



# **Information Collection Request for the Public Water System Supervision Program**



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## ACRONYMS

AG	Attorney General
AMWA	Association of Metropolitan Water Agencies
ASDWA	Association of State Drinking Water Administrators
AWWA	American Water Works Association
CCR	Consumer Confidence Report
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CWS	Community Water System
DBP	Disinfection Byproduct
DBPR	Disinfectants and Disinfection Byproducts Rule
DDBP/Chem/Rads	Disinfectant/Disinfection Byproducts, Chemical, and Radionuclides
DWIG TSA	Drinking Water Infrastructure Grant Tribal Set Aside
DWSRF	Drinking Water State Revolving Fund
EPA	Environmental Protection Agency
ERP	Enforcement Response Policy
ETT	Enforcement Targeting Tool
FR	Federal Register
FTE	Full Time Equivalent
GWR	Ground Water Rule
ICR	Information Collection Request
IESWTR	Interim Enhanced Surface Water Treatment Rule
LCR	Lead and Copper Rule
LT1ESWTR	Long Term 1 Enhanced Surface Water Treatment Rule
LT2ESWTR	Long Term 2 Enhanced Surface Water Treatment Rule
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MRDL	Maximum Residual Disinfection Level
MRDLG	Maximum Residual Disinfection Level Goal
NAICS	North American Industry Classification System
NAWA	Native American Water Association
NAWC	National Association of Water Companies
NCWS	Noncommunity Water System
NDWAC	National Drinking Water Advisory Council
NPDWR	National Primary Drinking Water Regulation
NRWA	National Rural Water Association
NTEC	National Tribal Environmental Council
NTNCWS	Nontransient Noncommunity Water System
O&M	Operation and Maintenance
OGWDW	Office of Ground Water and Drinking Water
OMB	Office of Management and Budget
PC&B	Personnel Compensation and Benefits
PN	Public Notification
PRA	Paperwork Reduction Act
PT	Proficiency Testing

PWS	Public Water System
PWSS	Public Water System Supervision
RTCR	Revised Total Coliform Rule
SBREFA	Small Business Regulatory Enforcement Fairness Act
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SMCL	Secondary Maximum Contaminant Level
SWAP	Source Water Assessment Program
SWTR	Surface Water Treatment Rule
TCR	Total Coliform Rule
TNCWS	Transient Noncommunity Water System
UCMR	Unregulated Contaminant Monitoring Rule
UIC	Underground Injection Control
V/E	Variance and Exemption



# 1 IDENTIFICATION OF THE INFORMATION COLLECTION

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

Title: Public Water System Supervision Program

OMB Control Number: 2040-0090

EPA Tracking Number: 0270.46

## 1(b) Short Characterization

The Office of Ground Water and Drinking Water (OGWDW) in the Office of Water at the United States Environmental Protection Agency (EPA) is responsible for managing the Public Water System Supervision (PWSS) Program, a national program mandated by the Safe Drinking Water Act (SDWA). Section 1412 of the SDWA requires EPA to establish National Primary Drinking Water Regulations (NPDWRs) for contaminants that may adversely impact human health. The Act requires EPA to monitor and enforce these regulations to ensure that the nation's drinking water dependably complies with the maximum contaminant levels (MCLs) and other requirements stipulated in the Code of Federal Regulations (CFR), 40 CFR Part 141, Subpart B.

Section 1445 of the SDWA states that public water systems (PWS) shall conduct monitoring, maintain records, and provide information as needed for EPA to implement its monitoring and enforcement responsibilities with respect to the Act. Primacy agencies – EPA and state governments that have assumed primary enforcement responsibility under SDWA section 1413 – ensure that PWSs are complying with these monitoring requirements. In addition, under 40 CFR sections 141.23(k)(3), 141.131(b)(2), 141.28, and 141.24(f)(17), laboratories must successfully participate in Proficiency Testing (PT) studies each year to be certified to conduct analysis of compliance monitoring samples.

As part of the PWSS Program, OGWDW uses the Safe Drinking Water Information System (SDWIS) to record some of the data collected as a result of NPDWR requirements. These data assist EPA in fulfilling its SDWA obligations. SDWIS is a database management system that assists EPA in tracking and interpreting violations data and other program-related data. Revisions are currently being made to SDWIS. EPA expects primacy agencies to fully transition to the revised system, a centralized, cloud-based system called SDWIS Prime, in the subsequent ICR period.

Many information collection requirements associated with the SDWA and its implementing regulations are associated with rulemakings that address specific contaminants or groups of contaminants. This ICR examines PWS, primacy agency, laboratory, and EPA burden and costs for “cross-cutting” recordkeeping and reporting requirements (i.e., the burden and costs for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings). These activities are listed below.

- 1) Consumer Confidence Reports (CCRs)

- 2) Variance and Exemption Rule (V/E Rule)<sup>1</sup>
- 3) Capacity Development Program
- 4) General State Primacy Activities
- 5) Public Notification (PN)
- 6) Operator Certification Program
- 7) Tribal Drinking Water Operator Certification Program
- 8) Constructed Conveyances<sup>2</sup>
- 9) Proficiency Testing (PT)

This ICR updates the burden and cost estimates provided in the 2012 PWSS Program ICR, which expires on October 31, 2015. The ICR estimates costs for November 1, 2015 to October 31, 2018.

The total annual respondent burden associated with this ICR is estimated to be approximately 3.8 million hours per year. The total annual respondent cost associated with this ICR is estimated to be approximately \$187.6 million. The distribution of annual burden between PWSs and primacy agencies is approximately 2.2 million hours and 1.5 million hours, respectively. Laboratories conducting PT incur an annual burden of 42,892 hours. The distribution of annual costs between PWSs and primacy agencies is approximately \$113.8 million and \$70.1 million, respectively. The annual costs for laboratories conducting PT are \$3.7 million.

The approximate annual operation and maintenance (O&M) costs for respondents are \$42 million, with \$41 million for PWSs, \$0.82 million for laboratories, and no O&M costs for primacy agencies. This represents the “cost burden” as reported in the OMB inventory. These costs are for O&M only. There are no capital costs associated with the activities covered by this ICR.

The annual EPA burden for this ICR totals 0.52 million hours, at a cost of approximately \$25.0 million; 0.09 million hours, approximately \$5.7 million, is for Headquarters activities and 0.43 million hours, approximately \$19 million, is for EPA Regional office activities. The Agency also incurs \$450,000 annually in O&M costs for EPA contractors to manage and maintain the SDWIS database.<sup>3</sup>

The total number of respondents for this ICR is 151,724; 57 of these respondents are primacy agencies, 1,902 are laboratories, and the balance, 149,765, are PWSs. The total annual number of responses for these respondents is 1.0 million (350,773 for PWSs, 1,902 for laboratories, and 688,047 for primacy agencies).

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<sup>1</sup> No new V/Es are expected in this 3-year ICR period, therefore EPA estimates PWS and primacy agency burden and costs associated with this rule to be negligible in this 3-year ICR period. The V/E rule is still included in the PWSS Program, and therefore text and detailed calculations in appendix form that summarize reporting and recordkeeping requirements related to the V/E program are still included in this ICR.

<sup>2</sup> No new constructed conveyances are expected to be built going forward, therefore EPA estimates PWS and primacy agency burden and costs associated with this program to be negligible. The Constructed Conveyances program is still included in the PWSS Program, and therefore text summarizing reporting and recordkeeping requirements related to the Constructed Conveyances program have not been removed from this ICR. However, detailed calculations previously provided in appendix form are no longer included in this ICR.

<sup>3</sup> O&M costs incurred by EPA for management of SDWIS by contractors based on office expenses for FY14.



## 2 NEED FOR AND USE OF THE COLLECTION

### 2(a) Need/Authority for the Collection

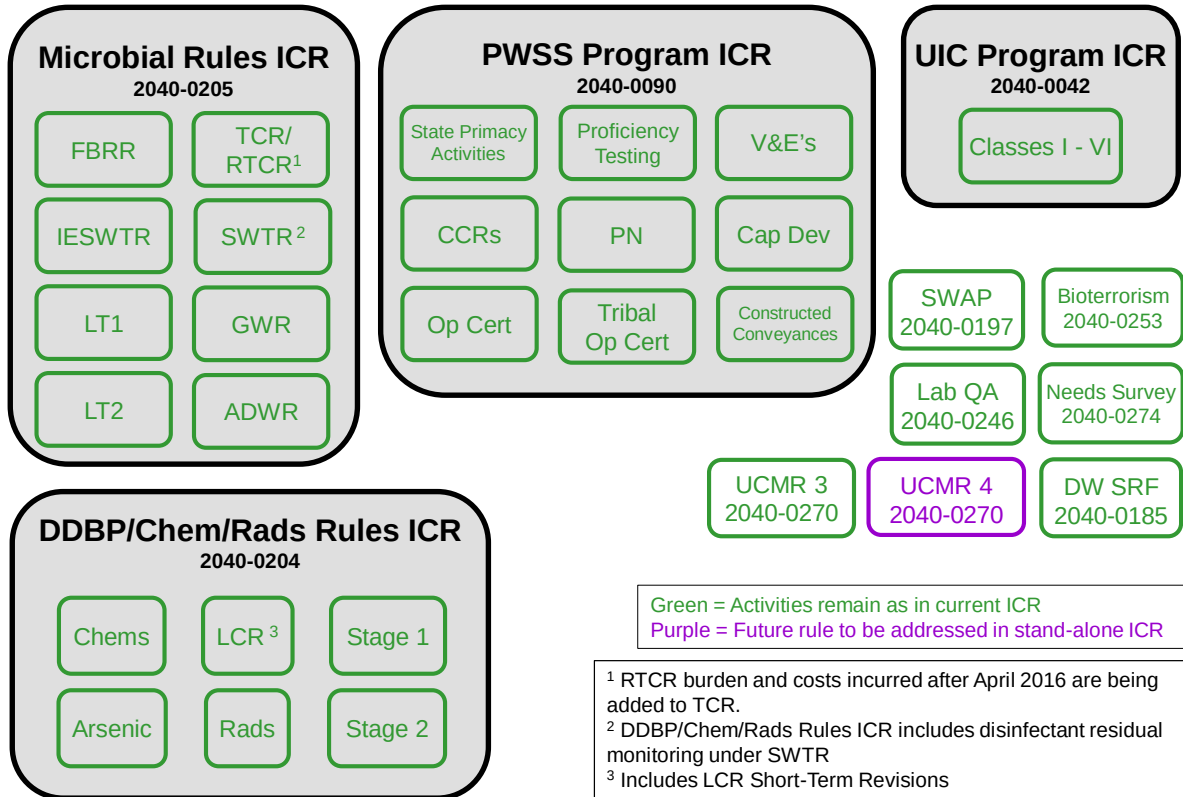
This section identifies the regulatory authority for the information collection activities covered in this ICR and explains EPA's need for the information. Section 4 of the ICR contains a summary of the PWSS Program recordkeeping and reporting requirements covered by this ICR.

To allow the public to better understand the impact of the recordkeeping and reporting requirements stemming from the SDWA and 40 CFR Parts 141 and 142, OGWDW has organized its ICRs so that related activities are addressed in the same ICR. Specifically, there are three primary ICRs—the Microbial Rules ICR, the Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules (DDBP/Chem/Rads Rules) ICR, and the PWSS Program ICR. The Microbial Rules ICR includes rules addressing microbial contaminants, such as the Revised Total Coliform Rule (RTCR), Surface Water Treatment Rule (SWTR), and the Ground Water Rule (GWR). The DDBP/Chem/Rads Rules ICR includes rules addressing chemical contaminants such as the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR), the Arsenic Rule, and the Lead and Copper Rule (LCR). The PWSS Program ICR includes public notification and rules addressing cross-cutting requirements that are not associated with contaminant-specific rules. Without this information collection, EPA would not be able to effectively implement the national drinking water program. The specific regulations and programs addressed in this ICR are listed below.

- 1) Consumer Confidence Reports
- 2) Variance and Exemption Rule
- 3) Capacity Development Program
- 4) General State Primacy Activities
- 5) Public Notification
- 6) Operator Certification Program
- 7) Tribal Drinking Water Operator Certification Program
- 8) Constructed Conveyances
- 9) Proficiency Testing

For a graphical depiction of the structure of the OGWDW ICRs, see Figure 1. A complete itemization of the activities included in the three primary ICRs, as well as other drinking water program ICRs, is included as Exhibit 1.

**Figure 1. Structure of OGWDW ICRs**



**Exhibit 1: Structure of OGWDW ICRs**

Currently covered	To be covered in the future
<b>PWSS Program ICR (2040-0090)</b>	
Consumer Confidence Reports (CCRs)	
Variations & Exemptions	
Capacity Development Program	
General State Primacy Activities	
Public Notification (PN)	
Operator Certification Program	
Tribal Operator Certification	
Constructed Conveyances	
Proficiency Testing	
<b>Microbial Rules ICR (2040-0205)</b>	
Surface Water Treatment Rule, except disinfectant residual monitoring and associated activities <sup>4</sup>	
Total Coliform Rule/ Revised Total Coliform Rule	
Interim Enhanced Surface Water Treatment Rule (IESWTR)	
Filter Backwash Recycling Rule	
Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)	
Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)	
Ground Water Rule	
Aircraft Drinking Water Rule	
<b>Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides Rules ICR (2040-0204)</b>	
Stage 1 Disinfectants and Disinfection Byproducts Rule	Lead and Copper Rule Long Term Revisions
Disinfectant Residual Monitoring and associated activities under the SWTR	
Stage 2 Disinfectants and Disinfection Byproducts Rule	
Chemical Phase Rules	
Radionuclides Rule	
Arsenic Rule	
Lead and Copper Rule	
<b>Source Water Assessment Program (SWAP) ICR (2040-0197)</b>	
SWAP	
<b>Underground Injection Control (UIC) Program ICR (2040-0042)</b>	
UIC Base Program Activities	
Classes I-VI Rules	
Florida Class I Rule	
<b>Drinking Water State Revolving Fund (DWSRF) Program ICR (2040-0185)</b>	
Drinking Water State Revolving Fund Program	

<sup>4</sup> Disinfectant residual monitoring and associated activities are included in the DDBP/Chem/Rads Rules ICR.

Currently covered	To be covered in the future
<b>Drinking Water Infrastructure Needs Survey ICR (2040-0274)</b>	
Drinking Water Infrastructure Needs Survey	
<b>Title VI of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002: Drinking Water Security and Safety ICR (2040-0253)</b>	
Vulnerability Assessments and Emergency Response Plans for community water systems (CWSs).	
<b>Unregulated Contaminant Monitoring Rule ICR (2040-0270)</b>	
Monitoring of Unregulated Contaminants (UCMR 3)	UCMR 4
<b>Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium ICR (2040-0246)</b>	
Proficiency Testing Program for Laboratories Analyzing Cryptosporidium Samples	

### 1) *Consumer Confidence Reports*

Section 114 of the 1996 SDWA amends section 1414(c) of the Act. The amendments require CWSs to provide CCRs to their customers annually describing the quality of the finished water. EPA wrote regulations under Subpart O of 40 CFR Part 141 to implement this provision.

The initial Federal Register (FR) notice containing CCR requirements was published on August 19, 1998 (63 FR 44512). These initial requirements have since been modified by other rulemaking efforts. Other rulemakings are assumed to have no effect on the underlying burden.

### 2) *Variance and Exemption Rule*

The 1996 SDWA Amendments established criteria under which PWSs, especially those serving 10,000 or fewer people, could apply for a variance or exemption. Variances allow eligible systems to provide drinking water that does not comply with a NPDWR on the condition that the quality of the drinking water is still protective of public health. Exemptions allow PWSs additional time beyond that specified in rule requirements to come into compliance. There are two types of variances: 1) general variances are intended for systems that are not able to comply with a NPDWR due to the quality of the source water, and 2) small system variances are intended for systems serving 3,300 or fewer people that cannot afford to comply with a NPDWR. Small system variances are only allowed if EPA designates a Small System Variance Technology. The information required of PWSs seeking general variances, small system variances, or exemptions is needed to determine if the system satisfies SDWA conditions for variances or exemptions.

### 3) *Capacity Development Program*

Through the 1996 SDWA Amendments, Congress conveyed the importance of PWSs to maintain technical, managerial, and financial capacity to comply with the requirements of the SDWA. To encourage States to establish and maintain a capacity development program, section 1420(a) of the SDWA linked the capacity development program to the Drinking Water State Revolving Fund (DWSRF) by stating that a state is subject to a 20 percent withholding of the funds if the state elects not to implement the program.

### 4) *General State Primacy Activities*

To implement its compliance oversight and enforcement responsibilities under the SDWA, EPA requires primacy agencies to report a specified subset of PWS monitoring and related information in SDWIS. Additionally, primacy agencies must maintain records of analysis results and other related activities (e.g., sanitary survey results). Without comprehensive, up-to-date information on drinking water contamination, EPA would not be able to ensure “a supply of drinking water which dependably complies with such maximum contaminant levels” (SDWA section 1401(1)(d)). If these reporting requirements were voluntary, EPA would not receive timely, comprehensive data on contaminant levels and associated acute and long-term public health risks. Specifically, voluntary monitoring would not:

- Reliably occur with sufficient frequency.
- Follow uniform national standards on quality of sampling, collection, and analysis.
- Ensure that monitoring addresses all contaminants listed in the regulations.

### 5) *Public Notification*

Section 114 of the 1996 SDWA Amendments required the EPA Administrator to develop and issue new regulations for public notification of PWS failure to comply with applicable national drinking water standards. Regulations mandating the form, manner, frequency, and content of public notification are codified under 40 CFR Part 141, Subpart Q. Sections 1414(c)(2)(C)(ii) and 1414(c)(2)(D)(ii) of the 1996 Amendments require that notices provide a clear and understandable explanation of the violation, the potential adverse health effects, steps that the system is taking to correct the violation, and necessity of seeking alternative water supplies until the violation is corrected. Without the ability to collect information on public notification, EPA could not ensure that PWSs were notifying the public of violations that could affect their health.

### 6) *Operator Certification Program*

Throughout the 1996 SDWA Amendments, Congress conveyed the importance of properly trained operators in providing safe drinking water to the public. Congress then established the Operator Certification Program to ensure that PWSs were being operated by properly trained and certified personnel. To underscore the importance of operator certification, the operator certification program was linked to the DWSRF through a withholding of 20 percent of the funds that a state is otherwise entitled to if its program does not meet EPA’s guidelines.

EPA still requires the submission of annual operator certification reports from states. The information collected under this program will continue to ensure that states are implementing operator certification programs that meet EPA guidelines.



### 7) *Tribal Drinking Water Operator Certification Program*

The purpose of the Tribal Drinking Water Operator Certification Program is to improve public health protection by increasing the training and certification opportunities for personnel at drinking water systems in Indian Country. The program guidelines establish seven baseline standards. The guidelines also list requirements for organizations that wish to obtain EPA approval for their certification programs.

EPA regulations require qualified operators for all PWSs except transient noncommunity water systems (TNCWSs) served by ground water (see 40 CFR 141.70(c) and 40 CFR 141.130(c)). In addition, a public water systems must have a certified operator to be eligible for Drinking Water Infrastructure Grants-Tribal Set -Aside funds. The tribal public water supervision program and the tribal drinking water operator certification program provide funding for the training and certification of tribal drinking water operators.

### 8) *Constructed Conveyances*

In the 1996 Amendments to the SDWA, Section 1401(4) broadened the definition of “public water system” to include systems that provide water for human consumption and deliver the water via constructed conveyances. Prior to this change, PWSs included only piped water systems. This new definition affects the reporting and recordkeeping burden<sup>5</sup> for both PWSs and states.

### 9) *Proficiency Testing*

The SDWA requires EPA to specify contaminants that may adversely affect public health when present in PWSs, specify MCLs for these contaminants, and publish “criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels.” Participation in the PT studies that relate to drinking water analyses is mandated in 40 CFR sections 141.23(k)(3), 141.24(f)(17), 141.28, and 141.131(b)(2) for those laboratories that report data to support PWS compliance with the NPDWRs. Under 40 CFR 142.10(b)(3), authority for certifying drinking water laboratories is provided to states.

In the PT program, private sector companies (i.e., PT vendors) manufacture and distribute samples of regulated contaminants, also called standards, to the participating laboratories. The vendors know the concentrations of the standards but the laboratories do not. The laboratories determine the concentrations of each analyte for which they wish to be certified and then submit their results to the vendors. Assuming the laboratories’ results are accurate, PT vendors certify to the state that the laboratories have successfully completed their PT studies. This certification of PT study completion is then used by the states to support the certification of the laboratories to conduct drinking water compliance analyses. EPA, states, and laboratory personnel will use the results of these studies to identify laboratory problems for resolution, and thereby improve the quality of data used to determine regulatory compliance.

## **2(b) Use/Users of the Data**

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<sup>5</sup> Based on EPA best professional judgment and drinking water industry consultation results, no new constructed conveyances are expected to be built going forward. Therefore, reporting and recordkeeping burden for PWSs and primacy agencies to comply with the Constructed Conveyances program is assumed to be negligible.

The information described in the previous sections will be collected by EPA and made available to the public upon request, as required by the Freedom of Information Act (40 CFR, Chapter 1, Part 2). In some cases, the SDWA requires that the information be provided to the public or the primacy agency. Primary users of the data collected under this ICR are OGWDW, PWS managers, and primacy agencies, which include state regulators, Indian Tribes, and, in some instances, EPA Regional Administrators. Other users include:

- Laboratory personnel
- Staff from other EPA programs (such as Superfund, the Resource Conservation and Recovery Act, and the Office of Enforcement and Compliance Assurance (OECA))
- Federal Emergency Management Administration
- Centers for Disease Control and Prevention (CDC)
- Military bases
- Farmers Home Administration
- Department of Interior
- Department of Housing and Urban Development
- U.S. Army Corps of Engineers
- White House Task Forces
- American Water Works Association (AWWA)
- Association of Metropolitan Water Agencies (AMWA)
- National Rural Water Association (NRWA)
- National Association of Water Companies (NAWC)
- Association of State Drinking Water Administrators (ASDWA)
- Natural Resources Defense Council
- Consumers Federation of America
- News organizations
- Native American Water Association (NAWA)
- Association of American Indian Affairs
- Inter-tribal Environmental Council
- National Tribal Environmental Council (NTEC)
- Other intertribal groups

### **3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-duplication**

EPA has made an effort to ensure that the data collection efforts associated with this ICR are not duplicated. EPA has consulted with state environmental programs, other federal agencies and regulated entities, such as PWSs and their representative trade associations. To the best of EPA's knowledge, data currently required by the SDWA, and its implementing regulations codified at 40 CFR Parts 141 and 142, are not available from any other source.

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

Public comments were previously requested via the *Federal Register* (80 FR 17040) on March 31, 2015 for a 60-day period. Specifically, EPA published a notice in the Federal Register (FR) requesting comment on the estimated respondent burden and other aspects of this ICR (Appendix A). EPA did not receive any comments during the 60-day comment period.

An additional FR notice will be published prior to submission of this ICR to OMB. The public comment period for this additional notice is 30 days.

#### **3(c) Consultations**

As part of the revision of the PWSS ICR, in May 2015 EPA consulted with representatives of PWSs and states regarding the accuracy of EPA's burden estimates. The groups consulted were NAWC, NRWA, AWWA, AMWA, and ASDWA. EPA received comments from ASDWA. ASDWA's comments were incorporated into this ICR to the extent possible. The end of each appendix to the ICR contains a table summarizing EPA's previous and revised burden estimates for the relevant rule.

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

EPA has considered a wide range of alternatives for frequency of data collection. The CCR Rule and Capacity Development Program require annual reporting. Distributing CCRs less frequently than annually is not allowed under the SDWA. Annual reporting of capacity development information is essential to enable EPA to make withholding determinations on each fiscal year's funds. Laboratories producing drinking water compliance monitoring data are expected to demonstrate adequate analytical proficiency once each year for each analyte they test. Any decrease in frequency would not adequately support state laboratory certification/evaluation programs.

For other information collection activities, EPA has chosen to require the least frequent collection that remains consistent with overall public health preservation objectives. If data are collected less frequently, the primacy agencies may not identify in a timely fashion violations that might threaten the health and safety of drinking water consumers.

#### **3(e) General Guidelines**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

**3(f) Confidentiality**

No confidential information will be collected as a result of this ICR.

**3(g) Sensitive Questions**

No information of a sensitive nature will be collected as a result of this ICR.

## **4 RESPONDENTS AND INFORMATION REQUESTED**

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

Data associated with this ICR are collected and maintained at the PWS, state, and federal levels. Respondents include:

- Owners/operators of PWSs, who must report to the primacy agency.
- State/Primacy agencies, and EPA Regions that act as primacy agencies in Indian lands.
- Laboratories conducting PT to achieve state certification, which permits them to analyze samples for compliance with NPDWRs. (PT vendors are not considered respondents because they are paid for their incurred burden and costs via the prices that laboratories pay for the PT standards).

The North American Industry Classification System (NAICS) code for PWSs is 22131. The NAICS code for state agencies that include drinking water programs is 92411 (Administration of Air and Water Resources and Solid Waste Management Programs) or 923312 (Administration of Public Health Programs). Ancillary systems (i.e., those that supplement the function of other establishments like factories, power plants, mobile home parks, etc.) cannot be categorized in a single NAICS code. For ancillary systems, the NAICS code is that of the primary establishment or industry. The code for laboratories that include environmental testing is 541380 (Testing Laboratories).

Data associated with this ICR are collected and maintained by laboratories seeking primacy agency certification for the analysis of drinking water samples.

### **4(b) Information Requested**

#### **4(b)(i) Data Items**

Respondent information collection requirements covered by the PWSS Program ICR are summarized in Exhibits 2-4 below. These reflect cross-cutting recordkeeping and reporting requirements under the PWSS Program (i.e., requirements that are not associated with contaminant-specific rules). The requirements are discussed following Exhibits 2-4.

## Exhibit 2 PWS Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Frequency/Retention
<b>CCRs</b>		
Mail copies of CCR to customers.	40 CFR 141.155(a)	Annually, unless waived per section 141.155(g)
Announce availability of CCR.	40 CFR 141.155(b)	Annually
Submit copy of CCR to primacy agency.	40 CFR 141.155(c)	Annually
Submit copy of CCR to agencies or clearing houses identified by the primacy agency.	40 CFR 141.155(d)	Annually, as required
Make current year's CCR available to public.	40 CFR 141.155(e)	As requested
Post current year's CCR on the Internet (for systems serving ≥100,000 people).	40 CFR 141.155(f)	Annually
Publish CCR in local newspaper, if the mailing requirement has been waived.	40 CFR 141.155(g)(1)	Annually, except that systems serving ≤500 can forego per section 141.155(g)(2)
Retain copy of CCR.	40 CFR 141.155(h)	For at least 3 years
<b>VARIANCES AND EXEMPTIONS</b>		
Retain records concerning variance or exemption grants.	40 CFR 141.33	Not less than 5 years after variance/exemption expiration
Submit information supporting request for variance.	40 CFR 142.41	One-time, PWS discretion
Submit information supporting request for exemption.	40 CFR 142.51	One-time, PWS discretion
Submit information supporting request for small system variance.	40 CFR 142.306	One-time, PWS discretion
Report on compliance with terms and conditions of the small system variance.	40 CFR 142.307	Quarterly after granting
<b>CAPACITY DEVELOPMENT</b>		
Demonstrate capacity (new CWSs & NTNCWSs).	N/A	One-time
Cooperate with state to demonstrate continued capacity.	N/A	As needed
<b>GENERAL STATE PRIMACY ACTIVITIES</b>		
PWSs are not involved in general state primacy activities.		
<b>PUBLIC NOTIFICATION RULE</b>		
Notify persons served within 24 hours of learning of a violation which requires Tier 1 PN.	40 CFR 141.202(b)(1)	As necessary, within 24 hours
Consult with the primacy agency within 24 hours of learning of a violation or other situation that requires Tier 1 PN.	40 CFR 141.202(b)(2)	As necessary, within 24 hours
Comply with any additional notification requirements for Tier 1.	40 CFR 141.202(b)(3)	As necessary

<b>Requirement</b>	<b>Regulatory Citation</b>	<b>Frequency/Retention</b>
Notify persons served within 30 days of a violation that requires Tier 2 public notification.	40 CFR 141.203(b)(1)	As necessary, within 30 days
Provide repeat notices for unresolved violations every three months, unless the primacy agency determines a different frequency.	40 CFR 141.203(b)(2)	As necessary, every 3 months
Consult with the primacy agency if a violation of the turbidity MCL or SWTR/IESWTR treatment technique requirements for single exceedances of turbidity limits occurs.	40 CFR 141.203(b)(3)	As necessary, within 24 hours
Notify persons served within one year of learning of a violation or situation that requires Tier 3 notification.	40 CFR 141.204(b)(1)	As necessary, within 1 year
Provide repeat notices annually for unresolved Tier 3 violations/situations.	40 CFR 141.204(b)(1)	As necessary, annually
Notify new customers of ongoing violations/situations prior to or at the time service begins.	40 CFR 141.206	As necessary
Notify persons served of the availability of the results of unregulated contaminant monitoring.	40 CFR 141.207	As necessary, within 12 months of receiving results
Provide special notice to persons served for an exceedance of the fluoride secondary MCL (SMCL).	40 CFR 141.208	As necessary, within 12 months of exceedance
Provide repeat notice of a fluoride SMCL exceedance, if unresolved.	40 CFR 141.208	As necessary, annually
Notify persons served by noncommunity water systems (NCWSs) if the primacy agency grants permission to exceed the nitrate MCL.	40 CFR 141.209	As necessary, within 24 hours
Submit to the state a copy of each notice provided (Tiers 1, 2, and 3 and any repeat notices) and a certification that all PN requirements were met.	40 CFR 141.31(d) and 141.201(c)(3)	As necessary, within 10 days after completing notification requirements
Retain copies of all notices and certifications.	40 CFR 141.33(e)	3 years
<b>OPERATOR CERTIFICATION PROGRAM</b>		
Certify operator(s) per state requirements.	N/A	As necessary
Maintain and renew operator certification(s).	N/A	As necessary
<b>TRIBAL DRINKING WATER OPERATOR CERTIFICATION PROGRAM</b>		
Certify tribal water system operator(s) per EPA guidelines.	N/A	As necessary
Apply for "grandparent" certificate.	N/A	One time, if eligible

Requirement	Regulatory Citation	Frequency/Retention
<b>CONSTRUCTED CONVEYANCES</b>		
Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.	SDWA 1401(4)(B)(i)	On-going
Apply for Other Residential Uses Exclusion.	SDWA 1401(4)(B)(i)(I)	One time, if eligible
Apply for Alternative Water Exclusion.	SDWA 1401(4)(B)(i)(II)	One time, if eligible
Apply for Treatment Exclusion.	SDWA 1401(4)(B)(i)(III)	One time, if eligible
Apply for Certain Piped Irrigation Districts Exclusion	SDWA 1401(4)(B)(ii)	One time, if eligible
<b>PROFICIENCY TESTING</b>		
PWSs are not involved in proficiency testing		

Note: Content requirements for public notices are described in 40 CFR 141.205, 141.207, and 141.208.



### Exhibit 3 Primacy Agency Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
<b>CCRs</b>		
Make CCRs available to public.	40 CFR 142.16(f)(2)	As requested
Retain copies of CCRs and certifications that CCRs were distributed.	40 CFR 142.16(f)(3)	CCRs: 5 years Certifications: 1 year
Report violations of CCR provisions.	40 CFR 142.16(f)(4)	Quarterly
<b>VARIANCES AND EXEMPTIONS</b>		
Issue variances and exemptions (for other than small system variances).	40 CFR 142.20	At primacy agency discretion
Consider system V/E requests (for other than small system variances).	40 CFR 142.21	Within 90 days of request
Review V/E requests previously granted.	40 CFR 142.22	Within 18 months of new standards
Notify EPA of new variances or exemptions granted.	40 CFR 142.15(a)(3)	Quarterly
Summarize the status of variances or exemptions currently in effect.	40 CFR 142.15(b)(2)	Annually
Propose small system variances and provide supporting information and responses to comments.	40 CFR 142.311 & 142.312	When state proposes to grant a small system variance
Following notification of EPA's objections and proposed modifications to proposed small system variances, respond to EPA.	40 CFR 142.311	Before state grants a small community variance to a PWS serving 3,300 or fewer people
Re-propose small system variances.	40 CFR 142.312	Before state grants a small community variance to a PWS serving more than 3,300 and fewer than 10,000 people
Review each small system variance to determine if the PWS continues to meet eligibility criteria.	40 CFR 142.307	Not less than 5 years
Notice of public meeting on proposed small system variances, with supporting information.	40 CFR 142.308	At least 30 days prior to public meeting
<b>CAPACITY DEVELOPMENT</b>		
Submit evidence to EPA that state has established and continues to implement a Capacity Development Program.	N/A	Annually
Submit report to Governor on the status of the Capacity Development Program.	SDWA 1420(c)(3)	Every three years

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
<b>GENERAL STATE PRIMACY ACTIVITIES</b>		
Retain state records for public inspection.	40 CFR 142.14	Varies
Retain quarterly SDWIS reports to EPA, make them available for public inspection.	40 CFR 142.15(d)	Upon completion and submittal by state
Report any new violation data or enforcement actions.	40 CFR 142.15(a)(1)-(2)	Quarterly
Report any new data related to SDWIS elements or any revisions to existing data.	40 CFR 142.15(b)(1)	Annually
Submit information required for review of state programs, including review of monitoring determinations.	40 CFR 142.17-142.18	Annually, as requested
Request primacy treatment for a state or tribal primacy (for Indian tribes).	40 CFR 142.76	One-time
Submit initial application for primacy.	40 CFR 142.11	One-time
Submit statutory and regulatory provisions authorizing administrative penalties or demonstrate that authority does not exist.	40 CFR 142.11(a)(6)	One-time
Submit revised primacy application.	40 CFR 142.12	As needed
<b>PUBLIC NOTIFICATION</b>		
Primacy agencies may exercise flexibility in the following areas as long as they establish enforceable procedures.		
Requiring PWSs to notify persons served for violations or situations other than those requiring notice under the PN Rule.	40 CFR 142.16(a)	If necessary
Allowing PWSs to limit distribution of a notice to the portion of the distribution system that is out of compliance.	40 CFR 142.16(a)	If necessary
Elevating violations/situations from Tiers 2 or 3 to Tier 1.	40 CFR 142.16(a)	If necessary
Requiring additional notification for Tier 1 as a result of the 24-hour consultation.	40 CFR 142.16(a)	If necessary
Requiring or permitting a different form of delivery than is required in the PN Rule for Tiers 1, 2, or 3.	40 CFR 142.16(a)	If necessary
Elevating monitoring/testing procedure violations from Tier 3 to Tier 2.	40 CFR 142.16(a)	If necessary
Granting extensions for distribution of Tier 2 notices.	40 CFR 142.16(a)	If necessary
Allowing less frequent repeat notification for Tier 2.	40 CFR 142.16(a)	If necessary

<b>Requirement</b>	<b>Regulatory Citation</b>	<b>Report Frequency/Minimum Retention</b>
Consulting with PWS within 24 hours for exceedance of turbidity limits.	40 CFR 142.16(a)	If necessary
Determining the need for multilingual content in a notice.	40 CFR 142.16(a)	If necessary
Consult with PWSs within 24 hours for Tier 1 violations/situations.	40 CFR 141.202(b)(2)	As necessary, within 24 hours
Consult with PWSs within 24 hours for exceedances of turbidity MCL or violations of turbidity single exceedance limits.	40 CFR 141.203(b)(3)	As necessary, within 24 hours
May give the required public notice on behalf of the PWS.	40 CFR 141.210	If necessary
Report violations of the PN Rule to EPA.	40 CFR 142.15(a)(1)	Quarterly
Retain copies of certification and notices submitted by PWSs. Also keep records of determinations of alternative requirements made under 40 CFR 142.16.	40 CFR 142.14(f)	3 years
<b>OPERATOR CERTIFICATION PROGRAM</b>		
Submit a report to EPA describing ongoing implementation activities of the state's operator certification program.	N/A	Annually
Submit to EPA a new Attorney General (AG) certification and a copy of the state's regulations (if the state makes changes to its operator certification program)	N/A	As necessary
Submit to EPA a report describing ongoing implementation activities of the state's Expense Reimbursement Grant	N/A	Not applicable. Expense Reimbursement Grants Program ended in December 2012.
<b>TRIBAL DRINKING WATER OPERATOR CERTIFICATION PROGRAM</b>		
States are not affected by the Tribal Drinking Water Operator Certification Program because EPA directly implements this program.		
<b>CONSTRUCTED CONVEYANCES</b>		
Review data to determine if a constructed conveyance should be considered a PWS.	SDWA 1401(4)	As necessary
Review applications and make determinations about Other Residential Uses Exclusions.	SDWA 1401(4)(B)(i)(I)	As necessary
Review applications and make determinations about Alternative Water Exclusions.	SDWA 1401(4)(B)(i)(II)	As necessary

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
Review applications and make determinations about Treatment Exclusions.	SDWA 1401(4)(B)(i)(III)	As necessary
Review applications and make determinations about Certain Piped Irrigation Districts Exclusions.	SDWA 1401(B)(ii)	As necessary
<b>PROFICIENCY TESTING</b>		
States are not involved in the proficiency testing program. States are involved in certification, which is addressed under general state primacy activities.		

#### Exhibit 4 Laboratories Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
<b>PROFICIENCY TESTING</b>		
Analyze standards	40 CFR 141.23(k), 141.24(f) (17), 141.132(b)(2)	Annually
Report results to PT vendor	N/A	Annually
Maintain records	N/A	Not specified

##### 1) *Consumer Confidence Reports*

CCRs must identify the source of the water delivered by the CWS, describe whether it is ground water or surface water, and provide the common name and location of bodies of water used as sources. Reports also must define the terms “Maximum Contaminant Level (MCL),” “Maximum Contaminant Level Goal (MCLG),” “Maximum Residual Disinfectant Level (MRDL),” “Maximum Residual Disinfectant Level Goal (MRDLG),” “variance,” and “exemption.” Reports must contain a table providing data on contaminant levels detected as well as the MCLG and MCL for these contaminants. If contaminants are detected above the MCL or MRDL, health effects information must also be provided. Reports must indicate any violations of the NPDWRs, including monitoring and reporting, treatment techniques, public notification, recordkeeping, special monitoring requirements, and the terms of a variance, exemption, or administrative or judicial order. If applicable, reports must explain any granted variance or exemption. Reports must contain a brief explanation regarding contaminants that may be found in drinking water.

##### 2) *Variance and Exemption Rule*

To obtain a variance or exemption, systems must submit a request for the variance or exemption that contains supporting information. Systems that are granted a variance or exemption must also provide public notice within one year after operating under the variance or exemption. They must also maintain records associated with the granting of the variance or exemption. States must review the information contained in V/E applications.

### 3) *Capacity Development Program*

Under SDWA section 1420, states are required to submit the following information to EPA:

- An annual report that describes ongoing implementation activities for both the new systems' programs (SDWA 1420(a)) and the existing systems' strategies (SDWA 1420(c)).
- A triennial report to the Governor on the status of the capacity development program (EPA receives a courtesy copy of each state report).
- A triennial list of systems that are historical significant non-compliers and, to the extent practicable, the reason(s) for noncompliance. This requirement is currently satisfied by using EPA's OECA Enforcement Targeting Tool (ETT). The ETT assigns a point value to specific violations for each system to bring attention to drinking water systems with the most serious and unaddressed violations. EPA will utilize the spreadsheet output generated by the ETT on a quarterly basis instead of the triennial list of systems referred to as significant non-compliers.

Systems must document their financial, technical, and managerial capacity, as required by the state.

### 4) *General State Primacy Activities*

Section 142.14(a) stipulates, "Each state which has primary enforcement responsibility shall maintain records of tests, measurements, analyses, decisions, and determinations performed on each PWS to determine compliance with applicable provisions of state primary drinking water regulations." Further, section 141.14(g) states, "Records required to be kept under this section shall be made available to the Regional Administrator upon request." Under section 142.17, EPA may request information from a state to determine compliance of the state with requirements of 40 CFR 142 Subpart B. Information requested may include state determinations made under section 142.19 and records kept by states in accordance with section 142.14.

To implement its compliance oversight and enforcement responsibilities under the SDWA, EPA requires primacy agencies to report a specified subset of PWS monitoring information in SDWIS. Additionally, primacy agencies must maintain records of analysis results and other related activities (e.g., sanitary survey results).

Systems are not required to submit any data under this program.

### 5) *Public Notification*

Under the PN Rule, systems must notify all system users of any violation of drinking water regulations. The methods and deadlines for notification are based on a three-tier system. Tier 1 violations, which require 24-hour notice, are those that risk serious health effects from short term exposure. Tier 2 violations, which require 30-day notice, are any violations that pose a health risk that are not Tier 1 violations. Tier 3 violations and situations are any not covered under the first two tiers; they include monitoring violations, exceeding the fluoride secondary standard, operating under a variance or exemption, and announcing the availability of

unregulated contaminant monitoring results. Tier 3 public notification must take place within a year of the violation and may be included in the system's CCR. Systems must consult with primacy agencies within 24 hours of a turbidity violation to determine if the violation is Tier 1 or Tier 2. Primacy agencies must consult with any systems with Tier 1 violations within 24 hours of the violation. They may also decide to elevate certain Tier 2 or Tier 3 violations. Primacy agencies must report all violations to EPA and keep records for three years after the violation.

#### 6) *Operator Certification Program*

To satisfy section 1419 of SDWA (regarding EPA's Operator Certification Guidelines), states are required to submit the following information to EPA:

- An annual report that describes ongoing implementation activities of a state's operator certification program.
- A new Attorney General (AG) certification and a copy of the state's regulations if a state makes changes to its operator certification program.

Systems must document that they have certified operators, and their operators must maintain certification as required by the state program.

#### 7) *Tribal Drinking Water Operator Certification Program*

The Drinking Water Infrastructure Grant Tribal Set Aside (DWIG TSA) Final Guidelines (October 1998) state that after EPA has developed a Tribal Drinking Water Operator Certification Program for operators of systems in Indian Country, "any system to be assisted with TSA funds must be operated by an adequately trained and certified operator" in order for a tribe to receive a grant for that system. The program guidelines establish seven baseline standards and list the certification program requirements that must be met by organizations that certify operators of drinking water systems in Indian Country to receive approval from EPA. EPA is responsible for implementing the EPA Tribal Drinking Water Operator Certification Program in Indian country and for tracking the number of water systems with certified operators.

#### 8) *Constructed Conveyances*

To comply with the 1996 SDWA Amendments, systems and states must work together to determine if the system meets the new definition of "public water system." In addition, section 1401(4)(B) of the 1996 SDWA Amendments provides several exemption options. If a system is eligible for one of these exemptions, the system must submit an application to the state. The state must then review the exemption applications and make determinations. EPA expects that no new constructed conveyances will be built going forward.

#### 9) *Proficiency Testing*

In all laboratory PT studies, laboratories submit the results of analyses for all contaminants for which they wish to be certified to conduct drinking water analyses.

### **4(b)(ii) Respondent Activities**

PWSs and primacy agencies must complete the activities described in the sections below.

## **Public Water Systems**

### *1) Consumer Confidence Reports<sup>6</sup>*

For CCRs, CWSs must conduct the following activities—

- Compile the report.
- Mail one report to each customer.
- For consumers who do not receive water bills, publish a notice in the newspaper indicating how a consumer may obtain a copy of a CCR.
- Submit one copy of the completed report to the primacy agency annually and retain one copy of the report.
- Submit copy of CCR to agencies or clearinghouses identified by the primacy agency.
- Certify to the primacy agency that the report has been distributed to customers and that the information is correct.
- Publish the report in a local newspaper rather than mail it, if the state Governor allows CWSs serving 10,000 or fewer people to do so.
- Post an annual notice for customers rather than publishing or mailing a report, if the state Governor allows CWSs serving fewer than 500 people to do so.
- Post the report to a publicly accessible Internet site, for CWSs serving 100,000 or more people.

### *2) Variance and Exemption Rule*

A PWS that elects to apply for a variance or exemption must either perform the following activities or assist the state in performing these activities:

- Apply for the variance or exemption and submit any information that the state requires. For small system variances, a system must demonstrate that it cannot afford to comply with the NPDWR for which the small system variance is sought; that its source water meets the quality standards for installation of the small system variance technology; that it is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology; and that the terms and conditions of the small system variance would ensure adequate protection of human health.
- Work with the state to hold a public hearing on the proposed variance or exemption and provide public notice within one year after operating under the variance or exemption.
- Write and submit a quarterly report on compliance with the terms and conditions of the small system variance.
- Retain records associated with the variance or exemption.

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<sup>6</sup> In response to a memo (<http://water.epa.gov/lawsregs/rulesregs/sdwa/ccr/upload/ccrdeliveryoptionsmemo.pdf>) that allows electronic delivery of CCRs in some cases, EPA estimates some systems serving 100,000 or more people will exclusively deliver CCRs electronically.

Note that EPA estimates that no systems will apply for variances or exemptions in this 3-year ICR period.

3) *Capacity Development Program*

Under the Capacity Development Program for new systems, all CWSs and NTNCWSs must demonstrate adequate capacity and comply with all state capacity development requirements. All PWSs are asked to cooperate with the state's strategy for existing systems. This includes achieving, maintaining, and improving capacity.

4) *General State Primacy Activities*

There are no PWS activities associated with the General State Primacy Activities.

5) *Public Notification*

To comply with the PN regulations, PWSs must complete the following activities—

- Prepare the notice (sections 141.201, 141.205, 141.206, 141.207, and 141.208).
- Distribute the notice to all persons served within the applicable time frame (sections 141.202, 141.203, and 141.204).
- If the violation or situation requires public notification within 24 hours, consult with primacy agency within the 24-hour period to determine subsequent actions (section 141.202(b)(2)). Consultation is also required for exceedances of the maximum allowable turbidity level (section 141.203(b)(3)).
- If a violation is unresolved, prepare an updated notice for repeat distribution (sections 141.205, 141.206, 141.207, and 141.208).
- Distribute the updated notice (sections 141.202, 141.203, and 141.204).
- Take any additional actions required by the primacy agency (sections 141.201 and 141.202).
- Submit certification to the primacy agency along with copies of all public notifications that were distributed.
- Retain records of all notices and certifications.

6) *Operator Certification Program*

Systems are required to comply with the state requirements for operator certification. Systems must:

- Ensure certified operator(s) holding a valid certification equal to or greater than the classification of the system.
- Maintain/renew certification(s) as needed.

7) *Tribal Drinking Water Operator Certification Program*

For the Tribal Drinking Water Operator Certification Program, tribal water systems are expected to have a certified operator.



### 8) *Constructed Conveyances*

In order to adhere to the broadened definition of “public water system” introduced by the 1996 SDWA Amendments, PWSs may complete the following activities:

- Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.
- Apply for an Other Residential Uses Exclusion.
- Apply for an Alternative Water Exclusion.
- Apply for a Treatment Exclusion.
- Apply for a Certain Piped Irrigation Districts Exclusion

Note that EPA expects that no new constructed conveyances will be built going forward.

## **Primacy Agencies**

### 1) *Consumer Confidence Reports*

As part of the CCR Rule, primacy agencies must—

- Review and retain reports and certifications from CWSs.
- Assist in preparation of reports, as needed.
- Report compliance to EPA.

### 2) *Variance and Exemption Rule*

In addition to helping PWSs meet application requirements, states must:

- Provide EPA with the proposed small system variance, supporting information, and responses to public comments.
- Respond to EPA’s objections to a proposed small system variance for a PWS serving 3,300 or fewer persons, if the state chooses to pursue the variance.
- Revise a proposed small system variance as necessary to reflect EPA’s comments on variance requests for systems that serve more than 3,300 people and fewer than 10,000 people, if the state chooses to pursue the variance.
- Submit a quarterly report on violations of increments of progress or any other violated term or condition of a small system variance.
- Conduct a public meeting on a small system variance request, provide notice of the public meeting, and provide supporting information to the public.
- Respond to significant public comments on the proposed variance request.
- Retain records associated with a granted variance or exemption not less than five years after its expiration.

Note that EPA estimates that no applications will be received for variances or exemptions in this 3-year ICR period.

### 3) Capacity Development Program

States must:

- Submit an annual report that describes ongoing implementation activities for both the new systems' programs (SDWA 1420(a)) and the existing systems' strategies (SDWA 1420(c)).
- Submit a triennial report to the Governor on the status of the capacity development program (EPA receives a courtesy copy of each state report).

Note that section 1420(b)(1) of the SDWA requires that "... *each state shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance... and, to the extent practicable, the reasons for noncompliance.*" As discussed above, EPA's OECA replaced the significant non-complier list with the ETT. EPA will utilize the spreadsheet output generated by the ETT on a quarterly basis. As part of the ETT implementation, EPA and states meet on a quarterly basis to discuss the status of PWSs on this list and identify steps to enable systems to return to compliance. EPA believes that this approach is more proactive than addressing the reasons for non-compliance once every three years.

### 4) General State Primacy Activities

As part of their general primacy activities, primacy agencies must—

- Prepare grant packages requesting funding to operate the program in a state.
- Maintain state drinking water data systems.
- Review monthly violations reports to monitor compliance.
- Maintain records submitted by PWSs regarding results of analytical tests and other milestones, such as treatment decisions.
- Take timely and appropriate enforcement actions.
- Review PWS projects regarding design, construction, and treatment modifications.
- Conduct routine inspections to supplement information collected during sanitary surveys.
- Certify laboratories to analyze drinking water samples for compliance with drinking water regulations.

This ICR assumes that no applications for primacy will be submitted during the next three years. However, since a new primacy application is a possibility, the following discussion of possible implications is provided. To obtain primacy, the applicant must:

- Adopt drinking water regulations that are no less stringent than the NPDWRs currently in effect. An agency may also be granted primacy for new or revised EPA regulations if it demonstrates that its approved program has been updated to include regulations no less stringent than those new or revised EPA regulations.
- Adopt adequate procedures for enforcement of these regulations.

- Report these procedures according to EPA's requirements.
- Permit variances and exemptions under conditions no less stringent than those specified by the regulations.
- Adopt and implement an adequate plan for providing safe drinking water under emergency circumstances.

5) *Public Notification*

The PN Rule requires primacy agencies to consult with the violating PWS to determine appropriate follow up actions. The primacy agencies must receive and review public notification certifications submitted by PWSs. Primacy agencies must submit quarterly reports of PN Rule violations to EPA.

6) *Operator Certification Program*

A state complying with the program must:

- Submit an annual report that describes ongoing implementation activities of a state's operator certification program.
- Submit a new AG certification and a copy of the state's regulations if a state makes changes to its operator certification program.

7) *Tribal Drinking Water Operator Certification Program*

States are not affected by the Tribal Drinking Water Operator Certification Program.

8) *Constructed Conveyances*

To comply with the broadened definition of "public water system" introduced by the 1996 SDWA Amendments, states may complete the following activities—

- Review data to determine if a constructed conveyance should be considered a PWS.
- Review applications for Other Residential Uses Exclusions and make determinations about the exemption applications.
- Review applications for Alternative Water Exclusions and make determinations about the exemption applications.
- Review applications for Treatment Exclusions and make determinations about the exemption applications.
- Review applications for Certain Piped Irrigation Districts Exclusions and make determinations about the exemption applications.

Note that EPA expects that no new constructed conveyances will be built going forward.

**Laboratories**

*Proficiency Testing*

The primary burden involves analyzing and reporting results for relevant study samples according to instructions. Samples may be analyzed for inorganics, disinfection byproducts (DBPs) and/or organic chemicals. Respondents will participate in the following activities:

- Read instructions
- Plan activities
- Analyze inorganic chemicals
- Analyze DBPs
- Analyze organic chemicals
- Report results to the PT vendor
- Maintain records

Laboratories are not subject to any of the other collections covered in this ICR.

## 5 INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

### 5(a) Agency Activities

As part of its supervisory responsibility for the PWSS Program, EPA oversees contractors who maintain SDWIS and assist EPA in evaluating the data in SDWIS to determine compliance rates. EPA instructs contractors to reformat, distribute, and store data for a number of uses, including responding to Congressional and public inquiries. EPA also oversees the state programs, provides technical assistance, and develops policies designed to ensure consistent program implementation. EPA also oversees the tribal drinking water operator certification program. In addition to its management activities, EPA directly implements the Aircraft Drinking Water Rule (see the Microbial Rules ICR for more information). EPA officials serve as respondents when testifying to Congress on the PWSS Program or in the courts for enforcement actions. EPA's recordkeeping requirements are outlined in Exhibit 5 below.

#### Exhibit 5 PWSS Program Requirements for EPA Regions and Headquarters

Requirement	CFR Citation	Report Frequency/Minimum Retention
Review initial and revised applications for primacy.	40 CFR 142.11-142.12	As needed
Inform primacy agency of PWS noncompliance with any NPDWRs in 40 CFR 141 or with any requirement under SDWA sections 1415 and 1416.	40 CFR 142.30, 142.15	Quarterly
Review existing state primacy programs.	40 CFR 142.17	Annually
Review state monitoring determinations.	40 CFR 142.18	As needed
Review state implementation of LCR.	40 CFR 142.19	As needed
Inform primacy agency of substantial abuse of discretion in granting variances and exemptions.	40 CFR 142.23	As needed
Provide notice of public hearing for states abusing right to grant variances and exemptions.	40 CFR 142.23	As needed
Notify primacy agencies of failure to prescribe schedules in accordance with SDWA.	40 CFR 142.23	As needed
Notify primacy agencies of repeal of notice or promulgation of any revisions to schedules or revocation of schedules proposed in notice.	40 CFR 142.23	Within 180 days of first notice given to the state; revised schedule or revocation takes effect 90 days after state is notified.

Requirement	CFR Citation	Report Frequency/Minimum Retention
Notify primacy agencies of objection and proposed modifications to small system variances proposed by states for PWSs serving 3,300 or fewer people.	40 CFR 142.311	Within 90 days of receiving proposal
Notify primacy agencies of deficiencies in state program for granting small system variances.	40 CFR 142.313	As needed
Notify PWSs of noncompliance with any NPDWRs in 40 CFR 141 or with any requirement under SDWA sections 1415 and 1416.	40 CFR 142.30, 142.15	Quarterly
Provide PWSs with copies of Federal Register notice about PWS failure to comply.	40 CFR 142.23	Within 30 days of notice
Notify PWSs of denial or grant of variance (for PWSs in non-primacy states).	40 CFR 142.42	Within 90 days of request
Notify PWSs of denial or grant of exemption (for PWSs in non-primacy states).	40 CFR 142.52	Within 90 days of request
Notify PWSs of denial or grant of small system variance (for PWSs in non-primacy states).	40 CFR 142.311, 142.312	Within 90 days of request
Provide notice to PWSs in non-primacy states that are no longer eligible for small system variances.	40 CFR 142.307	As needed
Provide public notice of public meeting on proposed small system variances (in non-primacy states), with supporting information.	40 CFR 142.308	At least 30 days prior to public meeting
Respond to significant public comments.	40 CFR 142.308	Before proposal
Notify public of proposed small system variance (in non-primacy states), with supporting information.	40 CFR 142.309	No later than 15 days after receiving small system variance proposal.
Make DWSRF grant withholding decisions with regard to States' Capacity Development Programs.	SDWA section 1420(a), (c) 35 CFR 35.3515(b)ii	Annually
Make DWSRF grant withholding decisions with regards to States' Operator Certification Programs.	SDWA section 1419(b)	Annually
Provide state and PWS assistance and training with regard to recordkeeping and reporting requirements covered in this ICR	N/A	As needed
Maintain SDWIS.	N/A	As needed

Requirement	CFR Citation	Report Frequency/Minimum Retention
Review data in SDWIS.	N/A	Quarterly
Implement Tribal Drinking Water Operator Certification Program	N/A	As needed

### 5(b) Collection Methodology and Management

Primacy agencies must report data to EPA on a quarterly basis. These data include any new data and revisions or corrections to existing data. This information is maintained in SDWIS<sup>7</sup>, which contains the following:

- Inventory data for each PWS.
- Violations.
- Enforcement actions and some follow-up activity.
- Variances and exemptions (where applicable).

Primacy agencies primarily transmit SDWIS data to EPA electronically. In the District of Columbia, Wyoming, and Indian Lands (except for the Navajo Nation, which has primacy), results of system samples are sent directly to the EPA Region. These data assist EPA in fulfilling its SDWA obligations.

On a quarterly basis, EPA uses the ETT to generate a list of PWSs considered “priority systems.” The ETT assists EPA and the primacy agencies in prioritizing and directing enforcement response to PWSs with the most systemic noncompliance by considering all violations incurred by a PWS in a comprehensive way.

### 5(c) Small Entity Flexibility

In developing this ICR, EPA considered the requirement of the Small Business Regulatory Enforcement Fairness Act (SBREFA) to minimize the burden of information collections on small entities. Small entities include “small businesses,” “small organizations” and “small government jurisdictions.” These terms are defined below.<sup>8</sup>

- A **small business** is any business that is independently owned and operated and not dominant in its field as defined by the Small Business Administration regulations under section 3 of the Small Business Act.
- A **small organization** is any non-profit enterprise that is independently owned and operated and not dominant in its field.

<sup>7</sup> The public can access the violation data in SDWIS online at <http://water.epa.gov/scitech/datatit/databases/drink/sdwisfed/howtoaccessdata.cfm>.

<sup>8</sup> These definitions were taken from section 601 of the Regulatory Flexibility Act.

- A **small governmental jurisdiction** is the government of a city, county, town, township, village, school district, or special district that has a population of fewer than 50,000. This definition may also include Indian Tribes.

The major requirement under SBREFA is a regulatory flexibility analysis of all new rules that have a “significant economic impact on a substantial number of small entities.” This ICR is not associated with new rules. Therefore, this ICR is not subject to the SBREFA.

However, EPA has made significant efforts to minimize the burden for all respondents, particularly for small entities. In setting both MCLs and monitoring requirements, EPA has been able to minimize burden for small entities as detailed below.

1) *Consumer Confidence Reports*

EPA’s regulations allow systems serving fewer than 10,000 people to publish a newspaper notice in lieu of sending reports to customers. Under 40 CFR 141.155(g)(2), CWSs serving 500 or fewer people may forego the notice-publishing requirement, provided they give notice at least annually to their customers by mail, door-to-door delivery, or posting in an appropriate location that the CCR is available upon request.

2) *Variance and Exemption Rule*

The V/E Rule includes procedures and conditions under which the primacy agency may issue variances or exemptions to PWSs. The V/E Rule is intended to provide regulatory relief while still protecting public health. These variances generally allow a system to provide drinking water that may be above the MCL if the drinking water quality is still protective of public health. Duration of small system variances generally coincides with the life of the technology. Exemptions are intended to allow a small system with compelling circumstances additional time to comply with applicable SDWA requirements. An exemption is generally limited to three years after the initial compliance date stated in the regulations.

3) *Capacity Development Program*

EPA’s guidelines provide states with maximum flexibility in developing and implementing the capacity development program. EPA published a *Handbook for Capacity Development: Developing Water System Capacity Under the Safe Drinking Water Act Amendments of 1996* and worked on several other tools to help small systems comply.

4) *General State Primacy Activities*

There are no PWS activities associated with the General State Primacy Activities.

5) *Public Notification*

EPA allows systems serving fewer than 10,000 persons several options for delivering public notices, such as hand delivery and posting in a prominent location.

6) *Operator Certification Program*



EPA's Guidelines provide states with maximum flexibility in developing and implementing their operator certification programs. EPA published the *Operator Certification Guidelines: Implementation Guidance* to assist states in determining whether a state's operator certification program complies with the requirements of the guidelines.

#### 7) *Tribal Drinking Water Operator Certification Program*

Water system operators in Indian Country can decide if they would like to be certified by an EPA-approved tribal certification provider or by a state program. EPA continues to subsidize the training and certification of tribal water system operators in Indian Country via the tribal PWSS and the Drinking Water Operator Certification programs.

#### 8) *Constructed Conveyances*

The broadened definition of public water system includes small constructed conveyance systems that would now be considered PWSs. Consequently, the 1996 SDWA Amendments provided several exemption options. Examples of these exclusions include:

- If water provided by a supplier is used exclusively for purposes other than residential uses (drinking, bathing, cooking, and similar uses), then a system may apply for an "Other Than Residential Uses" exclusion.
- If a water supplier provides adequate health protection through means specified in section 1401(4)(B)(i)(II) and (III), then the system may apply for an "Alternative Water Treatment" Exclusion.
- If the water supply will be used for drinking, cooking, or bathing, then the water must be treated either centrally or at the point-of-entry at each connection. To receive a "Treatment" Exclusion, a system must demonstrate that this treatment is occurring.
- If an irrigation district existed prior to May 18, 1994, and if the district provides primarily agricultural service through piped water systems (with incidental residential use), the system may be eligible for a "Certain Piped Irrigation Districts" Exclusion.

Note that EPA expects that no new constructed conveyances will be built going forward.

#### 9) *Proficiency Testing*

The PT program is not part of a rule, so it is not subject to the requirements of SBREFA. The PT program applies only to those laboratories that wish to be certified to conduct drinking water analyses.

### 5(d) **Collection Schedule**

Exhibits 2, 3, and 4 of this document contain summaries of the collection schedules for each rule. Additional information may be obtained by consulting the individual rules for specific collection schedules.

## 6 ESTIMATING BURDEN AND COST OF COLLECTION

This section estimates the burden and cost to PWSs, primacy agencies, and EPA for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings. These activities include the following:

- 1) Consumer Confidence Reports
- 2) Variance and Exemption Rule
- 3) Capacity Development Program
- 4) General State Primacy Activities
- 5) Public Notification
- 6) Operator Certification Program
- 7) Tribal Drinking Water Operator Certification Program
- 8) Constructed Conveyances
- 9) Proficiency Testing

This section also discusses the assumptions used to estimate costs and burden and describes the change in burden, as compared with the 2012 PWSS Program ICR. The burden incorporates the results of consultations with representatives of states and PWSs.

### 6(a) Respondent Burden

#### 6(a)(i) Burden to Public Water Systems

The annual PWS burden for November 1, 2015 to October 31, 2018 is estimated to be approximately 2.2 million hours. Exhibit 6 shows the breakdown of the annual burden hours on an activity-specific basis. The bases for the burden estimates are detailed below.

##### 1) *Consumer Confidence Reports*

CCR regulations require, at a minimum, that each CWS mail to each of its customers an annual report on the level of contaminants in the drinking water purveyed by that system. EPA estimates that CCR requirements will affect approximately 50,431 PWSs, all of which are CWSs, during the course of this ICR period. Activities associated with the preparation and delivery of CCRs account for 955,671 burden hours per year, which includes burden for both CCR development and distribution for PWSs.

Appendix B summarizes the assumptions used to calculate the CCR burden and provides detailed burden and cost calculations. The assumptions used to calculate the CCR burden are based largely on assumptions from the 2012 PWSS Program ICR. For the PWSS Program ICR renewal, these assumptions have been augmented or supplanted where updated data were available. Section 6(f) describes the reasons for changes in burden and shows the effects of any new assumptions on the CCR burden estimates.

##### Report Development

Preparation of a CCR includes assembling data, writing the report, ensuring that the notice meets regulatory requirements, and printing the document. Burden estimates range from 4 hours for CWSs serving 500 or fewer people to 160 hours for CWSs serving 100,000 people or

more. After completion of CCR preparation activities, all CWSs, regardless of size, are assumed to have the same burden (0.5 hours) for submitting to the state a copy of the CCR distributed to customers. Certification that the reports were distributed is also required along with the report. All CWSs, regardless of size, are assumed to have the same burden (0.25 hours) for maintaining a copy of the CCR and making it publicly available, if requested.

### Report Delivery

The burden estimate for CCR delivery includes the following activities and assumptions:

- Except for CWSs serving 500 or fewer people, all CWSs incur a burden for publishing a notice about obtaining a CCR. The burden per system for this activity is 0.25 hours. For systems serving at least 10,000 people, publication is in addition to report delivery to customers. For systems serving fewer than 10,000 people, this ICR assumes that 50 percent of systems will publish a notice in lieu of sending reports to customers.
- Under 40 CFR 141.155(g)(2), CWSs serving 500 or fewer people may forego the notice-publishing requirement, provided they give notice at least annually to their customers by mail, door-to-door delivery, or posting in an appropriate location that the CCR is available upon request. This ICR assumes that 50 percent of these CWSs post the report and 50 percent deliver the report to their customers as part of their standard water bill. Those that post the CCR are estimated to incur a burden of 0.12 hours for this activity.
- Regardless of CWS size category, this ICR assumes a burden of 10 hours per system for coordinating delivery of the CCR as a bill stuffer. CWSs serving 10,000 or more people must deliver the CCR to all service connections. However, CWSs serving fewer than 10,000 people may apply to the state Governor (or Tribal Leader) for a waiver of the requirement to deliver a CCR to each customer. This ICR assumes that half of such CWSs will receive a waiver. For CWSs serving 500 or fewer people, the 50 percent without a waiver are assumed to include the CCR along with the normal water bill (instead of sending the CCR in a separate mailing). For CWSs serving 501 and 99,999 people, half of the systems without a waiver (or 25 percent of the total number of CWSs in this size category) are assumed to include the CCR as a bill stuffer, and the remaining systems will mail the CCR separately. Note that in this ICR, in response to an EPA memo (<http://water.epa.gov/lawsregs/rulesregs/sdwa/ccr/upload/ccrdeliveryoptionsmemo.pdf>) that allows electronic delivery of CCRs in some cases, EPA estimates some systems serving 100,000 or more people will exclusively deliver CCRs electronically and therefore will not incur burden to coordinate bill stuffer delivery.
- Under section 141.155(f), CWSs serving at least 100,000 people must post a copy of the current CCR on a publicly accessible Internet site. This burden is estimated at 2 hours per system.

2) *Variance and Exemption Rule*

3) No systems are expected to apply for new variances or exemptions in this 3-year ICR period; therefore, no burden is estimated for PWSs for this rule. Detailed information about assumptions, burden, and calculations is provided in Appendix C.

4) *Capacity Development*

EPA estimates that capacity development will affect approximately 13,826 PWSs, including CWSs, NTNCWSs, and TNCWSs, during the course of this ICR period, as explained below. The Capacity Development Program consists of two major components—

- 1) Implementation of a program to ensure that all new CWSs and NTNCWSs demonstrate the capacity to comply with NPDWRs.
- 2) Implementation of a strategy to assist existing PWSs in acquiring and maintaining capacity to comply with the SDWA.

The burden estimate associated with new and existing capacity development efforts is based on expert opinions, including opinions provided by members of the NDWAC Small Systems Workgroup, and consultations with drinking water industry representatives. Specifically, the burden estimate includes the following activities and assumptions:

- New systems must demonstrate capacity in order to obtain approval. Each new system applying for approval will require 40 hours to prepare and submit new system approval materials to the state. EPA estimates that there will be an average of 8 new systems per state per year.
- Some new systems must improve capacity in order to obtain approval. An estimated 20 percent of new systems applying for approval will be required to submit supplemental materials before approval is granted by the state. To develop and submit these materials, it is estimated that each system denied initial approval will require an additional 40 hours. As with the approval application, it is estimated that there will be 8 new systems per state per year (20 percent of which will be required to submit supplemental materials) and that the burden estimate does not include the time needed to comply with technical requirements.
- Some existing systems will incur burden for complying with state capacity development strategies. Each year, EPA estimates that 20 percent of CWSs, 7 percent of NTNCWSs, and 2.5 percent of TNCWSs will incur a burden to comply with state capacity development strategy efforts. EPA estimates that these systems will spend, on average, 8 hours per year participating in capacity development strategy activities such as state consultation, training on managerial and financial aspects of operating a public water system and one on one technical assistance.

Based on these assumptions, EPA estimates that the average annual burden to PWSs will be approximately 128,851 hours for capacity development activities.

Appendix D summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

5) *General State Primacy*

There is no PWS burden associated with general state primacy activities.

6) *Public Notification*

Only PWSs with one or more violations during the year incur a burden to prepare, copy, mail, submit, or post public notices, as well as to maintain records of public notification activities. PWSs with no violations have no requirements under this rule. The annual information collection burden for systems that do experience a violation is estimated to be 779,393 hours. Note that RTCR net change burden (i.e., incremental burden over the 1989 Total Coliform Rule (TCR)) for public notification has been removed from the RTCR standalone ICR, and is now accounted for in this ICR. Due to the elimination of Tier 2 violations for total coliform occurrence under RTCR, PWSs will experience a significant reduction in public notification burden, which is reflected in the annual PWS burden estimate above.

In preparing this ICR, EPA assumed that each PWS will deliver a public notice to persons served. Under the statute, PWSs are required to reach persons served, including those who ordinarily do not receive water bills (e.g., residents of apartment buildings, students and staff at schools, etc.).

Under the PN Rule, CWSs providing a Tier 1 notice are expected either to hand deliver the notice to all residences or to contact all media outlets serving the affected community, including television and radio stations, and submit a press release. Burden for distribution of Tier 1 notices is estimated at 12 hours for posting and hand delivery and/or use of mass media. NCWSs providing a Tier 1 notice are likely to post the notice or hand deliver the notice to customers. All water systems are required to take other reasonably calculated steps to ensure all the persons served by the system receive the notice. Although the rule does not specify such actions, PWSs are assumed to place telephone calls to centers of sensitive populations, such as hospitals, nursing homes, and schools. Finally, water systems are expected to prepare a notice suitable for posting in rest areas, government-owned buildings, libraries, and other facilities served by the water system.

Systems providing a Tier 2 or Tier 3 notice must mail or otherwise directly deliver one notice to each billing customer. The PN Rule also permits NCWSs to post the notice in lieu of direct delivery or mailing. All water systems must also take other reasonably calculated steps to reach other persons not reached by mail, direct delivery, or routine posting. Estimated burden hours for delivering Tier 2 notices are 9 hours for CWSs under 500 in size, and 30 hours for larger CWSs. NTNCWS and TNCWS are estimated to incur 9 burden hours per system.

The burden estimate for mailing assumes that half the CWSs bill their customers less frequently than every month or use postcards rather than envelopes to send bills. Therefore, if a CWS experiences a violation requiring a Tier 2 notice more than 30 days prior to a regular billing date, that CWS is required to send a separate mailing specifically for the public notice. Water systems that bill on a monthly basis and do not use postcards, or those sending out other mailings to the customers, including annual CCRs, will be able to incorporate the notice as a

stuffer in one of the system's other mailings. Because the mailing alone will not reach all persons served, the burden estimate includes other methods of information dissemination to ensure all persons served receive the notice.

The burden for preparation of these notices was calculated separately from the burden for delivering the notices. For Tier 1 notice preparation by systems serving up to 10,000 customers, the burden estimate per system is 15 hours. Systems serving more than 10,000 customers incur a burden of 30 hours per system. Systems with Tier 2 notices incur an estimated burden of 3.5 hours, regardless of size, while CWSs with Tier 3 notices have an estimated burden of 3 hours and NTNCWSs and TNCWSs have an estimated 3.5 burden hours. If repeated notices are necessary, the estimated PWS respondent burden for developing and distributing repeat public notification is 3 hours per system.

Appendix F summarizes the assumptions used to calculate the PN Rule burden and provides detailed burden and cost calculations.

#### 7) *Operator Certification Program*

EPA estimates that on average, 23,209 PWSs will be affected annually by the Operator Certification Program. The burden for PWSs involves operators renewing their certifications. The burden is estimated to be 315,919 hours annually for PWSs.

Appendix G summarizes the assumptions used to calculate the Operator Certification Program burden and provides detailed burden and cost calculations.

#### 8) *Tribal Drinking Water Operator Certification Program*

Burden for tribal PWSs involves obtaining and renewing certification of their operators. The total burden for all three years is estimated to be 30,080 hours. Annually that is an average burden of 10,027 hours. It is estimated that tribal systems will require 40 hours for new Level 1 certifications, 26 hours for new Level 2 certifications and 26 hours for new Level 3 certifications. Other activities include 40 hours for certification renewals.

Appendix H summarizes the assumptions used to calculate the Tribal Drinking Water Operator Certification burden and provides detailed burden and cost calculations.

#### 9) *Constructed Conveyances*

EPA estimates that no new constructed conveyances will be built going forward, therefore no PWSs will incur any reporting and recordkeeping burden to adhere to the broadened definition of "public water system" introduced by the 1996 SDWA Amendments. EPA historically assumed that 371 systems per year would be involved in the constructed conveyance program.

In May 2015, EPA consulted states on its expectation that no constructed conveyances will be built going forward. Consultations confirmed this expectation. Thus, reporting and recordkeeping burden for PWSs to comply with the Constructed Conveyances program going forward is assumed to be negligible. Note that detailed calculations previously provided in appendix form are no longer included in this ICR.

### **6(a)(ii) Burden to Primacy Agencies**

The annual burden for state primacy agencies for November 1, 2015 to October 31, 2018 is estimated to be approximately 1.5 million hours. Exhibit 7 shows the annual burden on an activity-specific basis. The following briefly describes the bases for the burden estimates –

#### *1) Consumer Confidence Reports*

Primacy agencies are expected to incur burden for information collection activities associated with preparation assistance, review, and filing of CCRs. The total annual state burden is estimated at 73,912 hours. Assisting in the preparation of reports for small CWSs is estimated at 2 hours per system. State recordkeeping activities, including receiving and reviewing CWS reports and filing reports, are estimated at 0.50 hours and 0.10 hours, respectively. Appendix B contains detailed burden and cost assumptions and calculations for primacy agencies.

#### *2) Variance and Exemption Rule*

The burden for states is based on the number of systems applying for variances and exemptions. No systems are expected to apply for new variances or exemptions in this 3-year ICR period; therefore, no burden is estimated for primacy agencies for this rule. Detailed information about assumptions, burden, and calculations is provided in Appendix C.

#### *3) Capacity Development Program*

As discussed in section 6(a)(i), the Capacity Development Program, is a state program designed to help drinking water systems achieve and/or maintain technical, managerial and financial capacity to enhance a system's ability to deliver safe drinking water. The program consists of two major components:

- 1) Implementation of a program to ensure that all new CWSs and NTNCWSs demonstrate the capacity to comply with NPDWRs.
- 2) Implementation of a strategy to assist existing PWSs in acquiring and maintaining capacity to comply with the SDWA.

The burden estimate associated with new and existing capacity development efforts is based on expert opinions, including opinions provided by members of the NDWAC Small Systems Workgroup, and consultations with drinking water industry representatives. Specifically, the burden estimate assumes that:

- States must review and approve applications for new systems. This ICR assumes that on average there will be 8 new systems per state per year. It will take state personnel an estimated 100 hours per system to review new system documentation and information.
- Some applications for new systems will require state follow up. Upon initial review, all new systems likely will not meet states' capacity criteria. An estimated 20 percent of new systems applying for approval each year will be required to submit

supplemental materials. It is estimated that a state will need 8 hours per system to review these materials.

- States must provide capacity development assistance to some existing systems. One element that states must consider in their capacity development strategies is how to identify and prioritize the PWSs most in need of improving capacity. In estimating this burden, EPA assumed that states will assist 20 percent of CWSs, 7 percent of NTNCWSs, and 2.5 percent of TNCWSs each year. EPA estimates that on average a state will dedicate 4 hours of assistance to each of these existing systems.
- Every three years, the primacy agency must submit a report to the state's Governor on the progress and success of its strategy. It will take an estimated 40 hours to coordinate and prepare this report, for an average annual burden of 13.3 hours per state.

In total, the average annual state burden for capacity development efforts is 102,851 hours per year. Appendix D summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

#### 4) *General State Primacy Activities*

As illustrated in Exhibit 7, approximately 81 percent of the state burden—or 1,242,199 hours—is for activities that cannot be associated with specific drinking water rules or programs. These general primacy activities include:

- Submission of grant applications. Primacy agencies are eligible to receive grants from EPA to implement their PWSS programs. To receive the grants, they must prepare program plans describing their planned activities and use of the grant funds. Primacy agencies must apply for the grants on an annual basis. This activity is estimated to require 1,040 hours annually per state.
- Recordkeeping. Each primacy agency is required to maintain records of tests, measurements, analyses, decisions, and determinations performed on each PWS to assess compliance with the provisions of the state's primary drinking water regulations. Recordkeeping is estimated to take 1,040 hours annually per state.
- Maintenance of data systems is estimated to require 1,040 hours annually per state. Each primacy agency must develop a method of storing all PWS inventory, compliance, and enforcement information that it uses to operate its PWSS oversight program. While EPA does not prescribe a storage method, states generally store this information electronically. States must routinely enter new inventory, compliance, and enforcement data into their data systems. States must also modify their data systems as necessary.
- Submission of ongoing violation reports is estimated to require 1,040 hours annually per state. Each primacy agency must provide EPA with information regarding all violations of the state drinking water regulations and with other selected water system information that is necessary to determine compliance with the drinking



water requirements. States must also provide new and updated water system inventory information on an annual basis.

- Laboratory certifications are estimated to require 728 hours annually per state. The state PWSS programs require that water systems conduct routine monitoring of water quality to ensure that the water produced meets all regulatory standards. States must have some method of ensuring that the laboratories conducting these analyses are qualified and capable of performing the tests. As a result, states must establish and maintain a program for certifying laboratories that may conduct the required compliance monitoring for PWSs.
- Plan and project reviews. Primacy agencies must establish and maintain a program that assures the design and construction of new or modified water system facilities that are capable of complying with the state primary drinking water regulations. Most states achieve this assurance by requiring state review and approval of plans and specifications for drinking water facility construction. Reviewing plans for major projects for systems with more than 10,000 customers, between 3,301 and 10,000, and less than 3,300 customers is estimated to require 312, 416, and 5,200 hours annually per state, respectively. Reviewing plans for minor projects for systems greater than 500 customers and fewer than 500 customers is estimated to require 1,040 and 2,600 hours annually per state, respectively. Routine inspections are estimated to require 832 burden hours annually per state.
- Oversight of compliance monitoring. States must ensure that water systems monitor in accordance with the regulations. Where monitoring does not occur, states must take action to ensure that systems monitor so that the quality of water is known and so that any appropriate actions can be taken. Where violations occur and are not expeditiously corrected, states must take appropriate enforcement follow-up actions. States must maintain administrative penalty authority and the right to sue to ensure the effectiveness of their enforcement programs. These programs require an estimated average of 2,309 hours annually per state.
- Training activities. Primacy agencies conduct rule training for both state staff and for PWS owners and operators. Training is ongoing for all program components. Training accounts for 338 hours annually per state.

Appendix E summarizes the assumptions used to calculate the General State Primacy Activities burden and provides detailed burden and cost calculations.

#### 5) *Public Notification*

The burden to primacy agencies for the PN Rule results from consulting with PWSs, reviewing the PWS compliance certification and notice copies, preparing quarterly reports to EPA, and filing and maintaining the public notification records. The burden for primacy agencies for these activities is estimated to be 116,665 hours annually. This amounts to 2,047 hours per primacy agency. Note that RTCR net change burden (i.e., incremental burden over the 1989 TCR) related to RTCR public notification has been removed from the RTCR standalone ICR and is now accounted for in this ICR. This corresponds to a reduction in annual primacy agency burden, which is reflected in the annual burden estimate above. Tier 1 consultation activities

require an estimated 3.0 hours annually per system in violation, Tier 2 consultation requires an average of 1.1 hours and Tier 3 requires 0.5 hours. The burden for receiving/reviewing public notification certification is 0.2 hours and filing reports is 0.1 hours.

Appendix F summarizes the assumptions used to calculate the PN Rule burden and provides detailed burden and cost calculations.

6) *Operator Certification Program*

The burden to primacy agencies for implementing an EPA-approved Operator Certification Program includes the ongoing certification of operators and tracking fulfillment of operator certification requirements. Other components of the Operator Certification program continue in this 3-year ICR period, including submitting a yearly report on the status of implementation, which will require 16 hours per state. The total annual burden estimated for primacy agencies is 832 hours.

Appendix G summarizes the assumptions used to calculate the Operator Certification Program burden and provides detailed burden and cost calculations.

7) *Tribal Drinking Water Operator Certification Program*

There is no burden to primacy agencies for the Tribal Drinking Water Operator Certification Program.

8) *Constructed Conveyances*

EPA estimates that no new constructed conveyances will be built going forward, therefore no primacy agencies will incur reporting or recordkeeping burden. EPA historically assumed that 371 systems per year would be involved in the constructed conveyance program.

In May 2015, EPA consulted states on its expectation that no constructed conveyances will be built going forward. Consultation confirmed this expectation.

**6(a)(iii) Burden to Laboratories**

The annual laboratory burden for November 1, 2015 to October 31, 2018 is estimated to be approximately 42,892 hours. Exhibit 8 shows the annual burden to laboratories associated with PT. The bases for the burden estimate are detailed below (see Appendix I for additional details.)

1) *Proficiency Testing*

This section describes the estimated average annual burden and costs for the information collection activities for PT studies that will be conducted by drinking water laboratories. There is no burden for PT vendors or primacy agencies. The burden for laboratories for these activities is estimated to be 42,892 hours annually. This estimate includes burden for participating laboratories to read instructions, plan activities, analyze samples, submit data to the PT vendors, and maintain records.

EPA assumes that the respondent burden will be divided among three labor categories: manager, chemist, and records clerk. The labor associated with each of the ICR activities is discussed in more detail below.

- Read instructions: EPA assumes that each of the 1,902 respondents will require 4.0 hours to read the instructions provided by the vendor. The burden will be evenly divided between a manager and chemist.
- Plan activities: EPA assumes that the manager of each laboratory will require 1.5 hours to plan activities associated with the PT studies.
- Analyze inorganic chemicals: EPA assumes that 871 laboratories will require approximately 16 hours to analyze PT standards for 29 inorganic chemicals. All hours will be incurred by a chemist.
- Analyze DBPs: Chemists in 701 laboratories are assumed to require 8.0 hours to analyze PT standards for 9 DBPs.
- Analyze organic chemicals: Chemists in 330 laboratories are assumed to require 16.0 hours to analyze PT standards for 52 organic chemicals.
- Report results: EPA assumes that each of the 1,902 respondents will require 2.0 hours to report the results of the study to the PT vendor. The burden will be divided between a manager and records clerk.
- Maintain records: EPA assumes that a records clerk and manager in each of the 1,902 laboratories will require 1.0 hour each to maintain the files from the PT study.

## **6(b) Respondent Costs**

### **6(b)(i) Cost to Public Water Systems**

Exhibit 6 shows the total costs for PWSs over the 3-year ICR period. Annual costs are estimated at approximately \$114 million, which consists of \$73 million in labor costs and \$41 million in O&M costs.

Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. In addition to the labor costs, there are O&M costs associated with the CCR, the PN Rule, and Operator Certification Program and the Tribal Drinking Water Operator Certification Program. For the CCR, these costs reflect non-labor costs associated with printing, delivery, posting, and publishing CCRs. These costs were carried forward from the previous ICRs, updated with current cost information (e.g., postage rates), and adjusted for inflation. CCR O&M costs and associated calculations are presented in greater detail in Appendix B. For the PN Rule these costs reflect non-labor costs to print and distribute notices of violation. These costs were carried forward from the 2012 PWSS Program ICR. Appendix F shows the costs for the PN Rule in more detail. For the Operator Certification Program and Tribal Drinking Water Operator Certification, the expense reimbursement grants program ended in December 2012. Therefore, O&M costs such as fees paid by operators to obtain a new certification or renew their

certification, as applicable, in addition to travel and lodging costs incurred are no longer reimbursed by the expense reimbursement program. These costs are shown in more detail in Appendices G and H, respectively.

There are no capital costs associated with this ICR.

### **6(b)(ii) Cost to Primacy Agencies**

Exhibit 7 shows that the annual costs to primacy agencies are estimated at approximately \$70 million. All costs incurred by primacy agencies are labor costs. Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. Labor rates in 2013 dollars are used and are loaded with a 60 percent overhead factor. A loaded labor rate of \$45.60 per hour in 2013 dollars was used for state labor.

### **6(b)(iii) Cost to Laboratories**

Exhibit 8 shows the total costs for laboratories over the three-year ICR period. Annual costs are estimated at approximately \$3.7 million, which consists of \$0.8 million in O&M costs (fees for PT standards) and \$2.9 million in labor costs (numbers may not add due to rounding).

Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. Labor rates in 2013 dollars are used and are loaded with a 60 percent overhead factor. Loaded hourly labor rates in 2013 dollars for the three labor categories include a manager at an hourly rate of \$102.19, a data entry clerical person at an hourly rate of \$28.88, and a skilled technician or chemist to conduct the measurements at an hourly rate of \$59.79.

O&M costs for laboratories are all costs related to providing personnel with the space, equipment, and materials necessary to perform the tasks required for PT studies. Since laboratories are driven by their compliance monitoring requirements to purchase the analytical instrumentation and computers and not by PT requirements, no capital costs can be considered associated with PT studies. Only the cost associated with purchasing the PT standards is appropriate for consideration in this category.

Laboratories may participate in the PT studies for some or all of the regulated contaminants. Because EPA does not have sufficient information to estimate how many analytes are contained in the PT samples sent to each laboratory, EPA has estimated a "worst case" scenario by assuming that a single PT set contains standards for each possible regulated analyte. Therefore, laboratories participating in the inorganic PT study are assumed to receive and run analyses for 29 analytes. Similarly, those participating in the PT study for DBPs and/or organic chemicals will receive samples for each of 9 analytes and/or each of 52 analytes, respectively. EPA estimates the costs of each PT standard to be \$16.81 per analyte.

**Exhibit 6**  
**Annual PWS Burden and Cost**  
**November 1, 2015 to October 31, 2018**

Activity	Annual Burden Hours	Cost			Annual Responses
		Annual Labor Cost (\$K)	Annual O&M Cost (\$K)	Total Annual Cost (\$K)	
Consumer Confidence Reports	955,671	\$ 33,059	\$ 19,616	\$ 52,674	206,339
Variance and Exemptions	-	\$ -	N/A	\$ -	-
Capacity Development	128,851	\$ 4,457	N/A	\$ 4,457	13,918
General State Primacy	N/A	N/A	N/A	N/A	N/A
Public Notification	779,393	\$ 26,961	\$ 7,654	\$ 34,614	110,520
Operator Certification	315,919	\$ 7,723	\$ 13,821	\$ 21,545	19,745
Tribal Operator Certification	10,027	\$ 347	\$ 194	\$ 541	251
Constructed Conveyances	N/A	N/A	N/A	N/A	N/A
Proficiency Testing	N/A	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>2,189,861</b>	<b>\$ 72,547</b>	<b>\$ 41,284</b>	<b>\$ 113,831</b>	<b>350,773</b>

Note: Detail may not add exactly to totals due to rounding.

**Exhibit 7**  
**Annual State Burden and Cost**  
**November 1, 2015 to October 31, 2018**

Activity	Annual Burden Hours	Annual Cost			Annual Responses
		Labor Cost (\$K)	O&M Cost (\$K)	Total Cost (\$K)	
Consumer Confidence Reports	73,912	\$ 3,370	N/A	\$ 3,370	122,689
Variance and Exemptions	-	\$ -	N/A	\$ -	-
Capacity Development	102,851	\$ 4,690	N/A	\$ 4,690	13,918
General State Primacy	1,242,199	\$ 56,644	N/A	\$ 56,644	149,765
Public Notification	116,665	\$ 5,320	N/A	\$ 5,320	381,931
Operator Certification	832	\$ 38	N/A	\$ 38	19,745
Tribal Operator Certification	N/A	N/A	N/A	N/A	N/A
Constructed Conveyances	N/A	N/A	N/A	N/A	N/A
Proficiency Testing	N/A	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>1,536,459</b>	<b>\$ 70,063</b>	<b>N/A</b>	<b>\$ 70,063</b>	<b>688,047</b>

Note: Detail may not add exactly to totals due to rounding.

**Exhibit 8**  
**Annual Laboratory Burden and Cost**  
**November 1, 2015 to October 31, 2018**

Activity	Annual Burden Hours	Annual Cost			Annual Responses
		Labor Cost (\$K)	O&M Cost (\$K)	Total Cost (\$K)	
Consumer Confidence Reports	N/A	N/A	N/A	N/A	N/A
Variance and Exemptions	N/A	N/A	N/A	N/A	N/A
Capacity Development	N/A	N/A	N/A	N/A	N/A
General State Primacy	N/A	N/A	N/A	N/A	N/A
Public Notification	N/A	N/A	N/A	N/A	N/A
Operator Certification	N/A	N/A	N/A	N/A	N/A
Tribal Operator Certification	N/A	N/A	N/A	N/A	N/A
Constructed Conveyances	N/A	N/A	N/A	N/A	N/A
Proficiency Testing	42,892	\$2,891	\$819	\$3,710	1,902
<b>TOTAL</b>	<b>42,892</b>	<b>\$2,891</b>	<b>\$819</b>	<b>\$3,710</b>	<b>1,902</b>

Note: Detail may not add exactly to totals due to rounding.

### 6(c) Agency Burden and Costs

EPA's drinking water program incurs burden both at Headquarters and Regional offices to assist states in implementing drinking water regulations. In previous ICRs for the PWSS Program, burden associated with EPA's enforcement and compliance activities at Headquarters and the Regions was also included in the Agency's burden and cost estimates. With the implementation of the Government Performance and Results Act in federal fiscal year 1999, it has become difficult to isolate the resources (full time equivalents (FTEs) and dollars) for drinking water enforcement and compliance activities from the overall OECA operating plan. Thus, this section presents only the burden and costs incurred by EPA's water program, especially drinking water protection, at Headquarters and in Regions. It is important to note that the burden and costs presented below cover ongoing activities for all EPA drinking water programs), including rule development activities.

#### EPA Headquarters

There are 44.2 Headquarters FTEs dedicated to drinking water protection implementation activities.<sup>9</sup> The following assumptions were used to develop a cost estimate for Headquarters:

- The average salary and benefits (i.e., personnel compensation and benefits (PC&B)) of the 44.2 FTEs is at the GS 13, Step 5 level of \$129,968.<sup>10</sup>
- An FTE is 2,080 hours/year.

<sup>9</sup> FTE figures based on percentage reduction in previous ICR levels due to workforce consolidation.

<sup>10</sup> Base salary, United States Office of Personnel Management (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule/ga.pdf>). 2013 pay schedule (rates frozen at 2010 levels). Loaded with a 60 percent loading factor.

Given these assumptions, the following calculations yield the annual labor cost for Headquarters:

- The 44.2 FTEs equal 92,005 hours (44.2\*2,080).
- The labor cost of 44.2 FTEs is \$5,748,875 (44.2\*\$129,968).

For most of the programs and regulations covered in the PWSS ICR, there are no O&M costs. However, EPA incurs O&M costs for EPA contractors to manage the SDWIS database. These O&M costs are directly related to the collection of the information discussed in this ICR and include SDWIS/state and SDWIS/FED maintenance and user support for the system. The SDWIS O&M cost for Headquarters is \$450,000.<sup>11</sup>

Note that because the EPA burden and labor costs calculated above address burden for all drinking water programs, including tribal operator certification, the EPA burden and labor costs calculated for tribal operator certification in Appendix H were not added to the labor burden discussed in this section.

### **EPA Regional Offices**

There are 206.4 Regional FTEs dedicated to drinking water protection implementation activities.<sup>12</sup> The following assumptions are used to develop a cost estimate for the Regions—

- The average salary and benefits (i.e., PC&B) of the 206.4 FTEs is at the GS 11, Step 5 level of \$91,186.<sup>13</sup>
- An FTE is 2,080 hours/year.

Given these assumptions, the following calculations yield the annual labor cost for the 10 EPA Regional offices—

- The 206.4 FTEs equal 429,293 hours (206.4\*2,080).
- The labor cost of 206.4 FTEs is \$18,819,887 (206.4\*\$91,186).

The total cost to the federal government is the sum of the labor cost to Headquarters (\$5,748,875), the labor cost to EPA Regional offices (\$18,819,887), and O&M costs to Headquarters (\$450,000), for a total of \$25,018,762. Note that there are no O&M costs to EPA Regional offices. Similarly, the total burden to the federal government (Headquarters and Regions) is 521,298 hours for 250.6 FTEs.

### **6(d) Estimating Respondent Universe and Total Burden and Costs**

Respondents for this ICR include PWSs, laboratories, and states or other privacy agencies. This ICR estimates the number of PWS respondents at 149,765. Not every PWS is necessarily subject to each of the information collection requirements contained in this ICR. The

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<sup>11</sup> SDWIS O&M costs based on comments received from EPA WACOR, Kevin Roland (5/12/2015)

<sup>12</sup> FTE figures based on e-mail correspondence from EPA WACOR, Kevin Roland (02/02/2015).

<sup>13</sup> Base salary, United States Office of Personnel Management (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule/ga.pdf>). 2013 pay schedule (rates frozen at 2010 levels). Loaded with a 60 percent loading factor.

regulations associated with each ICR will identify the types of PWSs that are subject to each particular drinking water regulation.

In addition to the PWS respondents, this ICR assumes 57 primacy agencies (50 states plus the District of Columbia, U.S. territories, and the Navajo Nation),<sup>14</sup> and 1,902 laboratories. Therefore, the total number of respondents is 151,724.

The total costs and burden for these respondents are summarized in Exhibits 6–8. Agency costs and burden are detailed in section 6(c).

#### **6(e) Bottom Line Burden Hours and Costs**

The bottom line burden hours and costs are presented in Exhibit 9. The total annual respondent burden associated with this ICR is estimated to be approximately 3.8 million burden hours. The corresponding total annual respondent costs (labor, capital, and O&M) are estimated to be \$187.6 million. The total national burden, including respondent burden and EPA burden, is estimated to be 4.3 million hours annually. The total national cost, for respondents and EPA, is estimated to be \$212.6 million annually.

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<sup>14</sup> This is a simplifying assumption. Primacy activities for Wyoming and the District of Columbia are actually carried out by the respective EPA Regional offices.



**Exhibit 9**  
**Bottom Line Annual Burden and Cost**  
**November 1, 2015 to October 31, 2018**

<b>Number of Respondents</b>	151,724 (=) 149,765 (+) 57 (+) 1,902	Existing PWSs Primacy agencies Laboratories
<b>Total Annual Responses</b>	1,040,722 (=) 350,773 (+) 688,047 (+) 1,902	PWS responses (see Exhibit 6) Primacy agency responses (see Exhibit 7) Laboratory responses (see Exhibit 8)
<b>Number of Responses per Respondent</b>	6.9 (=) 1,040,722 (/) 151,724	Total annual responses from above Total number of respondents from above
<b>Total Respondent Hours</b>	3,769,213 (=) 2,189,861 (+) 1,536,459 (+) 42,892	PWS hours (see Exhibit 6) Primacy agency hours (see Exhibit 7) Laboratory hours (see Exhibit 8)
<b>Hours per Response</b>	3.62 (=) 3,769,213 (/) 1,040,722	Total annual respondent hours from above Total annual responses from above
<b>Annual Respondent O&amp;M and Capital Cost (\$K)<sup>1</sup></b>	\$42,103 (=) \$41,284 (+) N/A (+) \$819	Total PWS O&M costs (see Exhibit 6) Total primacy agency O&M costs (see Exhibit 7) Total laboratory O&M costs (see Exhibit 8)
<b>Total Annual Respondent Cost (Labor, Capital, and O&amp;M) (\$K)</b>	\$187,603 (=) \$113,831 (+) \$70,063 (+) \$3,710	For PWSs (see Exhibit 6) For primacy agencies (see Exhibit 7) For laboratories (see Exhibit 8)
<b>Total Annual Hours (resp. plus Agency)</b>	4,290,511 (=) 3,769,213 (+) 521,298 (+)	Total respondent hours Total EPA hours
<b>Total Annual Cost (resp. plus Agency) (\$K)</b>	\$212,622 (=) \$187,603 (+) \$25,019	Total respondent cost Total EPA Cost

Note: Detail may not add exactly to totals due to rounding.

Total annual EPA hours and costs reflect the combined burden and cost for Headquarters staff (approximately 44 FTEs) and regional staff (approximately 206 FTEs). Costs also include O&M costs incurred for EPA contractors to manage the SDWIS database (\$450,000).

<sup>1</sup>No capital costs are associated with the PWSS ICR in this evaluation period.

## 6(f) Reasons for Change in Burden

This section presents the change in burden and explains the reasons for the change in burden. The discussion is divided into two parts—

- Section 6(f)(i) summarizes the differences between the burden estimated in the 2012 PWSS Program ICR and the current OMB inventory for the PWSS Program ICR. See Exhibit 11.
- Section 6(f)(ii) summarizes other adjustments to the annual burden estimates associated with each rule in the PWSS Program ICR. See Exhibits 12-14.

Exhibit 10 summarizes how each of these changes has affected the overall burden inventory for the PWSS Program ICR.

### Exhibit 10 Summary of Changes in Annual Burden (Includes PWS, Primacy Agency, and Laboratory Burden)

Type of Change	Burden (hours)	Running Total	Comment
Burden Estimated in the 2012 PWSS Program ICR	4,113,408	4,113,408	This burden serves as the baseline for the 2015 PWSS Program ICR.
Restructuring Adjustments—see Section 6(f)(i)	0	4,113,408	2015 PWSS Program ICR is not appended with burden from any new ICRs.
Other Adjustments to Burden—see Section 6(f)(ii)	(344,195)	3,769,213	Burden for which EPA seeks approval in this ICR.

Note: Detail may not add exactly to totals due to rounding.

### 6(f)(i) Restructuring Adjustments

No restructuring adjustments are being made for the addition of new stand-alone ICRs to the PWSS ICR, as shown in Exhibit 11. In the next revision to the PWSS ICR, burden from relevant standalone ICRs that have expired will be newly incorporated into the PWSS ICR.

### Exhibit 11 Restructuring Adjustments to the Annual Burden Inventory for the PWSS Program ICR (Includes PWS, Primacy Agency, and Laboratory Burden)

Action	Annual Burden Hours	Brief Explanation
N/A	4,113,408	Inventory for the 2012 PWSS Program ICR carried forward as the baseline for 2015 PWSS Program ICR.
Add	0	2015 PWSS Program ICR is not appended with burden from any new ICRs.
<b>Total</b>	<b>4,113,408</b>	<b>PWSS Program ICR inventory based on current burden inventories.</b>

## 6(f)(ii) Additional Program Adjustments

The remaining changes in burden consist of program adjustments for activities that were carried forward from existing ICRs to this PWSS Program ICR renewal. Changes in calculated burden are a result of updating relevant baseline information for each rule with the most current and accurate information on activity compliance. Exhibits 12-14 summarize reasons for these changes and quantify the changes by activity. Burden adjustments associated with PWS activities resulted in a burden decrease of 227,566 hours and are shown in Exhibit 12. Burden adjustments for primacy agencies resulted in a decrease of 116,629 hours per year, as shown in Exhibit 13. Burden adjustments for laboratories resulted in no change in burden hours, as shown in Exhibit 14.

### Exhibit 12 Adjustments to PWS Burden from Previous ICR Estimates

Activity	Previous Annual Burden Estimate (Hours)	2015 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
<b>Consumer Confidence Reports</b>	96 3,561	955,67 1	(7,8 90)	The net change in the burden is attributed to the adjustments made in the modeling inputs to account for updated PWS inventory, as well as an anticipated increase in the use of electronic CCR delivery. This ICR estimates that approximately 30% of PWSs serving 100,000 or more customers will deliver CCRs electronically.
<b>Variance and Exemptions</b>	9,066	-	(9,0 66)	This ICR assumes that no new variances or exemptions will be issued under this 3 year period. The burden associated with the V&E rule is recordkeeping requirements for issued variances and exemptions.
<b>Capacity Development</b>	13 1,114	128,85 1	(2,2 63)	The net change in the burden is attributed to the decrease in PWS inventory.
<b>General State Primacy</b>	N/A	N/A	N/A	N/A
<b>Public Notification</b>	1,03 8,435	779,39 3	(259,0 42)	The net change in the burden is attributed to the adjustments made in the modeling inputs to account for the decrease in the PWS inventory, as well as the decrease in public notifications issued. The burden for the recently promulgated RTCR is now accounted for under the 2015 PWSS Program ICR. The new regulatory requirements established by the RTCR account for a reduction in burden of approximately 93,000 hours.
<b>Operator Certification Program</b>	26 3,018	315,91 9	52,9 01	The net change in burden is attributed to the adjustments made in the modeling inputs to account for updated PWS inventory, as well as to account for the burden previously offset by the implementation of the expense reimbursement grants. The expense reimbursement grants provided funding to reimburse the cost of training and certification, including per diem for unsalaried operators, for systems serving less than 3,300.
<b>Tribal Operator Certification Program</b>	4,739	10,02 7	5,2 88	The net change in burden is attributed to the adjustments made in modeling inputs to account for updated PWS inventory, as well as to account for the burden previously offset by the implementation of the expense reimbursement grants. The expense reimbursement grants provided funding to reimburse the cost of training and certification, including per diem for unsalaried operators, for systems serving less than 3,300.
<b>Constructed Conveyances</b>	7,496	N/A	(7,4 96)	This ICR assumes that no new constructed conveyances will be permitted under this 3 year ICR period. The burden associated with the constructed conveyances is recordkeeping requirements.
<b>Proficiency Testing</b>	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>2,417,427</b>	<b>2,189,861</b>	<b>(227,566)</b>	<b>PWS change in burden after adjustments.</b>

Note: Detail may not add exactly to totals due to rounding.

**Exhibit 13**  
**Adjustments to Primacy Agency Burden**  
**from Previous ICR Estimates**

Activity	Previous Annual Burden Estimate (Hours)	2015 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
<b>Consumer Confidence Reports</b>	75,698	73,912	(1,786)	The net change in the burden is attributed to the adjustments made in the modeling inputs to account for the decrease in the PWS inventory.
<b>Variance and Exemptions</b>	76,293	-	(76,293)	This ICR assumes that no new variances or exemptions will be issued under this 3 year period. The rule requires primacy agencies to review each variance to determine if the PWS continues to meet eligibility criteria.
<b>Capacity Development</b>	103,983	102,851	(1,131)	The net change in the burden is attributed to the decrease in PWS inventory.
<b>General State Primacy</b>	1,242,199	1,242,199	-	N/A
<b>Public Notification</b>	107,175	116,665	9,490	The net change in the burden is attributed to the adjustments made in the modeling inputs to account for the decrease in the PWS inventory, as well as the increase in Tier 3 public notifications issued. The primacy agency burden for Tier 3 violations is based on the actual number of violations, while the PWS burden for Tier 3 violations is based on the number of PWSs with violations. The burden for the recently promulgated RTCR is now accounted for under the 2015 PWSS Program ICR. The new regulatory requirements established by the RTCR account for a reduction in burden of approximately 8,700 hours. The decrease in burden due to the RTCR helps offset the increase in burden due to the increase in number of Tier 3 public notification violations.
<b>Operator Certification Program</b>	3,565	832	(2,733)	The net change in burden is attributed to the adjustments made in modeling inputs to account for updated PWS inventory, as well as to account for the burden of implementing the expense reimbursement grant program. The last expense reimbursement grant was closed December 2012.
<b>Tribal Operator Certification Program</b>	N/A	N/A	N/A	N/A
<b>Constructed Conveyances</b>	44,175	N/A	(44,175)	This ICR assumes that no new constructed conveyances will be permitted under this 3 year ICR period. The burden associated with the constructed conveyances is reporting and recordkeeping requirements.
<b>Proficiency Testing</b>	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>1,653,088</b>	<b>1,536,459</b>	<b>(116,629)</b>	<b>Adjusted Primacy Agency Burden</b>

Note: Detail may not add exactly to totals due to rounding.

**Exhibit 14**  
**Adjustments to Laboratory Burden**  
**from Previous ICR Estimates**

Activity	Previous Annual Burden Estimate (Hours)	2015 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
Consumer Confidence Reports	-	-	-	N/A
Variance and Exemptions	-	-	-	N/A
Capacity Development	-	-	-	N/A
General State Primacy	-	-	-	N/A
Public Notification	-	-	-	N/A
Operator Certification Program	-	-	-	N/A
Tribal Operator Certification Program	-	-	-	N/A
Constructed Conveyances	-	-	-	N/A
Proficiency Testing	42,892	42,892	-	The assumptions from the previous ICR were used because updated information on the number of certified laboratories was not available.
<b>TOTAL</b>	<b>42,892</b>	<b>42,892</b>	<b>-</b>	<b>Adjusted Laboratory Burden</b>

Note: Detail may not add exactly to totals due to rounding.

Exhibit 15 shows the effect of these adjustments on the bottom line burden. Subtracting 227,566 hours to account for the adjustment to PWS burden, subtracting 116,629 hours to account for the adjustment to primacy agency burden, and making no change in hours for the adjustment to laboratory burden yields 3,769,213 hours.

**Exhibit 15**  
**Adjustments to Activities Carried Forward from Previous ICRs**  
**(Includes PWS, Primacy Agency, and Laboratory Burden)**

Action	Annual Burden Hours	Brief Explanation
N/A	4,113,408	Inventory after restructuring adjustments, and other adjustments to burden as tabulated in Exhibit 11.
Subtract	(227,566)	Adjustments for PWS activities carried forward from previous ICRs as tabulated in Exhibit 12.
Subtract	(116,629)	Adjustment for primacy agency activities carried forward from previous ICRs as tabulated in Exhibit 13.
N/A	0	Adjustment for laboratory activities carried forward from previous ICRs as tabulated in Exhibit 14.
<b>Total</b>	<b>3,769,213</b>	<b>Equals hours requested in 2015 PWSS Program ICR as tabulated in Exhibit 9.</b>

Note: Detail may not add exactly to totals due to rounding.

**6(g) Burden Statement**

The public reporting burden for collections included in this ICR is detailed in Exhibit 15 above. The annual respondent burden is estimated to average approximately 3.8 million hours, of which 2.2 million hours are attributable to PWSs, 1.5 million hours to primacy agencies, and 0.04 million hours to laboratories. These estimates include time for gathering information as well as developing and maintaining records.

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

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OW-2011-0443, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, to 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, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number (EPA-HQ-OW-2011-0443) and the OMB Control Number 2040-0090 in any correspondence.