

**ICR Supporting Statement  
Information Collection Request:  
Public Notification Requirements for CSOs in the  
Great Lakes Basin**

**OMB Control No. 2040-NEW, EPA ICR No.2562.01**

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*Prepared for*  
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## A. Justification

### ***1. Explain the circumstances that make the collection necessary and explain the legal or administrative requirements relevant to the collection and attach a copy of the statute or regulation authorizing the collection***

The Environmental Protection Agency (EPA) has proposed a rule to establish public notification requirements for combined sewer overflows (CSOs) to the Great Lakes, as required by Section 425 of the Consolidated Appropriations Act of 2016 (Pub. L. 114–113) (hereafter, referred to as “Section 425”). Section 425 requires EPA to work with the Great Lakes states to create these public notice requirements.

In response, EPA has proposed requirements for holders of CSO discharge permits [82 FR 4233]. These requirements address: 1) signage; 2) initial notification of Local Public Health Department and other potentially affected public entities; 3) initial notification of the public; and 4) annual notices. The rulemaking also requires the community holding the permits to develop a public notification plan as part of the permitting process. The public notification plan requirements would require consultation with other communities and would provide State permit writers with detailed information needed to write permit conditions.

Some permit holders affected by this rule may already have implemented some of these requirements and the associated burden is already covered under the National Pollutant Discharge Elimination System (NPDES) Program ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21). This rule also has a few additional requirements that are not already covered by the NPDES Program ICR:

- More timely reporting of information already collected on CSOs.
- Annual CSO notice, made publicly available.
- Public notification plans that will provide system-specific detail describing the discharger’s public notification efforts (required to seek input from potentially affected public entities).

This ICR calculates the incremental increase in burden and costs associated with implementation of the CSO notification requirements for CSO communities in the Great Lakes Basin that have not already fully implemented these requirements. This ICR covers years 1 through 3 after promulgation of the Rule. Under this rule, EPA is requiring the following information be disclosed to the public, some of which are already covered to some extent under the existing NPDES Program ICR:

- The permittee’s signage program (partially accounted for in NPDES Program ICR).
- Identification of municipal entities that may be affected by the permittee’s CSO discharges.
- Input from the health department and other potentially affected entities.
- Protocols for the initial and supplemental notice of the public (partially accounted for in NPDES Program ICR).
- Method for determining volume and duration of CSO discharges (partially accounted for

- in NPDES Program ICR).
- Protocols for making the annual notice available to the public.
- Significant modifications to the permittee's public notification plan and a description of the availability of the plan to the public.
- A description of the location, treatment provided, and receiving water of each CSO outfall (partially accounted for in NPDES Program ICR).
- The date, location, duration, and volume of each wet weather CSO discharge (partially accounted for in NPDES Program ICR).
- The date, location, duration, and volume of each dry weather CSO discharge (partially accounted for in NPDES Program ICR).
- A summary of available monitoring data (partially accounted for in NPDES Program ICR).
- A description of any public access areas impacted by CSO discharges.
- Representative rain gauge data.
- A point of contact.

## ***2. Indicate how, by whom and for what purpose the information is to be used***

A combined sewer system (CSS) collects rainwater runoff, domestic sewage, and industrial wastewater into one pipe. Under normal conditions, the CSS transports all of the wastewater it collects to a sewage treatment plant for treatment, then discharges to a water body. The volume of wastewater can sometimes exceed the capacity of the CSS or treatment plant (e.g., during heavy rainfall events and/or snowmelt). When this occurs, untreated stormwater and wastewater (CSOs) discharges directly to nearby streams, rivers, and other water bodies. CSOs are managed and operated mostly by municipalities that also operate the publicly owned treatment works (POTWs) to which the wastewater flows under normal conditions.

CSO discharges release to public waterways wastewater containing untreated or partially treated human and industrial waste, toxic materials, and debris as well as stormwater. They are a priority human health and water pollution concern for the nearly 860 municipalities across the U.S. that have CSSs. CSO discharges can be detrimental to human health and the environment because they introduce pathogens, bacteria, and other pollutants to receiving waters, causing beach closures, contaminating drinking water supplies and impairing water quality. Fish and other aquatic populations also can be impacted by the depleted oxygen levels that can be caused by CSOs.

The public notification requirements in this regulation are intended to alert the public, local public health departments and other potentially affected public entities to the short and long-term public health and environmental hazards associated with CSOs and CSO discharges. Such notification will enable potentially affected parties to take action that may help prevent serious health effects that may otherwise occur if they were to remain unaware of the occurrence of CSO discharges.

This ICR covers information that must be provided by operators of combined sewer systems (CSO communities) that discharge within the watershed of the Great Lakes Basin. EPA has identified 190 CSO permits located in seven states (OH, PA, IL, IN, MI, WI, and NY). Each of these permits is the responsibility of a local government jurisdiction. A review of how the CSO systems are managed indicated that, in some cases, one entity (e.g., a municipality or multi-jurisdictional wastewater authority) may be responsible for the operation and management of the CSO systems associated with multiple individual permits. The 190 CSO permits are managed by a total of 182 CSO communities which are each considered as a separate respondent in this ICR.

One unique multi-jurisdictional entity is the Metropolitan Water Reclamation District of Greater Chicago (MWRD) which manages the Tunnel and Reservoir Plan (TARP), a storage system that includes a reservoir and four distinct tunnel systems designed to store combined wastewater for later treatment. Within the drainage area of the TARP there are nearly 400 CSO outfalls and associated combined sewer collection systems that receive capacity relief from the TARP system. The MWRD serves 129 communities, 41 of which have CSOs and are CSO communities. As a result of engineering modifications to the local rivers including the construction of canals, under normal conditions, the receiving water for these outfalls do not flow into Lake Michigan but rather to the Mississippi River along with water from Lake Michigan. Flow into and out of Lake Michigan is controlled by three control structures. During extreme wet weather conditions, flow in these receiving waters is reversed and they flow into Lake Michigan. Flow into Lake Michigan through these control structures has occurred 14 times in past 15 years (Source: MWRD website [https://www.mwrdd.org/irj/go/km/docs/documents/MWRD/internet/protecting\\_the\\_environment/Combined\\_Sewer\\_Overflows/pdfs/Reversals.pdf](https://www.mwrdd.org/irj/go/km/docs/documents/MWRD/internet/protecting_the_environment/Combined_Sewer_Overflows/pdfs/Reversals.pdf)).

The MWRD which manages four CSO permits and the City of Chicago which manages one CSO permit have already developed a CSO discharge notification plan and alert system that encompasses many of the CSOs and waterways within the drainage area of the TARP. The NPDES permits for the CSO communities in the MWRD service area provide that public notification programs may be developed in conjunction with the MWRD. Given this arrangement, the 36 remaining separate CSO communities that manage a single permit associated with the TARP system are considered to have a reduced burden requirement compared to similar sized CSO communities in the other states because they are able to utilize the notification resources made available by the MWRD. In this ICR, the 36 CSO communities that are within the TARP system but are not managed by the MWRD or the City of Chicago are referred to as “TARP CSO communities.”

The information covered in this ICR includes activities related to public notification of the occurrence of CSOs and CSO discharges plus the submission of related information (e.g., plans, annual reports) to NPDES permitting authorities (i.e., State Agencies). These activities also include those associated with NPDES program oversight. All of the Great Lakes States are authorized to administer the NPDES program and thus, all related NPDES program oversight activities will be performed by state agencies.

### ***3. Describe whether and to what extent the collection involves the use of automated processes or information technology to aid with the collection***

With the exception of signs, the public notifications themselves, as well as the plans and annual notices, will be managed predominantly through electronic media and automated processes. This rule includes specific requirements for electronic reporting of any CSO discharge that occurred during the past calendar year that has not been previously reported pursuant to a permit requirement (122.38(c)) and for electronic reporting of all CSO discharges in a discharge monitoring report or a sewer overflow event report (122.42(f)(9)). The recent ICR for the Electronic Reporting of National Pollutant Discharge Elimination System (NPDES) Program Data (EPA No. 2468.02, OMB No. 2020-0035, expiration date January 31, 2019) includes specific electronic reporting requirements that are to be phased in by December 21, 2016 for DMR data (Phase 1) and by December 21, 2020 for all other NPDES program reports including sewer overflow event reports (Phase 2). Given that relevant electronic reporting requirements are already being phased in, EPA has concluded that any incremental burden increase or decrease associated with electronic reporting requirements for CSO notification data is already accounted for in the referenced Electronic Reporting ICR and thus no incremental burden adjustment is assigned to these requirements.

### ***4. Describe the efforts to identify duplication***

There is no duplication, as there are no other sources available to collect this information.

### ***5. Explain whether or not the collection impacts small entities***

The 182 CSO communities potentially affected by this regulation are all municipalities. Of these an estimated 150 have aggregate populations of less than 50,000 and thus can be classified as small governmental jurisdictions and thus are small entities. EPA specifically performed separate calculations of the ICR burden for the subgroup of CSO communities that would be classified as small entities.

EPA then evaluated the impact of this regulation on these small entities in relation to available financial data and concluded that this information collection will not have a significant impact on a substantial number of small entities. A more detailed description of this evaluation and its conclusions can be found in “Economic Analysis for the Proposed Public Notification for CSOs in the Great Lakes Rule” (EPA-833-R-16-XXX).

### ***6. Describe the consequences to the program if the collection is not conducted or is conducted less frequently***

Timely notification of the public, public health departments and other potentially affected public entities is important for protecting the public from potential for serious public health consequences related to contact with receiving water contaminated by CSO discharges or consumption of potentially contaminated drinking water or fish. Failure to provide wide-spread and timely notification of CSO discharges increases the risk of serious public health consequences for persons exposed to CSO contaminated water or fish.

## **7. Explain any special circumstances associated with “extraordinary burden” placed on respondents**

There are no special circumstances where “extraordinary burden” is placed on respondents. The collection of information is conducted in a manner consistent with the Paperwork Reduction Act guidelines at 5 CFR 1320.5(d)(2).

## **8. Provide a copy and identify the date and page number of the notice in the Federal Register**

A notice of availability for this ICR was published in the Federal Register on January 13, 2017 (82 FR 4233). The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. EPA solicited public comment through March 14, 2017.

EPA has been working with the Great Lakes States to identify and evaluate options for implementing Section 425. The Great Lake States have provided descriptions of existing state notification requirements, shared insights on implementation issues and made recommendations regarding the proposed rule. EPA has also met with various stakeholder groups that represent municipalities and environmental organizations to hear each of their perspectives.

On August 1, 2016, EPA published a request for stakeholder input regarding potential approaches for developing public notice requirements for CSO discharges to the Great Lakes Basin under Section 425 of the 2016 Appropriations Act (81 FR 50434). As part of this effort, EPA held a public “listening session” on September 14, 2016, which provided stakeholders and other members of the public an opportunity to share their views regarding potential new public notification requirements for CSO discharges in the Great Lakes Basin. A summary of the oral comments made at the public listening session is included in the record (see DCN 1033 [Summary of Public Listening Session]). In addition, the Agency requested written comments on potential approaches through September 23, 2016. The written comments were discussed throughout the preamble to this rule.

EPA has also met with various stakeholder groups that represent municipalities and environmental organizations to hear their perspectives. EPA participated in calls with the National Association of Clean Water Agencies (NACWA), the Alliance of the Great Lakes, and the National Parks Conservation Association in March and April of 2016 to better understand their perspectives of Section 425. In addition, EPA participated in a call organized by NACWA in May, 2016 in which NACWA members provided input on technical and financial issues associated with public notification.

## **9. Explain any decision to provide compensation to respondents**

No payments or gifts are provided to respondents.

## **10. Describe any assurance of confidentiality provided to respondents**

Applications for an NPDES permit may contain confidential business information. However, EPA does not consider the specific information being requested by this rule or the public nature of the CSO communities themselves to be typical of confidential business or personal

information. If a respondent were to consider this information to be of a confidential nature, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's Security Manual part III, chapter 9, dated August 9, 1976.

**11. Provide additional justification for any questions of a sensitive nature**

Questions of a sensitive nature are not found in this information collection.

**12. Provide estimates of the hour burden of the collection of information**

The annual average reporting and record keeping burden for the collection of information by CSO communities responding to the notification requirements for CSOs in the Great Lakes Basin is estimated to be an annual average of 8,641 hours of burden which is equal to 45 hours per municipal respondent when divided among an anticipated annual average of 182 CSO communities. The State Agency reporting and record keeping burden for the review, oversight, and administration of the rule is estimated to be an annual average of 388 hours which is equal to an average 55 hours per respondent when divided among an anticipated seven States. The total annual average burden for respondents and States combined is 8,641 hours. The frequency of responses varies between activities; some activities are conducted once or on an as needed basis, while others are conducted annually. Appendix A provides a more detailed table showing the calculated values for respondents, responses, burden and costs by activity. Appendix B provides a description of the information collected and methodology used for estimating respondent burden and costs.

Table 12.1 summarizes the labor burden and associated labor costs. This table includes information on very small CSO communities (population less than 10,000), small CSO communities (population between 10,000 and 50,000) and large CSO communities (population greater than 50,000) as well as a total for all CSO communities. Table 12.2 presents the average labor burden and associated labor costs per respondent.

**Table 12.1 Summary of Annual Labor Burden and Labor Costs (Average of Three Year Period)**

	Respondents	Annual Total Burden (hours)	Annual Total Labor Costs (2016\$)
Very Small CSO communities	80	2,738	\$102,114
Small CSO communities	70	3,188	\$118,894
Large CSO communities	32	2,326	\$86,720
Total CSO communities	182	8,252	\$307,729
State Agencies	7	388	\$17,526
<b>Totals</b>	<b>189</b>	<b>8,641</b>	<b>\$325,256</b>

**Table 12.2 Summary of Annual Labor Burden and Labor Costs per Respondent (Averaged over three year period)**

	Respondents	Annual Burden per respondent (hours)	Annual Labor Cost per respondent
Very Small CSO communities	80	34	\$1,276
Small CSO communities	70	46	\$1,698
Large CSO communities	32	73	\$2,710
Total CSO communities	182	45	\$1,691
State Agencies	7	55	\$2,504
<b>Totals</b>	<b>189</b>	<b>46</b>	<b>\$1,721</b>

### ***13. Provide an estimate of the total annual cost burden to respondents***

This section addresses non-labor costs only. The non-labor costs for CSO communities and State Agencies are the total capital, start-up, and O&M costs collectively incurred for all activities during the 3-year period covered by this ICR. Table 13.1 provides a summary of the average annual number of respondents, capital/start-up and O&M costs. More detailed year-by-year estimates for each activity can be found in Appendix A Tables A.1 and A.2. The methodology used to derive costs can be found in Appendix B.

**Table 13.1. Summary of Annual Non-labor Costs for CSO communities and State Agencies Covered by this ICR (Average of Three Year Period)**

	Respondents	Annual Capital/Start-up Costs (2016\$)	Average Annual O&M Costs (2016\$)	Total Average Annual Costs (2016\$)
Very Small CSO communities	80	\$55,251	\$0	\$55,251
Small CSO communities	70	\$1,296	\$0	\$1,296
Large CSO communities	32	\$3,456	\$0	\$3,456
CSO communities	182	\$60,003	\$0	\$60,003
State Agencies	7	\$0	\$0	\$0
<b>Totals</b>	189	\$60,003	\$0	\$60,003

**Table 13.2. Summary of Annual Non-labor Costs per Respondent (Average of Three Year Period)**

	Respondents	Annual Capital Costs per Respondent (2016\$)	Annual O&M Costs per Respondent (2016\$)	Total Annual Costs per Respondent (2016\$)
Very Small CSO communities	80	\$691	\$0	\$691
Small CSO communities	70	\$19	\$0	\$19
Large CSO communities	32	\$108	\$0	\$108
CSO communities	182	\$330	\$0	\$330
State Agencies	7	\$0	\$0	\$0
<b>Totals</b>	189	\$317	\$0	\$317

**14. Provide an estimate of the annualized cost to the federal government**

Affected respondent CSO communities are all located within the seven Great Lake States (OH, PA, IL, IN, MI, WI, and NY). These states are all authorized to administer the NPDES program. Thus, the burden for the Federal Government is associated only with EPA’s general CSO program oversight which is covered under a separate ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.22). As such, EPA has concluded that there is no incremental increase in burden to the federal government.

**15. Explain the reasons for an adjustments reported in items 13 or 14 of OMB Form 83-I**

This is the initial ICR for this regulation and thus all burden is the result of the new regulation.

**16. Outline any plans for tabulation and publication of the information**

This rule requires CSO communities in the Great Lake basin to provide public notification for CSO discharges. Public notification may be through electronic media, such as by text, email,

social media alerts to subscribers or by posting a notice on the CSO community's public access website, and by other appropriate means (e.g. newspaper, radio, television).

This rule requires that by May 1 of each calendar year the CSO permit holders must make available to the public an annual notice that describes the CSO discharges from their outfall(s) that occurred in the previous year. The annual notices are required to contain information on each CSO, each CSO discharge, a summary of monitoring data for each CSO discharge, a description of any public access areas potential impacted by CSO discharges, and rain gauge information.

Permit related data can also be accessed by the public in one of two ways:

- via an on-line query using EPA's Envirofacts Data Warehouse and Applications website at <http://www.epa.gov/enviro/index.html>. Accessing data via Envirofacts provides a method to combine ICIS data with other EPA databases and mapping tools;
- via an on-line query using EPA's Enforcement and Compliance History Online (ECHO) website at: <https://echo.epa.gov/>. ECHO provides a method for the public to access compliance history related data for permit holders by geographic area; or
- via the Freedom of Information Act (FOIA) by submitting a request to EPA or the State.

***17. Explain any requests to not display the expiration date of OMB approval***

EPA has not made a request regarding display of the expiration date.

***18. Explain any exceptions to the certification statement 5 CFR 1320.9, "Agency Certifications for Proposed Collections of Information."***

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

**B. Statistical Methods (used for collection of information employing statistical methods)**

Statistical methods are not used with this collection.

## **Appendix A – Detailed Results of Respondent Burden and Cost Analysis for the Information Collection Requirements of Notification Requirements for CSOs in the Great Lakes Basin**

Table A.1 Implementation and Startup Activities  
(See attached PDF)

Table A.2 Recurring Activities  
(See attached PDF)

[THE ATTACHED PDF WILL INCLUDE DETAILED TABLES THAT SUMMARIZES THE BURDEN BY ACTIVITY, YEAR, AND CSO COMMUNITY SIZE]

## Appendix B – Description of the Information Collected and Methodology for Estimating Respondent Burden and Cost of Collection

The following sections present the rationale for EPA’s estimation of burden and costs for the implementation of the regulation for Notification Requirements for CSOs in the Great Lakes Basin. The burden hours and cost are calculated by estimating the annual burden, labor cost, and other costs per respondent or state for each activity. The number of CSO communities or State Agencies that will need to conduct each of the activities per year as a result of this regulation are estimated and used to calculate the yearly burden hours and costs. Not all CSO communities will need to conduct all the activities in response to these new requirements, and not all activities occur during all years of the ICR. The total yearly burden hours and costs are summed and averaged to compute the bottom line average annual burden hours and costs (For detailed year-by-year burden and costs for each activity described below see Appendix A Tables A.1 and A.2).

### B.1 Estimating Respondent Burden

This section describes the burden estimates for CSO communities and State Agencies, as well as the methods used to derive them. In order to better account for differences in size and number of outfalls associated with the CSO communities, EPA divided the majority of the CSO communities into three categories based on population listed below. These categories help address differences in available funding, number of employees, number of outfalls all of which tend to increase with increasing CSO community population size. EPA also established a separate category for the 36 CSO communities in the Chicago suburbs that are connected to TARP. These TARP CSO communities are expected to require a comparatively reduced burden because they are able to utilize the existing notification resources made available by the MWRD (see discussion in section 2).

- very small = <10,000
- small = 10,000 to 50,000
- large = >50,000
- TARP CSO communities<sup>1</sup>

Within each category, based on available CSO community and permit specific data, average values are calculated for each size category for:

- Number of CSO outfalls
- Number of CSO discharges per year

**Table B.1. Average Number of CSO Outfalls and Annual Events for Different Respondent Size Categories.**

Community Size	Average Number of CSO Outfalls	Average Number of CSO Events Annually
Very small (population less than 10,000)	4	6
Small (population between 10,000 and 50,000)	9	15

<sup>1</sup> The population category distribution of the 36 TARP CSO communities is 9 very small, 23 small, and 4 large. Where burden is reported by size category in this ICR, the TARP CSO community burden shown in Appendix A is distributed to each of the three population size categories using a numerical proportion basis.

Large (population greater than 50,000)	36	52
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These average values are then used to develop estimates of the total and average burden for CSO communities within each size category.

### CSO Community Burdens

Information collection would require CSO communities to devote time (i.e., as measured by staff hours) and resources (e.g., signs) to produce the necessary public notification plan, public notice distribution, installation of signs, and annual notices. EPA has divided the burden activities into two groups: implementation activities that are expected to occur only once; and recurring activities that will recur once the activity is initiated.

The Implementation activities are further divided into the following categories:

- Installation of CSO outfall signs – very small, small, large
- Development of a method for collecting data – very small, small, large
- Development of alert system (website, text/email alerts) – very small, small, large  
Includes public outreach
- Develop and submit public notification plan – very small, small, large
- Consultation with local public health department – all CSO communities
- Contact with municipalities and other potentially affected public entities – all CSO communities
- State Agency review of public notification plan

The Recurring activities are divided further into the following categories:

- Inspect and maintain signs – very small, small, large
- Initial and supplemental notification through Public Alerts – very small, small, large
- Initial and supplemental notification of local public health department and other potentially affected public entities – all CSO communities
- Maintenance/management of alert system – very small, small, large
- Prepare and release Annual Notice – very small, small, large
- Recordkeeping – very small, small, large
- State Agency review of Annual Notice
- State Agency revision of CSO NPDES permit conditions (first five years)

EPA expects that, with the exception of implementation related activities at the smaller CSO communities, most of the activities will be conducted using in-house employees. EPA also expected that most of the CSO communities use existing computer hardware. EPA recognizes that many of the smaller CSO communities may only have a few employees dedicated to management and oversight of the CSO system and may choose to use contractors to perform some of the implementation activities. As result, EPA assumed that those in the very small CSO community category with use a contractor to perform the majority of the implementation activities associated with development of a method for collecting data, development of alert

system, and develop of the public notification plan. The contractor costs are presented as capital/startup costs, and the estimated costs is based on the estimated labor hours times the contractor labor rate which is assumed to be 50% greater than the assumed municipal employee labor rate presented in section B.2.1. Where contractor services are used, an additional in-house labor burden equal to 25% of the contractor hours is included for contract oversight. Note that EPA expects that actual contractor usage will include a mix of some proportion of both very small and small CSO communities but in order to simplify the analysis, EPA assumes all very small CSO communities will use contractors for the selected activities and all small CSO communities will use in-house labor.

For each activity burden assumption, EPA selected time estimates to reflect the expected effort necessary to carry out these activities under normal conditions and reasonable labor efficiency rates.

### **B.1.1 Baseline Assumptions for Estimating Incremental Burden**

Because the existing nine minimum requirements in the CSO regulations include a requirement for public notification<sup>2</sup>, many of the state regulations and existing CSO permits already contain CSO notification requirements. In many cases they are very similar to the requirements contained in this regulation. In general, the differences, where they occur, involve the fact that the requirements in this rule are much more specific such as:

- Requiring a notification plan
- Requiring signs with a description and contact information at each CSO outfall and any potentially impacted public access areas.
- Specific requirements to be included in the public notification (e.g., location, start and end times of discharge, flow volume)
- Requiring initial notification (e.g., some permits require notification within 24 hours)
- Requiring notification of the public (e.g., some may require notifying permitting authority only)
- Requiring an annual notice

Because the burden of this rule is the incremental increase over the current requirements, these differences play an important part in estimating the burden. To account for this, the degree to which the requirements for this regulation differs from those already in-place (i.e., baseline requirements) was evaluated for each state and for a sample of permits within each state. Based on this evaluation EPA derived estimated overall application factors for each of the above activities that represents the proportion of CSO communities that are not currently required, or have been required in the past, to perform the activities. Where applicable, these factors were derived for each separate CSO community size category and are then applied to the total number of CSO communities in the corresponding category. These values were first estimated on a state-by-state basis and then aggregated into the single factors shown in Table B.2. These factors are then applied to the estimated number of respondents in the overall burden estimates presented in

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<sup>2</sup> It specifically required the permit holder to implement a public notification process to inform the citizens of when and where CSOs occur. The process must include (a) mechanism to alert persons of the occurrence of CSOs and (b) a system to determine the nature and duration of conditions that are potentially harmful for users of receiving waters due to CSOs. However, in many cases, the notifications occurred well after the fact and required the public to actively seek the information in published documents such as newspapers and reports or through online websites.

Appendix A. Appendix C presents a list of factors and other assumptions used in the development of the burden estimates.

**Table B.2 Summary of Application Factors Used to Account for Baseline Compliance for Different Respondent Size Categories**

Activity/Respondent	Factor*			
	Very Small	Small	TARP CSO communities	Large
Installation of CSO outfall signs - all CSO communities	6%	6%	0%	6%
Development of a method for collecting data	70%	50%	0%	20%
Development of alert system (text/email alerts)	50%	40%	0%	35%
Develop and submit public notification plan	100%	100%	100%	62%
Consultation with local public health department - all CSO communities	100%	100%	0%	100%
Contact with other potentially affected public entities	100%	100%	0%	100%
Initial Notification Public Alerts	37%	34%	0%	32%
Review of public notification plan - State agencies	100%	100%	100%	100%

\*This factor represents the proportion of respondents that are not already required to perform the given activity and thus will have an incremental burden

### **B.1.2 Installation and Maintenance of Signs at CSO Outfalls**

The existing NPDES ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21) includes an annual CSO outfall sign installation and maintenance burden of 2 hours per sign and \$117 in capital cost (November 2014 dollars). Under the existing NPDES ICR this burden is assigned to 43% of municipalities with CSSs for an assumed 13 signs at CSO outfalls over 3 years (4.3 signs/year). Under the existing NPDES ICR an additional 43% of municipalities with CSSs for an assumed 5 signs at beach or public access locations over 3 years (1.7 signs/year). Based on the existing ICR, EPA estimates that 94% percent of existing outfalls for all CSO communities have installed signs and that they are being maintained. This is based on the assumption that 100% of outfalls have signs in the four states that already require them (IL, IN, NY, OH) and 75% have signs in the remaining states. All of the TARP CSO communities are located within the state of Illinois and thus are assigned no incremental burden related to signs. EPA assumed that signs would be installed at the remaining 6% of existing outfalls during the first year using the same burden estimates of 2 hours and \$120 in capital costs (adjusted for inflation to August 2016 dollars). These numbers are also consistent with the existing ICR burden estimates.

EPA also assumed that during the second year and beyond, inspection and maintenance of these

signs would require an annual average of 0.5 hours per sign in labor and \$12 per sign<sup>3</sup> in capital costs for periodic replacement.

### **B.1.3 Development of Method for Collecting Data**

The requirements for initial public notification include the timely collection of data for CSO discharges including:

1. The location of the discharge(s);
2. The water body that received the discharge(s);
3. The date(s) and time(s) that the discharge commenced or the time the CSO community became aware of the discharge;
4. Whether, at the time of the notification, the discharge is continuing or has ended. If the discharge has ended, the approximate time that the discharge ended; and
5. A description of any public access areas that may be affected by the discharge and any restrictions on recreational use of such public access areas.

In general, CSO communities are already required to collect such information to satisfy current for CSO discharge notification and reporting requirements. As such, EPA has concluded that nearly all CSO communities already have a system for monitoring and estimating occurrence and volume of discharges from CSO outfalls. In general, two methods are employed. In the first method, CSO outfalls are directly monitored using flow meters and the data is telemetered to the CSO community on a real-time basis. Such systems are more likely to be utilized at the larger CSO communities and provide real-time data that is readily available for inclusion in the notification alerts. The second method involves modeling based on surrogate data such as rainfall amounts in combination with historical discharge data. These systems, particularly the ones using a modelling approach, are not necessarily currently set up to provide the required data on the short-term basis required for initial notification, which requires the data be collected and made available within 4 hours of the permit holder becoming aware of the discharge. EPA estimates that the modifications necessary to provide a more timely data collection and analysis<sup>4</sup> will require an average burden of approximately 4 hours per outfall or 16 hours, 36 hours, and 88 hours, for very small, small and large CSO communities, respectively. As described in section B.1 above, very small CSO communities are assumed to not incur this labor directly but rather will require in-house labor of 4 hours and use contractors at a cost of \$890. In many cases, particularly for the larger CSO communities, such systems are already in-place. Based on available information, EPA has assumed that the proportion of CSO communities that do not already have systems in-place are 70%, 50%, and 20% for very small, small, and large CSO communities, respectively. EPA notes that the required data is generally available and that this activity simply involves modifying the manner in which data is acquired, analyzed, and recorded. EPA has assumed that all of the TARP CSO communities are able to utilize the MWRD data collection method and thus are assigned no incremental burden.

### **B.1.4 Alert System Development and Management**

The initial notification requirement specifies that the CSO community must provide notices electronically, such as by text, email, social media alerts to subscribers, or by posting a notice on

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<sup>3</sup> Replacement cost is the average cost divided over the assumed replacement period of 10 years.

<sup>4</sup> Many permit holders have existing requirements for notification within 24 hours. These modifications include changing the manner in which models and data feeds are used to allow more rapid development of results.

its public access website. Existing initial notification alert systems include both those involving the use of an email application that distributes messages to subscribers on an electronic mailing list (listserv) and notification on the community's website. EPA assumes that the majority of CSO communities will employ one of these two options to provide initial notification of the public. EPA assumes that each community responsible for the CSO permit already operates a website that can be modified to serve this purpose and in many cases, the larger communities may have access to listserv technology. The development of the alert system includes:

- Development of a system for identifying and aggregating required data for each outfall derived using the monitoring system described in section B.1.3.
- Public outreach to inform public regarding where information can be accessed and/or how to sign up to receive initial notification messages.
- Development of new webpage
- Development and management of the electronic mailing list where applicable.

EPA has assumed that the total burden for these activities including public outreach will be 20, 30, and 40 hours for very small, small, and large CSO communities, respectively. As described in section B.1 above, very small CSO communities are assumed to not incur this labor directly but rather will require in-house labor of 5 hours (25%) and use contractor services at a cost of \$1,120.

EPA notes that some systems are already in-place, for example, New York State has the NY Alerts system, the CSO communities in Illinois have a notification system, Indiana has requirement for public alerts for untreated CSO discharges, and Michigan requires updated information on the "departments" website. Fifty percent of CSO communities in Indiana and Michigan are assumed to have notification systems in-place. A review of available data for CSO communities with greater than 20 outfalls found that roughly half had some sort of email or webpage alert system in-place. Based on the available information EPA assumes that the overall proportion of CSO communities that do not have an alert system already in-place is 50%, 60%, and 65% for very small, small, and large CSO communities, respectively. EPA has assumed that all of the TARP CSO communities are able to utilize the MWRD alert system and thus are assigned no incremental burden.

### **B.1.5 Initial Notification**

This activity involves the effort needed to perform the initial notification at the time when CSO discharges occur. EPA estimates that preparing and disseminating each alert will require 1 hour per discharge occurrence.

The existing NPDES ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21) includes a public notification burden for press release through newspapers or radio advisories with an assumed burden of 50 hours per year (5 hours per event, 10 events/year) and has assumed that this burden applies to 30% of CSO communities. EPA has concluded that the advent of electronic technology has significantly reduced the burden. In this ICR EPA assumes the notification burden is 2 hours per event which may include updating the notifications as conditions change. As noted in section B.1.1, based on available data EPA assumes that the proportion of CSO communities that do not have an initial notification system already in-place is 63%, 66%, and 68% for very small, small, and large CSO communities, respectively. This is

somewhat consistent with the overall assumption in the existing NPDES ICR. EPA has assumed that all of the TARP CSO communities are able to utilize the MWRD alert system and thus are assigned no incremental burden.

#### **B.1.6 Preparation and submittal of Notification Plan**

Much of the effort in developing the notification plan are included in sections B.1.2 through B.1.5 above. The activities under this category include preparation of the document describing the above items. EPA estimates that the burden will be 20, 30, and 50 hours for very small, small, and large CSO communities, respectively. As described in section B.1 above, small CSO communities are assumed to not incur this labor directly but rather will require in-house labor of 5 hours and use contractors at a cost of \$1,120. EPA has assumed that all of the TARP CSO communities will need to submit a notification plan but have been assigned a low burden of 20 hours, regardless of population size, because much of the development effort has already been performed by the MWRD.

#### **B.1.7 Contact with public health departments and other potentially affected public entities**

This rule requires the CSO community to consult with the local public health department and other potentially affected public entities and Indian Tribes to develop recommended protocols for providing notification of CSO discharges to the public health department and develop recommendations for providing notice to the general public of CSO discharges electronically.

EPA estimates total burden of 8 hours is required to contact the public health department and an additional 8 hours to contact other potentially affected entities. EPA has also included a burden of 4 hours for the participation of the public health department staff. Because the number of public health departments involved is unknown, the burden estimates for number of municipal respondents assumes that the number of public health departments involved is the same as the number of CSO communities. EPA has assumed that the MWRD will be responsible for all consultation responsibilities related to the TARP system and thus the TARP CSO communities are assigned no incremental burden.

#### **B.1.8 State Agency NPDES Permit Revisions**

As part of this effort NPDES permit authorities will need to revise the stated conditions within each of the CSO permits to conform with the notification requirements. EPA estimates that permit writers will take 1 hour to do this. This will not necessarily occur immediately but rather will occur at the time when the existing permit is renewed and will begin during the second year of this ICR. Since NPDES permits are renewed once every 5 years this burden will be applied to 1/5 of all permits within each state beginning in year 2 of this ICR.

#### **B.1.9 Annual Notice**

The existing NPDES ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21) already includes an annual burden of 2 hours per CSO community to submit data annually to the NPDES Permitting Authority under the existing CSO Program. The new public notification requirements include an additional annual requirement to make a notice available to the public that summarizes the CSO discharge data contained in the public alerts plus monitoring data from CSO monitoring requirements, description of any public access areas potentially impacted,

corresponding rain gauge data, and a summary of implementation of the nine minimum controls and the status of implementation of the long-term CSO control plan. It is anticipated that this notice will be made available via a website and via an email notification to interested parties where such systems are employed. The incremental increase related to modifying the annual report to incorporate any additional data needed to comply with the annual notice requirements is assumed to be 8, 16, and 24 hours for very small, small, and large CSO communities, respectively.

#### **B.1.10 Recordkeeping**

The incremental increase in burden for recordkeeping related to the data collected for the public alerts and annual notice is assumed to be 15 minutes per CSO discharge.

### **B.2 Estimating Respondent Costs**

This section describes the cost estimates for CSO communities and State Agencies, as well as the methods used to derive them.

#### **B.2.1 Estimating Labor Costs**

The costs to the respondent CSO communities associated with these time commitments can be estimated by multiplying the time spent in each labor category by an appropriately loaded hourly wage rate.

When calculating respondent labor costs, EPA makes the following assumptions:

- EPA used a labor rate of \$45.14 per hour for all authorized state respondent activities defined in this ICR. This hourly rate was based on the average hourly wage for state and municipal employees as determined by the U.S. Department of Labor. It is based on U.S. Department of Labor, Bureau of Labor Statistics, *Table 3. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local government workers, by major occupational and industry group, June 2016.*
- The average hourly rate for municipal employees, which account for all CSO community costs, as determined by the U.S. Department of Labor, Bureau of Labor Statistics, is \$37.29 (including overhead costs of 50 percent). Updated rates are derived from the U.S. Department of Labor, Bureau of Labor Statistics, in a table titled *May 2015 National Industry-Specific Occupational Employment and Wage Estimates NAICS 999300 - Local Government, excluding schools and hospitals (OES Designation)*, and adjusted to June 2016 dollars using the not seasonally adjusted Employment Cost Index (ECI) for state and local government employees.

#### **B.2.2 Estimating Capital and Operation and Maintenance Costs**

##### CSO Community O&M Costs

A CSO community incurs capital/start-up costs when it purchases equipment, contractor services, or installs signs that are needed for compliance with the rule's reporting and record keeping requirements that the CSO community will not use otherwise. EPA assumed that some CSO communities would incur capital/startup costs as a result of these requirements.

A CSO community incurs operation and maintenance (O&M) costs when it uses services, materials, or supplies needed to comply with the rule's reporting and record keeping

requirements that the CSO community will not use otherwise. Any cost for the operation and upkeep of capital equipment is considered O&M costs.

As noted in section B.1, for very small CSO communities certain implementation activities are assumed to be performed by contractor services. The costs for these services described in the sections B.1.3, B.1.4, and B.1.6 are derived based on the assumed burden hours that would otherwise be performed by in-house staff multiplied by the contractor rate that is assumed to be 50% greater than the municipal labor rate shown in section B.2.1.

Capital costs are included for public notification of CSO outfall signage. The costs are those for municipalities to purchase notification signs. Based on inflation adjusted estimates presented in a previous CSO Control Policy ICR (OMB Control No. 2040-0170; EPA ICR No. 1680.04) each sign is estimated to cost \$120 (adjusted to August 2016 dollars) and be used once per outfall that did not already have requirements for signs.

#### Director O&M Costs

EPA does not anticipate any capital/ start-up or operation and maintenance costs for State Agencies under this rule. Tables A.1 and A.2 provide estimates of Director labor costs.

## **Appendix C List of Assumptions**

(See attached PDF)