staff responsible for program oversight in NPDES permit and for program oversight in FIFRA was contacted to provide information, data, and review for this ICR.

EPA solicited information and data on discharges from pesticide applications to assist in developing the final NPDES permit for its 2011 PGP. EPA met with states, industry groups, and environmental groups during permit development. EPA also hosted several webcasts. EPA published the proposed NPDES 2011 PGP in a *Federal Register* notice on June 4, 2010 (75 FR 31775) and received over 700 public comments. See Docket ID No. EPA-HQ-OW-2010-0257. Additionally, EPA hosted three public meetings, a webcast, and a public hearing after proposal. EPA public noticed the first ICR for pesticide discharges on November 3, 2010 (75 FR 67713) which related to the proposed PGP at the time. The agency received 13 sets of comments. See Docket ID No. EPA-HQ-OW-2010–0852. The comments generally reflected those submitted on the proposed permit including concerns that the thresholds were too low, the number of respondents were underestimated, and the burden estimates were too low. EPA responded by increasing the thresholds in the final permit. Due to lack of additional data provided during public comments, EPA's estimates of the number of respondents remained unchanged. Because the burden calculations are generally estimates based on several similar industrial permitting activities, EPA believed the burden calculations were accurate.

3(d) Effects of Less Frequent Collection

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

Given the vast number of operators requiring NPDES permit coverage and the discharges common to these operators, EPA believes that it makes administrative sense to issue an NPDES general permit, rather than issuing NPDES individual permits to each operator. General permits are issued to groups of entities that have similar operating procedures, discharge characteristics, and geographic location (e.g., states). In this way, permitting authorities can cover a large number of facilities within one permit and establish a common set of limitations, monitoring requirements, and permit conditions.

The information needed to meet permitting, monitoring, reporting, and information collection requirements related to the NPDES Program may be submitted one time, at a regular frequency, or on an as needed basis. EPA and NPDES-authorized states need current information about permittees and discharge characteristics to fulfill oversight responsibilities. The NPDES burden described in this ICR identifies the burden that EPA has determined as necessary. EPA strives to minimize burden. EPA has determined that the information currently required is the minimum that is necessary to adequately evaluate permittee compliance.

3(e) General Guidelines

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

3(f) Confidentiality

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

3(g) Sensitive Questions

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

4. The Respondents and the Information Requested

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

The Clean Water Act (CWA), enacted in 1972, requires operators of point source discharges of pollutants to waters of the United States to obtain a permit to discharge. EPA issues NPDES permits except where a state can demonstrate that it has adequate legal, technical, and financial capabilities in place to administer the NPDES program. To date, 46 states and one U.S. territory are authorized by EPA to issue, administer, and enforce permits for discharges from pesticide application activities within their borders. EPA continues to be the permitting authority in the other 4 states and territories. For the list of areas where EPA is the permitting authority for discharges from application of pesticide, see Table 2.1. The authorized states and territories are considered respondents for evaluating paperwork burden in this ICR.

All operators to be covered under an NPDES general permit, whether that permit is issued by EPA or a state, for discharges from the application of pesticides are considered respondents in this ICR. EPA estimates there are approximately 365,000 pesticide applicators nationwide. See Appendix B for EPA's approach to estimate the universe of pesticide applicators. Entities potentially covered by the general permits include but are not limited to the following NAICS (North American Industry Classification System) codes: 111 Crop Production; 113110 Timber Tract Operations; 113210 Forest Nurseries Gathering of Forest Products; 221310 Water Supply for Irrigation; 923120 Administration of Public Health Programs; 924110 Administration of Air and Water Resource and Solid Waste Management Programs; 924120 Administration of Conservation Programs; and 221 Utilities.

4(b) Information Requested

This section presents the data items, including recordkeeping requirements, and required respondent activities involved in preparing and submitting those data items. It also presents respondent activities for the 47 authorized states (i.e., 46 authorized states plus the Virgin Islands).

All activities reported in this supporting statement were analyzed and allocated to one of five types of activities related to the NPDES program, these are as follows:

- Activities directly related to obtaining permit coverage under a general permit;
- —Activities associated with development of a plan (or worksheet);
- Monitoring;
- Reporting; and
- Recordkeeping.

4(b)(i) Obtaining Permit Coverage

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

Federal regulations at 40 CFR 122.21 and 122.28 detail the application and Notice of Intent (NOI) requirements for NPDES permits, respectively. EPA expects the overwhelming majority

of discharges from pesticide activities will obtain coverage via an NOI under an NPDES general permit instead of an NPDES individual permit. This section addresses only operators obtaining coverage under general permits. As stated previously, EPA expects few discharges to be covered under NPDES individual permits and those burdens are already addressed in the existing NPDES Program ICR (ICR Number 0229.20, OMB Number 2040-0004).

According to EPA's PGP, certain decision-makers are required to submit NOI. Those include: 1) Federal and state agencies with a responsibility to control pests; 2) Pest control districts, irrigation control districts, or similar; 3) any other decision-makers that exceed the annual treatment area thresholds; 4) decision-makers that plan to discharge to outstanding national resource waters (i.e., Tier 3 waters); and 5) decision-makers that plan to discharge to waters with certain listed species or its critical habitat. Other operators are covered under the permit automatically without the need to submit an NOI. EPA drafted an NOI form for its PGP (see Appendix D for a copy of the NOI form). The NOI requests basic applicant data as well as pesticide application information such as pesticide use patterns and pest management areas.

Similar to other EPA general permits, EPA assumes for this ICR that decision-makers eligible for coverage under the EPA's PGP are required to submit NOIs if their pesticide activities are in areas where federally listed endangered or threatened species, or designate critical habitat may be presented.

When all discharges associated with pesticide activity authorized by an EPA or state-issued general permit are eliminated and does not expect to discharge for the remainder of the permit term, or when the decision-maker changes, the decision-maker must submit an NOT (Notice of Termination) to the permitting authority (see Appendix D for a copy of the NOT form). Following is the type of information generally required on NOT forms:

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

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

This ICR explains respondent activities in detail in Section 4(b)(i)(1) above. Activities can include reading and reviewing instructions and regulatory requirements, gathering general information, consulting technical and legal officials, filling out forms, drafting letters, maintaining records, and mailing completed submissions. For pesticide applications in areas where federal listed endangered and threatened species, and designate critical habitat may be presented, similar to other EPA general permit activities may include formal or informal evaluation with the Services.

Activities for the 47 authorized states and territories can include reviewing and processing NOI and NOT, determine which dischargers, if any, would be more appropriately governed by an NPDES individual permit, and notify dischargers if they need to apply for an NPDES individual permit. NPDES-authorized states are not required to meet the ESA obligations and as such there are no burdens associated with state-issued NPDES general permits.

4(b)(ii) Plan Development

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

According to EPA's PGP, all decision-makers that are required to submit an NOI and are large entities must develop a Pesticide Discharge Management Plan (PDMP). The PDMP is kept on-site and is not required to be submitted to the agency. The development of a PDMP is unique to each pest management area even though it is based on common required elements. A PDMP must be kept up-to-date and modified whenever necessary to document any corrective actions. According to EPA's PGP, the following information must be documented in the PDMP: (1) pesticide discharge management team information; (2) problem identification; (3) pest management options evaluation; (4) response procedures (e.g., spill response procedures, adverse incident response procedures); and (5) documentation to support eligibility considerations under other federal laws.

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

This ICR explains respondent activities in detail in Section 4(b)(ii)(1) above. Activities include reading and reviewing regulatory requirements, gathering general information, consulting technical and legal officials, reviewing guidance materials, drafting the plan, reviewing the plan, and maintaining records.

4(b)(iii) Monitoring

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

Monitoring is required in any NPDES permit specifically for the purpose of demonstrating compliance with the permit conditions. Federal regulations at 40 CFR 122.44(i) outline the monitoring requirements for permittees. There are a variety of monitoring methods that a "traditional" NPDES permit may require, including end-of-pipe monitoring to show compliance with relevant effluent limitations prior to discharging to a receiving waterbody. Monitoring may also pertain to actions taken to ensure that recordkeeping or other permit control activities are being properly implemented. Pursuant to CWA section 308 and 402(a)(2), 40 CFR 122.43(a), and other applicable implementing regulations, the monitoring requirement for the PGP, according to EPA's PGP, is narrative and demonstrates compliance with permit conditions by requiring visual monitoring assessment and documentation requirements. Visual monitoring assessments are required as a means of identifying, for example, instances of detrimental impact to non-target organisms, disruption or degradation of wildlife habitat, or the prevention of designated recreational or municipal uses of a waterbody that may possibly be related to the operator's use of pesticides in a given area.

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

This ICR explains respondent activities in detail in Section 4(b)(iii)(1) above. Activities include reading and reviewing regulatory requirements, observing impact on non-target organisms, and consulting technical and legal officials.

4(b)(iv) Reporting

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

Annual Report

According to EPA's PGP, all decision-makers that are required to submit an NOI and which are large entities must submit an annual report (see Appendix D for a copy of the Annual Report form). The annual report will be used by EPA to assess permit compliance and to determine whether additional controls on pesticide discharges are necessary to protect water quality. Specifically, the report must include identification of any waters or other treatment area, including size, either by name or by location; pesticide use pattern(s) and target pest(s); company name(s) and contact information for pesticide applicator(s), if different from the NOI submitter; total amount of each pesticide product applied for the reporting year by the EPA registration number(s) and by application method; whether the pest control activity was addressed in the PDMP prior to pesticide application; if applicable, an annual report of any adverse incidents as a result of these treatment(s); and a description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such actions(s).

Similar to other EPA general permits, EPA assumes for this ICR that decision-makers eligible for coverage under the EPA's PGP are required to file annual reports if their pesticide activities are in areas where federally listed endangered or threatened species or designated critical habitat may be presented.

Permittee Report of Adverse Incident

According to EPA's PGP, all operators are required to report any adverse incident that may have resulted from a discharge from their pesticide application. Operators are required to notify their permitting authority by telephone within 24 hours of becoming aware of the adverse incident. The following information is to be provided:

a. The caller's name and telephone number;
b. operator name and mailing address;
c. If covered under an NOI, the NOI NPDES tracking number;
d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
e. How and when the operator became aware of the adverse incident;
f. Description of the location of the adverse incident;
g. Description of the adverse incident identified and the EPA pesticide registration number for each product the operator applied in the area of the adverse incident;
h. Description of any steps the operator has taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects; and
i. If known, the identity of any other operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

Reporting of adverse incident is not required under the permit in the following situations:

1. An operator is aware of facts that indicate that the adverse incident are not related to toxic effects or exposure from the pesticide application;
2. An operator has been notified by EPA, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;

3. An operator receives information of an adverse incident, but that information is clearly erroneous; or
4. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

Within 30 days of a reportable adverse incident, the operator must provide a written report of the adverse incident to the permitting authority and to all of the other authorized operators where multiple operators are authorized for that discharge. The report must include at least the following information:

a. Information provided during notification of the adverse incident;
b. Date and time of the notification, any instructions received from the permitting authority, and name of the staff from the permitting authority;
c. Location of incident, including the names of any waters affected and appearance of those waters;
d. Description of the circumstances of the adverse incident including species affected, estimated number of individuals and approximate size of dead or distressed organisms;
e. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);
f. Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application, and name of pesticide product, description of pesticide ingredients, and EPA registration number;
g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
h. If laboratory tests were performed, indicate what test(s) were performed, and when, and provide a summary of the test results within 5 days after they become available if not available at the time of submission of the 30-day report;
i. Description of actions to be taken to prevent recurrence of adverse incidents; and
j. Signature, date, and certification in accordance with Appendix B, Subsection B.11.

Permittee Report of Adverse Incident to Threatened or Endangered Species or Critical Habitat

According to EPA's PGP, all operators are required to report adverse incidents to threatened or endangered species or critical habitat that may have resulted from a discharge from their pesticide application. Operators are required to notify the National Marine Fisheries Service or the U.S. Fish and Wildlife Service by telephone immediately upon becoming aware of the adverse incident. At least the following information must be provided:

a. The caller's name and telephone number;
b. operator name and mailing address;
c. The name of the affected species;
d. How and when you became aware of the adverse incident;
e. Description of the location of the adverse incident;
f. Description of the adverse incident, including the EPA pesticide registration number for each product applied in the area of the adverse incident; and
g. Description of any steps the operators has taken or will take to alleviate the adverse impact to the species.

Permittee Report of Spill, Leak, or Other Unpermitted Discharge
According to EPA's PGP, all operators are required to report leak, spill or other releases containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs in any 24-hour period. Operators must notify the National Response Center immediately in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302.

Within 30 days of the operator becoming aware of a spill, leak, or other unpermitted discharge, the operator must document and retain the following information:

a. Information during notification of the spill, leak, or other unpermitted discharge
b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed;
c. Any measures to prevent recurrence of such a spill, leak, or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

Permittee Report of Corrective Action
According to EPA's PGP, all operators are required to document any situation triggering corrective action and their planned corrective action within 30 days of the operator becoming aware of the situation triggering the need for corrective action. The operator must retain a copy of this documentation. The documentation must include the following information:

a. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
b. Brief description of the situation;
c. Date the problem was identified.
d. Brief description of how the problem was identified and how the operator learned of the situation and date the operator learned of the situation;
e. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
f. Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

Permittee Report of Planned Facility Changes
According to 40 CFR 122.41(l)(1), any planned alteration or addition to a permitted facility must be reported to the permitting authority. This requirement applies to a change in the discharge of pollutants that are not already subject to the facility's permit requirements. For pesticide application activities, planned changes may include but not limited to discharging to a Tier 3 water or discharging pesticides to a water impaired for that pesticide. When reporting planned changes, a permittee must provide a description of the planned alterations or additions and a statement outlining the anticipated effects of the changes on the discharge. The permitting authority may use the information submitted by the discharger to develop an individual NPDES permit before the planned changes are made.

Permittee Report of Anticipated Noncompliance
According to 40 CFR 122.41(l)(2) a change in the discharge of pollutants that might result in noncompliance with existing permit limits must be reported to the permitting authority.

Permittees typically make this sort of report by submitting a letter that explains the reasons for the anticipated noncompliance. The advance notice provided by this reporting requirement enables the permitting authority to help a permittee mitigate the effects of anticipated noncompliance on the receiving waters.

Facility and Permit Transfer Report
Federal regulations at 40 CFR 122.41(l)(3) specify that when a facility's ownership changes, it must notify the permitting authority in a letter stating the date of the transfer and the name of the new permit holder. EPA does not anticipate any respondents for the PGP because decision-makers are required to file a NOT (Notice of Termination), which is covered elsewhere in this ICR, when they transfer ownership; rather than submitting some other type of documentation.

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

Noncompliance Reports
Requirements in 40 CFR 122.41(l)(6)-(7) specify that a permittee must provide 24-hour oral reporting of any noncompliance that could endanger human health or the environment (with a written follow-up submission within 5 days).

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

This ICR explains these activities in detail in Section 4(b)(iv)(1) above. However, any respondent preparing and submitting reports may engage in the following types of activities:

- Preparing basic information. This includes reading instructions and regulations for report requirements, consulting technical, legal, and political staff, reviewing guidance materials, gathering general information, typing or completing forms or generating reports, and mailing or electronic submission of completed forms or reports to the NPDES permitting authority.
- Gathering detailed information. Detailed information gathered includes any data required by the NPDES permitting authorities as outlined in Section 4(b)(iv)(1).

Activities for the 47 authorized states can include reviewing and handling reports.

4(b)(v) Recordkeeping

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

a. According to EPA's PGP , all operators are required to keep the following records:
   - A copy of any adverse incident reports
   - Rationale for any determination that reporting of an identified adverse incident is not required consistent with allowances identified in the PGP
   - A copy of any corrective action documentation
   - A copy of any spill and leak or other unpermitted discharge documentation.

EPA expects operators to incur a relatively minor additional burden for paperwork associated with adverse incidents, corrective action, and spills. EPA expects these operators likely already have filing capacity for paper files including any correspondence with EPA, as well as to prepare and save any adverse incident reports electronically. In addition, entities would only incur these costs in the event of an adverse incident, corrective action, or spill/leak.

b. According to the EPA's PGP, all operators who are for-hire applicators must retain the following records:
   - Documentation of equipment calibration; and
   - Information on each treatment area to which pesticides are discharged, including:
     1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by locations, to which pesticide(s) are discharged;
     2. Pesticide use pattern(s);
     3. Target pest(s)
     4. Name of each pesticide product used including the EPA registration number;
     5. Quantity of each pesticide product applied to each treatment area;
     6. Pesticide application date(s); and
     7. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

c. According to the EPA's PGP, any decision-maker that is required to submit an NOI and is a small entity must retain the following records:
   - Copy of the NOI submitted to EPA, any correspondence exchanged between the decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
   - Documentation of equipment calibration (only if decision-maker is also the applicator);
   - Information on each treatment area to which pesticides are discharged, including:
     - Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the United States, either by name or by location, to which pesticide(s) are discharged;
     - Pesticide use pattern(s);
     - Target pest(s) and explanation of need for pest control;
     - Description of pest management measure(s) implemented prior to the first pesticide application;
     - Company name and contact information for pesticide applicator;
     - Name of each pesticide product used including the EPA registration number;
     - Quantity of each pesticide product applied to each treatment area;
     - Pesticide Application Start Date;
     - Pesticide Application End Date; and
     - Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

A worksheet (Pesticide Discharge Evaluation Worksheet) for documenting this information on

each treatment area is provided in the permit (see Appendix D for a copy of the Pesticide Discharge Evaluation Worksheet).

d. According to the EPA's final permit any decision-maker that is required to submit an NOI and is a large entity must retain the following records:
   - Copy of the NOI submitted to EPA, any correspondence exchanged between the decision-maker and EPA specific to coverage under this permit, and a copy of the EPA acknowledgment letter with the assigned permit tracking number;
   - A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;
   - Copy of annual reports submitted to EPA;
   - Documentation of equipment calibration (only if decision-maker is also the applicator);
   - Information on each treatment area to which pesticides are discharged, including:
     - Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any Waters of the United States, either by name or by location, to which pesticide(s) are discharged;
     - Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
     - Target pest(s) and explanation of need for pest control;
     - Action Thresholds;
     - Method and/or data used to determine that action threshold(s) has been met;
     - Description of pest management measure(s) implemented prior to the first pesticide application;
     - Company name and contact information for pesticide applicator;
     - Name of each pesticide product used including the EPA registration number;
     - Quantity of each pesticide product applied to each treatment area;
     - Pesticide application date(s); and
     - Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

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

This ICR explains respondent activities in detail in Section 4(b)(v)(1) above. Activities can include developing recordkeeping systems, collecting and entering data, training personnel, and filing information. All permit applicants must retain records for at least 3 years from the date that their coverage under the permit expires or terminated.

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

5(a) Agency Activities

This ICR includes all the reporting requirements related to EPA as the NPDES permitting authority for discharges from application of pesticides.

EPA's activities as the NPDES permitting authority for non-NPDES-authorized states and territories are the same as the activities performed by the NPDES-authorized states and territories. Some of the key activities permitting authorities will perform are:

- Receive NOIs and review them for completeness. If an NOI is incomplete, the permitting authority will notify the applicant and request the missing information. If the NOI is complete, an acceptance letter will be sent to the permittee, along with a unique permit number. For EPA, the NOI data will be maintained in a database at EPA's Notice Processing Center.
- When a permitting authority issues a general permit, it may notify those dischargers eligible for coverage under the permit. Notification may include newspaper announcements, direct mailings, or other methods of communication.
- When permitting authorities receive notices of intent for general permits, they must determine which dischargers, if any, would be more appropriately governed by individual permits. As part of these activities, permitting authorities may notify dischargers that they need to apply for individual permits.
- When permitting authorities receive annual reports, they must review the annual reports for compliance with the general permit.
- When permitting authorities receive a notice of termination (NOT), they must review and process the notice. EPA will maintain these data in the database at the agency's Notice Processing Center.

Permittees are not required to submit PDMPs to permitting authority for review. These plans are to be maintained on-site where the pesticide activities are taking place and must be available for permitting authority review as requested. Therefore, for the purposes of this ICR, the plans are integral to the day-to-day operational control of each pest management area but are not included as a component of agency activities.

When reports or forms are submitted, permitting authority review is necessary, and in some instances, may also require follow-up actions. Data review will vary; however, generally, the permitting authority will screen data to identify permit violations and will conduct a more thorough technical review and follow-up when violations are detected. Follow-up activities can include informal contact with the permittee (by telephone or letter) requesting prompt corrective action, providing technical assistance, performing field inspections to further substantiate violations, or initiating formal enforcement action such as an administrative order or referral to the U.S. attorney general (or state attorney general in the case of authorized states).

The extent to which permitting authorities review data in assessing permit compliance will vary. For example, permitting authorities often will conduct a more extensive review of permittees that are, or have been, in violation of their permit requirements, than of permittees who have been in full compliance.

The extent to which permitting authority reviews data also depends on available resources and the specific review procedures of the permitting authority (state or EPA Region). In authorized states, state environmental agencies generally review permittee data. EPA also may review data from permittees in NPDES-authorized states while performing program oversight functions (i.e., during file audits and when compiling statistical compliance summaries).

EPA reviews data in non-NPDES-authorized states. EPA generally places emphasis on data from major permittees and from minor permittees that can cause water quality problems (i.e., significant minors). EPA reviews data from general permittees less frequently. EPA does not require non-NPDES-authorized states to review data, but several states voluntarily review these data and use the results in their own water quality protection programs.

In collecting and analyzing the information associated with this ICR, information for permittees covered under EPA's PGP will be entered into an NOI database. EPA uses these data to manage the NPDES program.

Similar to other EPA general permits, EPA assumes for this ICR that the Services must help some operators obtain information relating to federally listed endangered and threatened species, and designated critical habitat and may participate in informal or formal evaluation. NPDES-authorized states are not required to include this requirement in their NPDES general permits and therefore neither the authorized states nor discharges from application of pesticides within those states incur any burden related to ESA.

5(b) Collection Methodology and Management

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

In collecting and analyzing the information associated with EPA's PGP, EPA will use its electronic NOI (eNOI) system to store the information. EPA will ensure accuracy and completeness of the information by reviewing each submittal upon receipt and is responsible for ensuring that applicable data are entered into eNOI. Any form that is considered inaccurate or incomplete will not be accepted and will be returned to the sender with a letter requesting the missing or inaccurate information.

5(c) Small Entity Flexibility

For many reasons, EPA believes the reporting requirements discussed in this ICR do not place an unreasonable burden on small businesses. The NOI requests minimal information, such as the name and location of the discharge. Furthermore, operators submit NOIs once every 5 years. The burden represented by the NOI cannot be further reduced for small businesses. Permitting authorities need certain basic information to make permitting decisions. This basic information is not dependent on an operator's size.

Minimizing the burden on small entities also comes in the form of guidance materials. For example, to assist operators of all sizes, but potentially most useful for small entities, EPA has developed guidance, a PDMP template. The template is designed to guide entities through the PDMP development process and help ensure that the PDMP addresses all the necessary elements stated in the PGP.

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

5(d) Collection Schedule

The collection schedule for the activities presented in this ICR varies greatly depending on the type of activity. See Section 6 of this ICR for detailed estimates of collection schedules.

Federal regulations require permittees to reapply for permits at least every 5 years because the CWA limits the terms of an NPDES permit to 5 years. The regulations also grant permit writers the authority to issue permits more frequently. For those dischargers required to submit notices of intent, those must be submitted every 5 years. Dischargers submitting a notice of intent that wish to be covered under a reissued general permit must submit a new notice of intent for coverage under that new permit. When calculating burden, this ICR assumes that all permit applicants follow this schedule.

A notice of termination is submitted once when coverage under the permit is no longer necessary.

6. Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

This section presents the estimated respondent burden for each information request. Data are tabulated in the "Respondents and Agency Activities Table" provided as Appendix A. That table presents all assumptions, calculations, and results discussed in this ICR. Dischargers covered under the pesticide general permit and NPDES-authorized states are identified as respondents. The breakdown of cost and burden by labor category is provided in Section 6(b).

In the original ICR, on the basis of information presented in the *Economic Analysis of the Pesticide General Permit (PGP) for Point Source Discharges from the Application of Pesticides, May 26, 2010*, EPA assumed 90 percent of the total universe of permittees will be covered by NPDES-authorized state-issued general permits. For this ICR, EPA compared the number of NOIs EPA received against the estimates in the original ICR and found them to be very close. EPA decided to use the same percentage in this ICR and to continue to use other assumptions from the original ICR.

This ICR calculates annual burden and costs to respondents (365,000 permittees and 47 authorized states). These calculations address dischargers obtaining coverage under years 4 and 5 of the current general permit, and dischargers seeking permit coverage or renewing their coverage during the first year of a new general permit. Because of the limited activities required to apply for permit coverage, EPA assumes that the burden to renew a permit is very similar to the burden to apply for the first time.

6(a)(i) Obtaining Permit Coverage

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

In addition, the Respondents and Agency Activities Table in Appendix A calculates the estimated burden to NPDES-authorized states for handling and reviewing NOI information discussed in this subsection. Estimates of the burden do not include analysis of the data because this activity is associated with preparing and issuing the permit. Because most state governments have authority for the NPDES programs, state governments will incur the majority of the permitting authority burden and costs.

Notice of Intent (NOI)
The NOI filing requirement is applicable only to certain permittees. EPA estimates that 2 hours is required to file an NOI for a general permit. This burden estimate includes 1 hour to read and understand the regulation, and 1 hour to fill out and submit the form. EPA estimates that 2.5% of the regulated universe would need to file an NOI (9,125 entities), for an annual average of 1,825 NOIs (9,125 divided by the 5-year coverage). EPA estimates that the agency and NPDES-authorized states will spend 0.5 hours processing these NOIs.

Similar to ICRs for other EPA general permits, EPA assumes that the burden for permittees covered under the EPA's PGP as a result of ESA obligations be the following:

- Informal assessment needed in 0.1% of the cases: 6 hours (37 NOIs with an annual average of 7 NOIs)
- Formal assessment needed in 0.05% of the cases: 20 hours (18 NOIs with an annual average of 4 NOIs)

Notice of Termination (NOT)
EPA estimates that on average, permittees will spend 0.5 hours filling out an NOT. EPA estimates the total number of respondents will be 456 (5 percent of the respondents required to submit NOIs). EPA estimates that 91 NOTs will be filed annually. This assumes that, in general, the universe of dischargers covered under this permit will not change significantly from year to year. EPA estimates that permitting authorities will spend 0.25 hours processing each NOT.

6(a)(ii) Plan Development

Certain permittees will be required to develop a Pesticide Discharge Management Plan (PDMP) and keep it up-to-date. PDMPs document the evaluation and selection of pest management measures to meet the technology-based effluent limitations. These plans may cover one or more treatment areas within one plan, and can reference other documents (such as pre-existing integrated pest management plans). Thus, the cost to develop the PDMP will vary based on the extent of pest problems and pesticide use, as well as existing documentation that may be referenced to fulfill plan requirements. Decision-makers that have been evaluating pest problems and alternative management methods may have significant relevant material already compiled and available. In this ICR, EPA assumes that for the first two years of ICR coverage (corresponding to years 4 and 5 of the permit), 967 respondents a year will be required to develop a PDMP (53 percent of the universe required to file NOIs). Although components of a PDMP are similar, pest management area design, size and function, and the level of effort involved will vary for each pest management area. EPA estimates the average level of effort that might be required to prepare a PDMP. This burden estimate for preparing a PDMP includes 1 hour to select the team, 16 hours to describe sources, 14 hours to develop measures and controls, 8 hours to develop schedules and procedures, and 1 hour to document considerations under other federal laws. Thus, EPA estimates that the average time for a respondent to develop a PDMP is 40 hours. This is a one-time development activity. Decision-makers are required to update the plan as needed. EPA assumes that 1,209 plans (25 percent of the universe required to develop a plan) will be updated annually with the average time of 2 hours.

6(a)(iii) Monitoring

All 365,000 permittees are required to conduct monitoring. According to the EPA's PGP, this includes visual monitoring. EPA expects minimal additional burden associated with monitoring under the general permit. Where required, EPA expects an additional 0.25 hours per site monitored. EPA assumes large entities that are required to submit NOIs conduct an average of sixteen applications annually (4,836 respondents). For small entities who are required to submit NOIS, pesticide applications are likely to be fewer; EPA assumes an average of four applications per year (4,289 respondents). EPA assumes one monitoring event per year for entities that are not required to submit NOIs.

6(a)(iv) Reporting

Annual Report
Certain permittees are required to submit an annual report to the permitting authority. The respondent activities include preparing and submitting annual reports. EPA estimates that respondents will spend 8 hours preparing and submitting annual reports. EPA estimates 4,892 reports) will be submitted annually. Permitting authorities will spend approximately 1 hour processing and reviewing these annual reports.

Permittee Report of Adverse Incident
Permittees are required to notify their permitting authority and provide a written report of adverse incident that may have resulted from a discharge from pesticide application. EPA reviewed ecological incidents reported by registrants from 1976 to 2008. They range from 3 to 21 incidents annually. In the EPA PGP, all permittees are required to report incidents. EPA assumes that 37 adverse incidents (0.01% of the universe) will be reported annually by permittees. EPA estimates that respondents will spend 2 hours gathering information and notifying their permitting authority. EPA estimates that respondents will spend an additional 2 hours preparing and submitting a report. The activities required for permitting authorities include processing and reviewing the information from permittees. EPA estimates that permitting authority will spend 2 hours on this activity for each adverse incident.

Permittee Report of Adverse Incident to Threatened or Endangered Species or Critical Habitat
Permittees are required to notify the National Marine Fisheries Service or the U.S. Fish and Wildlife Service of any adverse incident to threatened or endangered species or critical habitat. EPA estimates that respondents will spend 2 hours gathering information and reporting any adverse incident and that the Services will spend 2 hours reviewing and documenting each adverse incident. EPA assumes 4 adverse incidents (0.001% of the universe) will be reported annually.

Permittee Report of Spill, Leak, or Other Unpermitted Discharge
Permittees are required to notify the National Response Center of any spill, leak, or other release containing a hazardous substance or oil. These activities are already required and approved under existing regulations and as such, no additional burden is added to this ICR for reporting.

Permittees are also required to document the spill, leak, or other unpermitted discharge and retain the documentation for their record. EPA estimates that respondents will spend 1 hour to document the activity. EPA estimates 365 events (0.1% of the universe) will be reported annually.

Permittee Report of Corrective Action
Permittees are required to document any situation triggering corrective action and their planned corrective action. EPA estimates that respondents will spend 5 hours on this activity. This burden is divided as follows: 1 hour to read and understand the regulation, 1 hour of planning, 1 hour of collecting information, and 2 hours to document the activity. EPA estimates 365 events (0.1% of the universe) will be reported annually.

Permittee Report of Planned Facility Changes
Respondents will use an estimated average of 4 hours to complete their notification of planned alterations and additions. This burden estimate includes 1 hour to read and understand the regulation, 1 hour to plan the report, and 2 hours to write the report. EPA estimates that permitting authority will spend 0.5 hours handling and reviewing each report. EPA estimates 365 events (0.1% of the universe) will be reported annually.

Permittee Report of Anticipated Noncompliance
Respondents will use an estimated average of 5 hours of labor for each report of anticipated noncompliance. This burden is divided as follows: 1 hour to read and understand the regulation, 1 hour of planning, 1 hour of collecting information, and 2 hours for writing and submitting the report. EPA estimates that permitting authority will spend 2 hours handling and reviewing each report. EPA estimates 365 events (0.1% of the universe) will be reported annually.

Facility and Permit Transfer Report
EPA does not anticipate any respondents for the PGP because operators are required to file a NOT (Notice of Termination) when they transfer ownership. Burden for NOTs are discussed elsewhere in this ICR.

Permittee Report of Inaccurate Previous Information
The respondent burden associated with this reporting requirement includes the time needed to verify the reporting error or omission, to prepare the revised form that details the reporting corrections, and to mail the information to the permitting authority. The time required under this regulation will vary depending on the size of the pest management area and the extent of the error or omission. EPA estimates that a typical report requires 2 hours to prepare. EPA estimates that permitting authority will spend 1 hour handling and reviewing each report. EPA estimates 183 events (0.05% of the universe) will be reported annually.

Noncompliance Reports
When a permittee violates a permit condition, it must submit a noncompliance report to the permitting authority. EPA estimates the average burden to be 5 hours per response. This burden represents the time required to gather information, prepare and present/conduct the verbal notice, and prepare and submit a written report for noncompliance. EPA estimates that an average of 2 hours is required for the permitting authority to receive and process each noncompliance report. EPA estimates 183 events (0.05% of the universe) will be reported annually.

6(a)(v) Record Keeping

The burden associated with recordkeeping depends on the pest management area and whether the permittee already has a recordkeeping system. EPA expects all operators to retain certain basic records related to pesticide applications that result in discharges to waters of the United States. EPA estimates that all 365,000 operators will have a basic recordkeeping burden of 1 hour per year. EPA assumes a small additional recordkeeping burden for operators that are not required to submit NOIs, including information such as equipment calibration records or information on For-Hire applicators. EPA estimates 0.5 hours per year for 355,875 respondents.

Small entity permittees who are required to submit NOIs keep basic records on pest control activities, including pesticide applications. EPA estimates that it would take approximately 1 hour per application (4 applications per year) for these abbreviated records, or 4 hours. In this ICR, EPA assumes that 4,289 small entities a year will be required to perform these recordkeeping activities (47 percent of the permitted universe applying for permit coverage). Permittees who are required to submit NOIs and who are large entities must keep more detailed records on pest control option assessments and pesticide application activities, consistent with PDMPs. EPA estimates that full recordkeeping will take 1 hour per application (16 applications per year) for these large entities, or 16 hours per year for 4,836 respondents–which is in addition to the 40 hours to develop the PDMP.

6(b) Estimating Respondent Costs

With burden hour estimates in place from Section 6(a), the next step is to estimate the labor cost per respondent and the capital costs required to complete each activity. The total cost for each respondent activity is composed of the following:

- Labor Cost;
- Operating and Maintenance (O&M) Cost; and
- Capital/Start-up Cost.

The results of the respondents' costs analysis are presented in the Respondents and Agency Activities Table in Appendix A.

6(b)(i) Estimating Labor Costs

To estimate the potential costs, EPA identified labor categories associated with performing each activity. Labor categories include managerial, technical, and clerical. The Bureau of Labor Statistics (BLS) publishes base mean annual wage rates in its Occupational Employment Survey (OES, 2012) and an Employment Cost Index (ECI, 2013) to update the wage rates to 2013 values to account for inflation. EPA used average government and private wage rates to estimate respondent labor costs assuming each respondent is equally likely to use either government or commercial labor. When calculating respondent labor costs, EPA makes the following assumptions for the permittees:

- For state and local governments, EPA included employee benefits in the wage rate, and for commercial applicators, included benefits, overhead, and profit in estimating total labor rates. The BLS Employer Cost for Employee Compensation (ECEC, September 2013) provides estimates for benefit markups for governments (benefits account for 35.6% of the total labor rate), and PSMJ (2011) indicates that the median wage rate multiplier is 2.95 for commercial/engineering firms.
- Rates for managers reflect OES category 11-9121, Natural Sciences Managers. EPA used an average labor rate of $107.56 per hour for managers (state government at $48.56; local government at $62.74, and private at $204.29). This rate is mean annual 2012 wages, updated to 2013 dollars.
- Rates for technical staff reflect OES category 19-4091, Environmental Science and Protection Technicians, including health. EPA used an average labor rate of $41.61 per hour for technical staff (state government at $29.57; local government at $30.60, and private at $61.95). This rate is mean annual 2012 wages, updated to 2013 dollars.

- Rates for clerical staff reflect OES category 43-0000, Office and Administrative Support Occupations State. EPA used an average labor rate of $33.05 per hour for clerical staff (state government at $25.45; local government at $23.96; and private at $47.58). This rate is mean annual 2012 wages, updated to 2013 dollars.

For calculating the authorized states' cost, EPA uses the rate for technical staff (OES category 19-4091, Environmental Science and Protection Technicians, including health, May 2012). EPA uses $30.20 per hour, the mean annual 2012 wages, updated to 2013 dollar.

6(b)(ii) Operating and Maintenance (O&M) Costs

This ICR accounts for labor costs only. The pesticide general permits do not require respondents to perform activities outside the normal operation practices.

6(b)(iii) Capital/Start-up Costs

This ICR accounts for labor costs only. The pesticide general permits do not require respondents to perform activities outside the normal operation practices.

6(c) Estimating Agency Burden and Cost

EPA's estimate of its burden and costs are from the activities described in Section 5(a). When calculating the agency cost, EPA makes the following assumption:

EPA determined the hourly employment cost of federal employees using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2013 General Schedule (2013-GS), the average annual salary of a government employee at the GS-9, Step 10 level is $54,028. At 2,080 hours per year, the hourly wage is $25.98. Assuming overhead costs of 60 percent, the fully loaded cost of employment for a federal employee is $41.56.

Burden and costs incurred by EPA are presented in the Respondents and Agency Activities Table in Appendix A.

EPA's activities as the NPDES permitting authority for non-authorized states and territories are the same as the activities performed by the authorized states and territories. These burdens and costs are identical to those for NPDES-authorized states and territories.

Pesticide General Permit NOI filing
EPA estimates permitting authorities will spend 0.5 hours processing each NOI. EPA estimates formal ESA-related evaluation by the Services will take 5 hours and informal evaluation by the Services will take 0.5 hours.

Pesticide General Permit NOT filing
Permitting authorities will spend 0.25 hours processing each NOTs.

Pesticide General Permit Standard Permit Conditions
Permitting authorities will handle and review Permittee Report of Planned Facility Changes, Permittee Report of Anticipated Noncompliance, and Permittee Report of Inaccurate Previous

Information. EPA estimates permitting authorities will spend 0.5 hours, 2 hours, and 1 hour, respectively for this activity.

Pesticide General Permit Noncompliance Report Review
Permitting authorities will spend 2 hours handling and reviewing each noncompliance report.

Pesticide General Permit Adverse Incident Report Review
Permitting authorities will spend 2 hours handling and reviewing each adverse incident report.

Pesticide General Permit Annual Report Review
Permitting authorities will spend 1 hour handling and reviewing each annual report.

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

Detailed information describing the universe and basis for burden and costs is provided in Section 6(a). Results are presented in the Respondents and Agency Activities Table in Appendix A. That table provides the respondent universe and the source of information for all respondent categories used throughout this ICR.

6(e) Bottom Line Burden Hours and Cost Tables

6(e)(i) Respondent Tally

The bottom line burden hours and costs for facilities and authorized states are the average annual hours and costs collectively incurred for all activities during the 3-year period covered by this ICR. Table 6.1 provides a summary of the average annual number of respondents, burden hours, and costs. A more detailed summary is in the Respondents and Agency Activities Table in Appendix A.

Table 6.1 Respondent tally

	Permittees	States/ tribes/ territories*	Totals
Respondents (number)	365,000	47	365,047
Responses (number)	1,276,395	7,136	1,283,531
Burden (hours)	828,141	6,615	834,756
Costs (labor)	$38,462,682	$199,780	$38,662,462
Costs (capital)	$0	$0	$0
Costs (O&M)	$0	$0	$0
Total costs	$38,462,682	$199,780	$38,662,462
Average annual burden per respondent (hours)	2.3	140.7	2.3

*The average annual burden per permitting authority is for responses associated with 90% of the universe of permittees.

6(e)(ii) The Agency Tally

The bottom line burden hours and costs for the agency are the total annual hours and costs collectively incurred for all activities during the period covered by this ICR. Table 6.2 provides a summary of the average annual agency burden hours and costs. A more detailed summary is in the Respondents and Agency Activities Table in Appendix A.

Table 6.2 Agency tally

Responses (number)	820
Burden (hours)	776
Costs (labor)	$32,268
Costs (capital)	$0
Costs (O&M)	$0
Total costs	$32,268

6(f) Reasons for Change in Burden

The current burden approved by OMB for the existing ICR is 847,652. That is 12,896 (2%) more hours than are being requested in this ICR. All of the decrease in burden is attributable to the shift from the 2011 PGP to the 2016 PGP in year 3 of this ICR when permittees renewing their coverage would not need to develop a new PDMP, assuming the 2016 PGP will be similar to the 2011 PGP.

6(g) Burden Statement

The calculations made for this ICR cover the burden and costs for EPA and other federal agencies, NPDES-authorized states, and operators of pesticide activities. This ICR estimates an annual burden of 828,141 hours for 365,000 respondents (permittees) at a labor cost of $38.5 million. Burden for the state respondents is 6,615 hours annually at a labor cost of $0.2 million. Agency burden is 776 hours annually at a labor cost of $32,268. The annual reporting and recordkeeping burden for this collection of information is estimated to average 0.7 hours per response.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

To comment on EPA's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2008-0719, which is available for public viewing at the Water Docket in the EPA Docket Center-Public Reading Room, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426. An electronic version of the public docket is available through the Federal

Docket Management System (FDMS) at http://www.regulations.gov/. Use FDMS to submit or view public comments, to access the index listing of the contents of the public docket, and to access documents in the public docket that are available electronically. Once in the system, key in the docket ID number identified above. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OW-2008-0719 and OMB Control No. 2040-0284 in any correspondence.