

**ICR Supporting Statement
Information Collection Request for
National Pollutant Discharge Elimination
System (NPDES): Specific Provisions
Affecting Applications and Program
Updates Final Rule**

OMB Control No. 2040-0004, EPA ICR No. 0229.24

December 2018

Contents

A. Justification.....	5
1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.....	5
1.1 Short Characterization/Abstract.....	5
1.2 Need/Authority for the Collection.....	6
2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.....	8
3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.....	9
4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.....	10
5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize the burden.....	11
6. Describe the consequence to the federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.....	12
7. Explain any special circumstances associated with “extraordinary burden” placed on respondents..	13
8. If applicable, identify the date and page number of publication in the Federal Register of the Agency’s notice, required by 5 CFR 1320(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.....	13
9. Explain any decision to provide payment or gift to respondents, other than remuneration of contractors or grantees.....	14
10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.....	14
11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.....	14
12. Provide estimates of the hour burden of the collection of information.....	14
12.1 Improved Forms (40 CFR 122.21).....	16
12.2 Reporting Industrial Classification Codes (40 CFR 122.21(f)(3)).....	16
12.3 Reporting Email Address.....	17
12.4 Request for the Number of Significant Industrial Users (SIUs) and Non-Significant Categorical Industrial Users (NSCIUs) (40 CFR 122.21(j)(6)(i)).....	18
12.5 Cooling Water Intake Structure (CWIS) Indication (40 CFR 122.21(f)(9)).....	19
12.6 Notification of Existing Technology-based Variances or Anticipated Technology-based Variance Requests (40 CFR 122.21(f)(10) and 122.21(j)).....	20

12.7 New POTW Submittal of Effluent Characterization Data within 24 months of Commencement of the Discharge (40 CFR 122.21(j)(4)(i) and 40 CFR 122.21(j)(5)(i)).....	20
13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.) 21	
14. Provide estimate of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.....	22
15. Summary of the total burden associated with this ICR.....	23
16. Explain the reasons for any program changes or adjustments in burden estimates from the previous approved ICR.....	25
16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.....	25
17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.....	26
18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," in ROCIS.....	26
B. Collections of Information Employing Statistical Methods.....	26
Appendix A – Burden Assessment for the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule, August 2018.....	27
1. Background and Purpose.....	27
1.1 Form 1.....	27
1.2 Form 2A.....	27
1.3 Form 2B.....	28
1.4 Form 2C.....	28
1.5 Form 2D.....	29
1.6 Form 2E.....	29
1.7 Form 2F.....	29
1.8 Form 2S.....	30
2. Burden Estimates for Revisions Included in the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule.....	30
2.1 Revisions Not Anticipated to Result in a Change in Activities or Burden.....	30
2.2 Revisions Anticipated to Result in Changes in Activities or Burden.....	31
2.3 General Assumptions for Burden Estimates.....	31
2.4 Improved Forms (40 CFR 122.21).....	32
2.5 Reporting Industrial Classification Codes (40 CFR 122.21(f)(3)).....	33
2.6 Reporting Email Address ³	33
2.7 Request for the Number of Significant Industrial Users (SIUs) and Non-Significant Categorical Industrial Users (NSCIUs) (40 CFR 122.21(j)(6)(i)).....	35
2.8 Cooling Water Intake Structure (CWIS) Indication (40 CFR 122.21(f)(9)).....	35

2.9 Notification of Existing Technology-based Variances or Anticipated Technology-based Variance Requests (40 CFR 122.21(f)(10) and 122.21(j)).....	36
2.10 New POTW Submittal of Effluent Characterization Data within 24 months of Commencement of the Discharge (40 CFR 122.21(j)(4)(i) and 40 CFR 122.21(j)(5)(i)).....	37
2.11 Option to Provide Public Notice on Agency Website in Lieu of the Newspaper (40 CFR 124.10(c)(2)(iv)).....	37
3. Total Burden Estimate Associated with Revisions Included in the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule.....	38

Appendix B – Citation of Regulation Authorizing Data Collection and Federal Register Notice..... 39

B.1 United States Clean Water Act, Section 402: National Pollutant Discharge Elimination System (33 U.S.C. sec. 1342).....	39
B.2 National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule (NPDES Program Updates Rule), XX FR XXXXX, December XX, 2018.	39

Appendix C – Draft Revised NPDES Application Forms..... 40

C.1 Application Form 1, General Information.....	40
C.2 Application Form 2A, New and Existing Publicly Owned Treatment Works.....	40
C.3 Application Form 2B, Concentrated Animal Feeding Operations and Concentrated Aquatic Animal Production Facilities.....	40
C.4 Application Form 2C, Existing Manufacturing, Commercial, Mining, and Silvicultural Operations.....	40
C.5 Application Form 2D, New Manufacturing, Commercial, Mining, and Silvicultural Operations That Have Not Yet Commenced Discharge of Process Wastewater.....	40
C.6 Application Form 2E, Manufacturing, Commercial, Mining, and Silvicultural Facilities Which Discharge Only Nonprocess Wastewater.....	40
C.7 Application Form 2F, Stormwater Discharges Associated with Industrial Activity.....	40
C.8 Application Form 2S, New and Existing Treatment Works Treating Domestic Sewage.....	40

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

1.1 Short Characterization/Abstract

This Information Collection Request (ICR) describes the overall reduction in burden and costs associated with revisions included in the *National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule* (NPDES Program Updates Rule). On May 18, 2016, the EPA proposed the NPDES Applications and Program Updates rule,¹ and the Spring 2018 Regulatory Agenda explained that the EPA would be finalizing the proposed rule in two separate but related final rules. The NPDES Program Updates Rule addresses a subset of the topics proposed in 2016, which target specific provisions affecting the NPDES program requirements and application forms. These revisions are necessary to clarify outdated or inaccurate application regulations and the EPA's associated application forms. The revisions also address public notice requirements for permit actions described in 40 CFR 124.10(a)(1), including but not limited to draft permits.² This ICR describes the burden and costs associated with the specific provisions included in the NPDES Program Updates Rule.

The objective of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the nation's waters (CWA section 101). The NPDES program, established under CWA section 402, is an important tool for controlling pollutant discharges. The CWA authorizes the Agency to issue permits for the discharge of pollutants to waters of the United States; the Agency uses the NPDES program to regulate point source discharges. CWA section 402(b) allows states (defined to include Indian tribes and U.S. territories) to acquire authority for the NPDES program, enabling them to issue and administer NPDES permits. At present, 47 states and the U.S. Virgin Islands are authorized to administer the NPDES permit program. In states that do not have authority for these programs, the EPA administers the program and issues NPDES permits. Because some permit applications are processed by states and some by the EPA, this ICR calculates government burden and cost for both authorized states and the Agency.

According to CWA section 402(b)(1)(B), the NPDES permitting process is initiated with the submittal of a permit application. Once issued, permits must then be renewed at least every five years. Under the current NPDES regulations at Section 122.21 of Title 40 of the Code of

¹ 81 FR 31343.

² Draft permit means a document prepared under 40 CFR 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit." A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in 40 CFR 124.5, are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination, as discussed in 40 CFR 124.5, is not a "draft permit." A "proposed permit" is not a "draft permit."

Federal Regulations (CFR), the EPA has developed eight application forms for use in developing individual permits. Each of these individual permit application forms corresponds to a different category of dischargers subject to NPDES permitting. After receiving the application, the permit writer reviews the application for completeness and accuracy. When the application is complete, the permit writer, using the application data, begins to develop the draft permit and the fact sheet or statement of basis, which explains the reasoning behind the draft permit provisions.

The specific revisions included in the NPDES Program Updates Rule update the application requirements, provide flexibility for public notice requirements, clarify regulatory definitions, correct outdated EPA contact information and references, and deletes a provision that is no longer applicable. Once implemented, the revisions discussed in this ICR will promote submission of complete permit applications via updated application forms with clearer instructions and formatting. The revisions also contain modernized regulatory requirements to allow more timely development of NPDES permits that protect human health and the environment, and that are more clear and effective.

The specific revisions included in the NPDES Program Updates Rule and corresponding revised application forms will not result in an increase in burden or information collection. The EPA expects the revised application forms to be easier to use and understand and will result in a burden decrease for permittees applying for coverage. The EPA also expects that the revisions will reduce the rate of incomplete NPDES permit application submissions and improve the quality of information being collected, which may reduce the amount of time necessary for the permitting authority to develop a permit.

1.2 Need/Authority for the Collection

CWA section 402(a) establishes the NPDES program to regulate the discharge of any pollutant from point sources³ into waters of the U.S. Section 402(a) of the CWA, as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet:

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

The initial step in ensuring that the permits are adequately protective of those requirements is the permit application process. In particular, CWA section 402(a)(2) requires the EPA to prescribe permit conditions to ensure compliance with requirements “including conditions on data and information collection, reporting and such other

³ The EPA defines a point source as “any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAFO, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff” (40 CFR 122.2).

requirements as [the Administrator] deems appropriate.” The EPA’s application forms require applicants to submit data that helps determine what those permit conditions should be.

The CWA also establishes an administrative framework for the NPDES permitting program. CWA section 402(b) allows the EPA to authorize states, (which can include U.S. territories and Indian tribes, hereafter to be referred to as “authorized states”) to administer the NPDES program once the Agency is assured that they meet minimum federal requirements. Authorizations vary by program. Authorized states are responsible for issuing, administering, and enforcing permits for most point source discharges within their borders. Table 1.1 summarizes the number of authorized states for each major NPDES program element.⁴ For states, U.S. territories, and Indian tribes without an authorized NPDES program, the EPA is the permitting authority and undertakes all permitting activities; although CWA section 401 requires states (which can include U.S. territories and Indian tribes) to certify that EPA-issued NPDES permits establish “effluent limitations, and monitoring requirements necessary to assure that any applicant...will comply with any applicable effluent limitations and other limitations (pursuant to the CWA) and with any other appropriate requirement of state law...” States may waive their right to certify permits if they wish. CWA section 510 provides that states may adopt requirements equal to or more stringent than standards established pursuant to CWA provisions.

Table 1.1 States with Program Authorization as of August 2018

Type	Number
Authorized State NPDES Permit Program	48 ^a
Authorized General Permits Program	47 ^a
Authorized State Pretreatment Program	36
Authorized Biosolids (Sludge) Program	8
Authorized to Regulate Federal Facilities	43 ^a

^a Includes the U.S. Virgin Islands.

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

⁴ On June 5, 2018, the EPA Administrator approved the Idaho Department of Environmental Quality’s application to administer the NPDES permitting program in Idaho. Idaho intends to transition control of the program from federal to state using a phased approach, meaning that Idaho will assume control of different program components over several years. In this ICR, the burden associated with permittees in Idaho is included as part of the federal burden because of the recent nature of the authorization and the phased approach. In the next ICR renewal cycle, this burden may be shifted to the state, depending on the status of the state’s phased implementation approach.

The 1987 Water Quality Act added a provision to the CWA—section 402(p)—that gives the EPA the authority to permit stormwater discharges and identifies the applicable requirements, which in some instances are different from the requirements applicable to other NPDES permittees. The NPDES program requires permits for stormwater discharges from certain municipal separate storm sewer systems (MS4s), industrial activities, and construction activities disturbing one acre or more.

The NPDES program procedures and requirements are codified in 40 CFR Parts 122, 123, 124, and 125 (and Parts 501 and 503 for biosolids). The EPA has developed its NPDES discharge and sewage sludge permit application requirements to ensure that the permitting authority obtains adequate information about applicants before it issues permits. The application requirements addressed by this ICR are contained in forms developed by the EPA. Table 2.1 in the next section provides an overview of the types of respondents required to submit NPDES application forms and identifies the form(s) that they must submit.

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.*

This ICR includes information used primarily by permittees, authorized states, and the EPA. The EPA anticipates that other government agencies (both state and federal), as well as public interest groups, private companies, and individuals, will also use the data. The information collection provisions described in Section 1 include activities directly related to individual NPDES permit applications. This ICR does not address applicants for general permits or MS4 permits.

Although different types of permittees submit widely differing information, this information can be categorized into two sets: identification information and information related to the facility's discharges or practices.

Permitting authorities (i.e., authorized states and the EPA) collect and use identification information from the application forms—such as the names, locations, and descriptions of facilities—to uniquely identify each applicant seeking permit coverage and to establish a point of contact. This information varies in detail and scope according to the type of respondent. Discharges vary in complexity and character, indicating a need to collect a wide variety of information; however, discharges and activities from related industry groups or treatment works are often similar, allowing for common means of information collection. As a result, the EPA has developed several different NPDES application forms. A list of application forms and the respondent type is provided in Table 2.1 and copies of the draft revised forms are included in Appendix C. Standardized application forms covered under this ICR include Forms 1, 2A, 2B, 2C, 2D, 2E, 2F, and 2S.

Table 2.1 Application Forms and Respondent Type

Form	Respondent Type
Form 1	All applicants, other than publicly owned treatment works (POTWs) and treatment works treating domestic sewage (TWTDS)
Form 2A	New and existing POTWs
Form 2B	Concentrated animal feeding operations (CAFOs) and concentrated aquatic animal production (CAAP) facilities
Form 2C	Existing manufacturing, commercial, mining, and silvicultural operations
Form 2D	New manufacturing, commercial, mining, and silvicultural operations that have not yet commenced discharge of process wastewater
Form 2E	Manufacturing, commercial, mining, and silvicultural facilities which discharge only nonprocess wastewater
Form 2F	Stormwater discharges associated with industrial activity
Form 2S	New and existing TWTDS

From the applications, permitting authorities gather information about industrial processes, treatment systems, pollutant characteristics, discharge rates and volumes, sewage sludge use and disposal practices, sewage sludge quality, and other data such as pollution prevention practices.

The information is used to develop effluent limitations, compliance schedules, and other routine and special conditions in permits. The EPA may also use these data to reevaluate testing requirements or to develop or revise effluent standards on a national basis.

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

Information solicited in public notices is used to engage the public in permitting decisions. While the final rule will not change the required contents for public notice, the final rule revisions would allow permitting authorities to issue public notice via website in lieu of the currently required method of newspaper (for certain categories of permits). This option is intended to be a more efficient and effective means to reach the public.

3. ***Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the***

basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Currently, the EPA's NPDES application forms are formatted as PDF documents that can be completed on a computer, but the applications need to be signed by the appropriate party seeking coverage under NPDES program. Thus, most application forms are submitted either in paper form via U.S. mail, and may be submitted as scanned PDF documents via email once they are completed and signed. At least one state NPDES program has an electronic application system for the collection of NPDES permit applications. Currently, the EPA maintains some application data in data systems such as the Integrated Compliance Information System National Pollutant Discharge Elimination System (ICIS-NPDES) and the Electronic Notice of Intent (eNOI) database. The EPA uses this information to assess permit compliance. This technology also reduces the burden to the EPA and the states for gathering and analyzing national permit and water quality data. Note that the NPDES Electronic Reporting Rule (80 FR 64064) requirements do not require electronic submittal of applications addressed by the revisions in this ICR. However, in collecting and analyzing the information associated with NPDES individual permit applications, the EPA will use ICIS-NPDES to ultimately store the relevant facility and permit information. The EPA and authorized states will ensure accuracy and completeness of the information and are responsible for ensuring that applicable data are entered into ICIS-NPDES. Any application form that is considered inaccurate or incomplete will not be processed and will be returned to the sender with a letter requesting the missing or inaccurate information.

The public may access certain information via Enforcement and Compliance History Online (ECHO). Some of the information is available to the public through web-based interfaces that pull data from ICIS-NPDES and other EPA data systems.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.

All information collection is authorized by the CWA and its implementing regulations and, in most cases, is not available from other sources. The EPA has examined all other reporting and recordkeeping requirements contained in the CWA and 40 CFR Parts 122, 123, 124, 125, 403, 501, and 503. The EPA consulted the following sources of information to determine if similar or duplicate information is available elsewhere:

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

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

focuses on on-site activities, and NPDES focuses on discharge outfalls and discharge to waters of the United States).

Examination of these databases and discussions with other federal Agencies did not identify any application requirements that were duplicative with existing requirements.

5. *If the collection of information impacts small businesses or other small entities, describe the methods used to minimize the burden.*

Of the small businesses that discharge pollutants, many discharge indirectly to POTWs rather than directly to waters of the U.S. Indirect dischargers are not required to have NPDES permits and thus are not subject to the reporting requirements discussed in this ICR. Although small businesses that are direct dischargers are not treated as a separate class under the NPDES program, efforts to minimize the burdens imposed on them by NPDES information collection activities are implicit in the existing reporting framework.

For many reasons, the EPA concludes the reporting requirements discussed in this ICR do not place an unreasonable burden on small entities. The EPA developed several application forms, and it promulgated different application requirements to tailor the information collection demands considering, among other factors, the size and complexity of the facility. Generally, as the size of a facility increases, the amount of required information increases correspondingly. The EPA has regularly looked for ways to reduce reporting burdens on businesses of all sizes; approaches used to minimize the burden to small entities include the following:

- Several of the applications (e.g., Form 1) request minimal information, such as the name and location of the facility, or merely direct the applicant to complete specific sections of the application (i.e., Forms 2A and 2S). Furthermore, facilities submit applications infrequently, typically once every 5 years. The burden represented by these applications cannot be further reduced for small businesses. Permitting authorities need certain basic information to make permitting decisions. This basic information is not dependent on a facility's size.
- Some industrial facilities that do not have toxic pollutants in their effluent are not required to provide as much monitoring information on Form 2C as those with toxic discharges. Under 40 CFR 122.21(g)(8), coal mines with a probable total annual production less than 100,000 tons per year and other applicants with gross total annual sales averaging less than \$100,000 per year (in second quarter 1980 dollars) might qualify as a small business and be exempt from the reporting requirements for toxic pollutants.
- The EPA also developed Form 2E specifically to reduce the reporting burden for certain small businesses. These businesses are new or existing manufacturing, commercial, mining, and silvicultural NPDES permit applicants that do not discharge process wastewater. This form is easier to complete and requires the submission of existing sampling data (i.e., sampling and analysis is not required to be conducted as part of the application process).

6. *Describe the consequence to the federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

In most cases, regulations associated with the NPDES program are meant to minimize adverse environmental and public health impacts associated with the discharge of pollutants or the mortality of fish and other aquatic species. Failure to collect the necessary data to implement these regulations would result in significant adverse impacts to the environment and to public health. As well, the data collection is mandatory in most cases; regulated facilities and/or control authorities that do not collect the data would be failing to comply with the NPDES regulations. Failure to comply could result in enforcement actions including civil or criminal penalties.

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

The NPDES application forms are submitted prior to the initial commencement of discharge, and then typically once every five years prior to permit renewal. The EPA and

authorized states need current information about permittees and discharge characteristics to fulfill oversight responsibilities.

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

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

The consequences of not collecting the information addressed by the revisions are that permits will take longer to issue and renew due to outdated or unclear requirements and forms. If this information is not included in the application forms, permitting authorities may need to request supplemental information from permittees before they can deem the application complete, resulting in delays in permit issuance.

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. If applicable, identify the date and page number of publication in the Federal Register of the Agency’s notice, required by 5 CFR 1320(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

The EPA published the proposed ICR and solicited public comments on Tuesday, September 4, 2018 (83 FR 44872). The EPA did not receive any comments on the ICR itself pertaining to cost or hour burden. The EPA did, however, receive two sets of comments on the Agency’s proposed application forms that were included as an appendix to the ICR. One set of comments brought attention to minor errors in the application forms. The EPA made corresponding corrections. That set of comments also asked for other changes to be made to the application forms, including additional questions, but the EPA determined it cannot accommodate those changes as the questions in application forms are directly tied to the

application regulations at 40 CFR part 122.21. The other set of comments received on the application forms through the ICR included other suggestions on the new format of the forms and the changes made to improve application form completeness upon submission. The EPA agreed with one of the comments and made changes to the corresponding provision of the application form instructions. The EPA disagreed with other suggestions made and clarified the Agency's position. Both responses to comments documents can be found in the docket established for the proposed ICR (Docket ID No. EPA-HQ-OW-2018-0629) and the docket of this rule (Docket ID No. EPA-HQ-OW-2016-0145). In addition to the proposed ICR and public comments received, the EPA indicated in the Proposed Rule (May 18, 2016, 81 FR 31344) that a separate docket was established for the public to comment on the draft updated NPDES application forms. The EPA received minor comments to the application forms and the corresponding responses to comments can be found in that docket (Docket ID No. EPA-HQ-OW-2016-0146). The EPA expects that the changes finalized in the NPDES Program Updates Rule, along with changes to the instructions and format of the NPDES permit application forms, will result in an overall burden reduction. For more detail please see sections 12 through 14.

9. Explain any decision to provide payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

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

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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 EPA estimates that the revisions included in the NPDES Program Updates Rule and updated application forms will not result in an increase in burden or information collection

and may result in a burden decrease for permittees completing applications. In the NPDES Program Updates Rule, the EPA revised several data fields to refine the content and improve consistency among the forms, improve consistency with the current data standards for the Agency and the federal government, and improve the clarity and usability of the forms.

As part of the NPDES Program Updates Rule, the EPA expects the revised application forms to be easier to use and understand, and thus, may result in a burden decrease for permittees applying for coverage. For example, wherever applicable, the revised application forms prompt the applicant to “stop” or “skip” to the next appropriate question depending on the response provided. As another example, a full set of instructions are provided for Form 2B for the first time. The EPA also expects that the revisions will improve the quality of information being collected, which may reduce the amount of time necessary for the permitting authorities to develop a permit.

The revisions below are included in the NPDES Program Updates Rule but are not revisions for which the EPA is seeking approval for the collection of information:

- 40 CFR 122.1 updates NPDES contact information.
- 40 CFR 122.2 adds two definitions related to the discharge of pesticides from pesticides application to ensure the NPDES regulations are consistent with the 6th Circuit decision (*National Cotton Council, et al. v. EPA*, 553 F.3d 927 (6th Cir. 2009)) as implemented in the EPA’s Pesticide General Permit.
- 40 CFR 122.2(d) corrects typographical error of “NDPES” to “NPDES” in the definition of “New discharger”.
- 40 CFR 122.21(a)(2)(i) updates contact information.
- 40 CFR 122.21(k)(5)(vi) updates to remove the reference to a permit holder’s presumed gender and corrects the reference to the correct application form (i.e., Form 2C).
- 40 CFR 122.44(k)(4) deletes outdated references to information sources that are no longer available and provides a website address where updated guidance is provided.

The revisions below are not anticipated to result in a change in activities or additional burden hours:

- 40 CFR 122.21(g)(7)(ix) provides flexibility to permittees and extends longstanding existing practice of allowing the Form 2C applicant to provide existing data that has been collected in the previous four and one-half years and provides clarity in the Form 2C instructions.
- 40 CFR 125.3(a)(1)(ii) removes an outdated regulation.

The revisions below are anticipated to result in changes in activities or burden.

- 40 CFR 122.21 includes clarifying changes to existing application requirements and forms.
- 40 CFR 122.21(f)(3) requires applicants to provide up to four North American Industry Classification System (NAICS) codes to reflect the current federal government standard.
- Various regulatory references request email address (multiple application forms).⁵
- 40 CFR 122.21(j)(6)(i) requests the number of SIUs and NSCIUs.
- 40 CFR 122.21(f)(9) requests applicants to indicate if they have cooling water intake structure(s) (CWIS).
- 40 CFR 122.21(f)(10) and 122.21(j) requires applicants to indicate, at the time of permit application, whether they are requesting technology-based variances or are operating under the technology-based variances described in 122.21(m) and (n).
- 40 CFR 122.21(j)(4)(i) and 40 CFR 122.21(j)(5)(i) requires new POTW dischargers to submit characterization data for specified parameters and WET within 24 months of commencement of the discharge. The time limit to submit was previously unspecified.
- 40 CFR 124.10(c) allows public notice of major and general permits via website in lieu of newspaper.

12.1 Improved Forms (40 CFR 122.21)

The application Forms 1 through 2S, and the accompanying instructions for each form have been reformatted and enhanced for improved readability and clarity. It is assumed that applicants will experience a burden reduction of 0.5 hours per form from burden estimates in the NPDES Consolidated ICR because of reduced time to complete the forms. The number of respondents is calculated from the following assumptions:

- Non-POTW dischargers are required to submit Form 1 and some combination of Forms 2B through 2F. The estimate assumes that 80 percent of the non-POTW dischargers would submit two forms in addition to Form 1; 20 percent of non-POTWs would submit only one additional form.
- POTWs are assumed to submit Form 2A and Form 2S.

Table 12.1. Estimated Burden Associated with Improved Forms - Permittees

Permittees	Responses Per Year	No. of Forms/ 5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
POTWs	8,156	2	-8,156	-\$492,378
Individual Non-POTWs	12,240	2-3 ⁶	-17,136	-\$1,034,500

⁵ 40 CFR 122.21(c)(2)(ii)(B), 40 CFR 122.21(f)(4), 40 CFR 122.21(j)(1)(ii), 40 CFR 122.21(j)(1)(viii)(2) and (3), 40 CFR 122.21(j)(9), 40 CFR 122.21(q)(1)(i), 40 CFR 122.21(q)(2)(i), 40 CFR 122.21(q)(8)(vi)(A), 40 CFR 122.21(q)(9)(iii)(D) and (E), 40 CFR 122.21(q)(9)(iv)(A), 40 CFR 122.21(q)(10)(ii)(A), 40 CFR 122.21(q)(10)(iii)(K)(1), 40 CFR 122.21(q)(11)(ii)(A), 40 CFR 122.21(q)(12)(i), and 40 CFR 122.21(q)(13).

⁶ Assumed that 80 percent of non-POTWs submit Form 1 plus 2 additional forms and 20 percent of non-POTWs submit Form 1 plus 1 additional form.

Permittees	Responses Per Year	No. of Forms/ 5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Sludge Only TWTDS	267	1	-134	-\$8,059
Total	20,663	--	-25,426	-\$1,534,937

The permitting authorities (i.e., authorized states and the EPA) are not expected to incur additional activities because of the revised forms.

12.2 Reporting Industrial Classification Codes (40 CFR 122.21(f)(3))

The revisions to the NPDES application forms include a new requirement for applicants to provide up to four North American Industrial Classification System (NAICS) codes. This additional reporting is only applicable to applicants submitting Form 1 (industrial applicants). The form instructions include directions to identify the NAICS codes that correspond to a facility's known SIC code. In addition, the applicant may know which NAICS code(s) apply to the facility through other federal or state permits it has been issued. The EPA estimates this requirement will add an estimate of 0.1 hours of burden in addition to the burden estimates for individual non-POTW applicants in the NPDES Consolidated ICR.

Table 12.2. Estimated Burden Associated with Reporting NAICS Codes - Permittees

Permittees	Responses Per Year	Avg. No. of NAICS Codes Entries/5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual Non-POTWs	12,240	1.0	1,224.0	\$73,893
Total	12,240	1.0	1,224.0	\$73,893

This activity is not expected to result in a change in burden to permitting authorities.

12.3 Reporting Email Address

The revisions to the NPDES application forms require email addresses be provided in Forms 1, 2A, 2B (for CAFOs only), and 2S. Additional activities associated with this revision include an estimate of 0.1 hours to enter each email entry, including time to consult records. In most instances, email addresses will be readily available, and/or will be the same email address entered in multiple locations. Computer auto-entry functions may further speed this process. Forms 2A, 2B, and 2S have multiple locations where email addresses may be required for owners and operators other than the applicant. POTW applicants are assumed to complete on average 11 of 23 possible email entries. Non-POTW applicants are assumed to complete on average 1.5 out of two possible email entries per permit. Applicants for CAFOs are assumed to complete on average 1.5 out of two possible email entries. CAFO applicant email entries for Form 1 are counted as "Individual Non-POTWs." Sludge-only TWTDS applicants are assumed to complete on average nine out of 18 possible email entries on Form 2S. The burden estimated below is in addition to existing estimated burden in the NPDES Consolidated ICR for permit application activities.

Table 12.3.1. Estimated Burden Associated with Reporting Email Address – Permittees

Permittees	Responses Per Year	Avg. No. of Email entries/ 5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual POTWs	8,156	11	8,971.6	\$541,615
Individual Non-POTWs	12,240	1.5	1,836.0	\$110,839
CAFOs	3,189	1.5	478.4	\$28,878
Sludge Only TWTDS	267	9	240.3	\$14,507
Total	20,663⁷	--	11,526.3	\$695,839

Permitting authorities are anticipated to experience reduced burden associated with more efficient communication. The burden reduction is assumed to be -0.25 hours per permit application package. For POTWs, non-POTWs, and CAFOs, the number of POTW and non-POTW permits issued by authorized states and the EPA were obtained through the NPDES Program ICR. For sludge only TWTDS permits, the number of permits issued by authorized states versus the EPA was assumed to be three percent, based on the number of states with authorized sludge programs.

Table 12.3.2. Estimated Burden Associated with Reporting Email Address – Authorized States

Permittees	Responses Per Year	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual Municipals, Non-Municipals, and Sludge Only TWTDS	20,019	-5,005	-\$247,235

Table 12.3.3. Estimated Burden Associated with Reporting Email Address – EPA

Permittees	Responses Per Year	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual Municipal, Non-municipal, and Sludge Only Facility Applicants	644	-161	-\$7,061

12.4 Request for the Number of Significant Industrial Users (SIUs) and Non-Significant Categorical Industrial Users (NSCIUs) (40 CFR 122.21(j)(6)(i))

Existing regulations require that POTWs identify the number of SIUs and Categorical Industrial Users (CIUs). The revision requires identification of the number of SIUs and NSCIUs. The revision is anticipated to reduce the redundancy of identifying CIUs twice. Under the revision, permittees are anticipated to identify a subset of CIUs that have been determined to be NSCIUs; therefore, no change in burden is anticipated for permittees.

Authorized states and the EPA are anticipated to experience reduced burden associated with clearer information in Form 2A of the universe of CIUs that are designated as NSCIUs.

⁷ Excludes count of CAFO applicants because they are already counted as Non-POTWs.

The assumed reduction is estimated as 0.25 hours per applicant.

Table 12.4.1. Estimated Burden Hour Reduction for Review of Applications for POTWs with Pretreatment Programs – Authorized States

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Permits Issued by Authorized States	306	1/5 yrs.	-77	-\$3,804

Table 12.4.2. Estimated Burden Hour Reduction for Review of Applications for POTWs with Pretreatment Programs – EPA

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Permits Issued by the EPA	9	1/5 yrs.	-2	-\$88

12.5 Cooling Water Intake Structure (CWIS) Indication (40 CFR 122.21(f)(9))

The revision requires the applicant to indicate whether the facility uses cooling water and specify the source of the cooling water. The revision is anticipated to result in additional burden for power plants and manufacturers that use cooling water. The additional burden associated with consulting records is 0.25 hours per application.

Table 12.5.1. Estimated Burden Associated with CWIS Indication – Permittees

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Power Plants and Manufacturers with Cooling Water ⁸	293	1/5 yrs.	73	\$4,416

For authorized states and the EPA, the revision is expected to result in more efficient permitting because the permitting authority can initiate data submissions and reviews earlier in the permitting process. This efficiency will be realized where the permitting authority is issuing/reissuing permits that are subject to 40 CFR 122.21(r) submission requirements. For applicants that indicate they use cooling water, 80 percent are assumed to be subject to 40 CFR 122.21(r) and the estimated burden reduction for this portion of applicants is 1.0 hour.

⁸ Does not include offshore oil and gas facilities that are not subject to 40 CFR 122.21(r) requirements.

Table 12.5.2. Estimated Burden Associated with CWIS Indication - Authorized States

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Power Plants and Manufacturers with Cooling Water ^{8,9}	227	1/5 yrs.	-227	-\$11,214

Table 12.5.3. Estimated Burden Associated with CWIS Indication - EPA

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Power Plants and Manufacturers with Cooling Water ^{8,9}	7	1/5 yrs.	-7	-\$307

12.6 Notification of Existing Technology-based Variances or Anticipated Technology-based Variance Requests (40 CFR 122.21(f)(10) and 122.21(j))

The revisions request that permittees indicate in the application form whether they are currently operating under a technology-based variance or are requesting a technology-based variance that may be allowed under 40 CFR 122.21(m) for non-POTWs and 40 CFR 122.21(n) for POTWs. A technology-based variance would be a major component of a permit; thus, the application respondent is likely to know this information and would not need to review records to complete this entry in Form 2C. A small number of technology-based variances are requested each year. Data collected as part of EPA ICR No. ICR 0229.23 indicated there were only 61 permits that included technology-based variance requests or technology-based variance renewals that would be subject to the regulation. Because of the small number of permittees that would be affected, the EPA expects that burden addition or reduction for permittees, authorized states, and the EPA to be minimal and has assumed it to be 0 hours.

12.7 New POTW Submittal of Effluent Characterization Data within 24 months of Commencement of the Discharge (40 CFR 122.21(j)(4)(i) and 40 CFR 122.21(j)(5)(i))

The revisions require new POTW dischargers to provide characterization data for specific analytes (40 CFR 122.21(j)(4)(i)) and whole effluent toxicity (40 CFR 122.21(j)(5)(i)) within 24 months of commencement of the discharge. Existing regulations do not specify the time limit to submit this information. In practice, permitting authorities typically include characterization data requirements for new dischargers in the initial NPDES permit issued; therefore, the EPA has assumed there are no new costs associated with sampling for the analytes listed in Form 2A, only variation in the required timeframe for collecting and reporting the data in Form 2A. In addition, the number of new POTW dischargers each

⁹ Information on the number of permits issued by the EPA/authorized states is estimated based on the overall ratio of state issued/federal issued permits, which is approximately 0.03.

year is expected to be low. In consideration of the minor change in timing that would affect very few dischargers, the estimated burden is assumed to be minimal; thus, no burden hours or costs are calculated.

The estimate of respondent burden hours covers facilities subject to NPDES program requirements (permittees) and authorized states. Appendix A describes the information collected and the methodology for estimating respondent burden and costs. Table 12.8 summarizes the labor burden and associated labor costs for permittees and authorized states.

Table 12.8 Summary of Labor Burden and Costs

	Responses Per Year	Average Annual Labor Burden Hours	Average Annual Labor Burden Costs (2018\$)
Permittees	20,663	-12,603	-\$760,789
Authorized States	20,019	-5,309	-\$262,253
Totals	--	-17,912	-\$1,023,042

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

This section presents an estimate of annual operation and maintenance (O&M) and capital and start-up costs. The estimated annual O&M and capital and start-up costs for permittees are zero dollars. For most permittees, the costs associated with preparing individual applications include labor costs only. Preparing NPDES permit applications typically do not require respondents to perform activities outside the normal operation practices.

For authorized states, O&M costs are limited to the revisions in 40 CFR 124.10(c) for providing public notice on an Agency website in lieu of the newspaper. The revision is not anticipated to result in changes in activities for permittees. For permitting authorities, it is anticipated that the revision would result in a cost reduction associated with website notice. In estimating the incremental cost savings, it is assumed that 20 percent of the authorized states will not opt for public notice via website for various reasons, including conflict with state statutes. Burden cost reduction is, therefore, assumed to be realized by 80 percent of the authorized states issuing NPDES permits. Burden cost reductions are based on information provided by Louisiana Department of Environmental Quality (LDEQ) in comments on the 2016 proposed rule. The comment provides information on the cost of providing public notice for Notices of Intent (NOIs) on the website. Assuming that it would cost the same to issue public notice for an NOI as for a permit, this information was used to estimate that each permit would cost \$113 (adjusted for inflation)¹⁰ to issue a public notice on a website. The cost of issuing a public notice via newspaper is assumed to be \$1,416 based on the Animal Sector burden estimates included in EPA ICR No. ICR 0229.23

¹⁰ From July 2016 CPI to June 2018 CPI using https://www.bls.gov/data/inflation_calculator.htm.

(adjusted for inflation).¹¹ Issuance of the Public Notice via website rather than via newspaper results in a burden reduction of \$1,303 per permit issuance.

Table 13.1 summarizes annual O&M costs for permittees and authorized states.

Table 13.1 Summary of Annual O&M Costs

	Permittees	Authorized States
Costs (O&M)	\$0	-\$1,366,847

Table 13.2. Estimated Burden Associated with Public Notice Option on Agency Website - Authorized States¹²

No. of Major and General Permits Issued by Authorized States ¹³	Response Frequency	Average Annual Burden Costs (2018\$)
1,049	1/5 yrs.	-\$1,366,847

14. Provide estimate of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operation expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

For states without approved NPDES programs, the federal government (through its' EPA Regional Offices) issues and administers NPDES permits. Baseline costs associated with existing NPDES application regulations and forms is addressed in the NPDES Program Consolidated ICR.¹⁴ This ICR addresses only the incremental costs associated with the NPDES Program Updates Rule and associated updated application forms. The burdens incurred as a result of the rule are similar to those incurred by authorized states and are calculated using the same methodology. Appendix A provides program administration burden estimates for the federal government in non-authorized states. The EPA estimates that the revisions to 40 CFR 122.21 related to updates and clarifications to the existing application requirements, and corresponding forms, will not result in an increase in the annualized cost to the federal government. Table 14.1 summarizes the average annual Agency burden hour and cost reductions resulting from the revisions. Table 14.2 provides

¹¹ From April 2018 CPI to June 2018 CPI using https://www.bls.gov/data/inflation_calculator.htm.

¹² These estimates reflect updated information from the number of permits and cost estimates presented in footnote 35 of the Federal Register notice on May 18, 2016 (81 FR 31366).

¹³ Assumes 80 percent of the permits would be issued by authorized states that opt for Public Notice via Agency website.

¹⁴ USEPA. "Information Collection Request (ICR) for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)," OMB Control No. 2040-0004, EPA ICR No. 0229.23, April 2018.

the O&M calculation for the EPA related to the provision to issue public notice via website, calculated in a manner similar to section 13 and Table 13.2.

Table 14.1 Summary of Agency Annualized Burden and Costs

	Total
Responses (#) (Tables 12.3.3, 12.4.2, and 12.5.3)	644
Burden (hours) (Tables 12.3.3, 12.4.2, and 12.5.3)	-170
Costs (labor, 2018\$) (Tables 12.3.3, 12.4.2, and 12.5.3)	-\$7,456
Costs (capital, 2018\$)	\$0
Costs (O&M, 2018\$) (Table 14.2)	-\$52,826
Total costs	-\$60,282

Table 14.2. Estimated Burden Associated with Public Notice Option on Agency Website - EPA

No. of Major and General Permits Issued by the EPA¹⁵	Response Frequency	Average Annual Burden Costs (2018\$)
41	1/5 yrs.	-\$52,826

15. Summary of the total burden associated with this ICR.

Table 15.1. Estimated Total Burden - Permittees (costs in 2018\$)

Revision (Section in ICR)	Responses Per Year	Response Frequency	Average Annual Burden Hours	Average Annual Labor Costs	Average Annual O&M Costs	Total Annual Burden Costs
Revised Application Forms (12.1)	20,663	1/5 years	-25,426	-\$1,534,937		-\$1,534,937
NAICS Codes (12.2)	12,240	1/5 years	1,224	\$73,893		\$73,893
Email Addresses (12.4.1)	20,663	1/5 years	11,526	\$695,839		\$695,839
Cooling Water (12.5.2)	293	1/5 years	73	\$4,416		\$4,416
Total			-12,603	-\$760,839		-\$760,789

Table 15.2. Estimated Total Burden - Authorized States (costs in 2018\$)

Revision	Responses Per Year	Response Frequency	Average Annual Burden Hours	Average Annual Labor Costs	Average Annual O&M Costs	Total Annual Burden Costs
Email addresses (12.3.2)	20,019	1/5 years	-5,005	-\$247,235	0	-\$247,235
Pretreatment (12.4.1)	306	1/5 years	-77	-\$3,804	0	-\$3,804
Cooling Water (12.5.2)	227	1/5 years	-227	-\$11,214	0	-\$11,214
Public Notice (13.2)	1,049	1/5 years	0	0	-\$1,366,847	-\$1,366,847
Total			-5,309	-\$262,253		-\$1,629,100

¹⁵ Assumes the EPA would issue Public Notice via Agency website for 100 percent of the permits issued.

Table 15.3. Estimated Total Burden - All Public (costs in 2018\$)

Constituent	Average Annual Burden Hours	Average Annual Labor Costs	Average Annual O&M Costs (non-labor)	Total Annual Burden Costs
Permittees	-12,603	-\$760,789	0	-\$760,789
Authorized States	-5,309	-\$262,253	-\$1,366,847	-\$1,629,100
Total	-17,912	-\$1,023,092	-\$1,366,847	-\$2,389,889

Table 15.4. Estimated Total Burden - EPA (costs in 2018\$)

Revision	Responses Per Year	Response Frequency	Average Annual Burden Hours	Average Annual Labor Costs	Average Annual O&M Costs	Total Annual Burden Costs
Email addresses (12.3.3)	644	1/5 years	-161	-\$7061		-\$7061
Pretreatment (12.4.2)	9	1/5 years	-2	-\$88		-\$88
Cooling Water (12.5.3)	7	1/5 years	-7	-\$307		-\$307
Public Notice (14.2)	41	1/5 years			-\$52,826	-\$52,826
Total			-170	-\$7,456	-\$52,826	-\$60,282

16. Explain the reasons for any program changes or adjustments in burden estimates from the previous approved ICR.

CWA section 402 and the NPDES regulations require collection of information primarily used by permitting authorities, permittees, and the EPA to make NPDES permitting decisions. This final rule and the corresponding updated application forms require revisions to the ICR to reflect changes to the forms and other information collection requirements. The EPA is reflecting the paperwork burden and costs associated with this rule in this separate ICR instead of revising the existing ICR for the entire program for administrative reasons. Eventually, the EPA plans to consolidate the burden and costs in this ICR into that master ICR for the entire NPDES program and discontinue this separate collection. This burden assessment does not include baseline costs for completing application forms or other program requirements since the EPA has accounted for those in the Information Collection Request (ICR) for the National Pollutant Discharge Elimination System (NPDES) Program (Renewal) (Office of Management and Budget [OMB] Control No. 2040-0004, EPA ICR No. 0229.23, expiration date 04/30/2021); rather, it only includes incremental burden addition or reduction associated with the revisions included in the final rule. The revisions are minor and would result in activity changes associated with completion of revised application forms and public notice of permitting actions for NPDES major individual and general permits. Standardized application forms addressed under this burden assessment include Forms 1, 2A, 2B, 2C, 2D, 2E, 2F, and 2S, as described herein. Please refer to sections 12.1-12.7 for changes applicable to permittees, section 13 for changes applicable to state permitting authorities, and section 14 for changes applicable to the EPA. Additional information can be found in Appendix A.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The EPA maintains some application data in databases such as ICIS-NPDES and eNOI. These systems provide the EPA with a nationwide inventory of all permit holders. The EPA uses this information to assess permit compliance. This technology also reduces the burden to the Agency and authorized states for gathering and analyzing national permit and water quality data. ICIS-NPDES is the national computerized management information system that automates entry, updates, and facilitates retrieval of NPDES data and tracks permit issuance, permit limits and monitoring data, and other data pertaining to facilities regulated under the NPDES program. Permit data can be accessed by the public in at least three ways:

- Via an on-line query using the EPA's Envirofacts Data Warehouse and Applications website at <https://www3.epa.gov/enviro>. Accessing data via Envirofacts provides a method to combine ICIS-NPDES data with other EPA databases and mapping tools.

- Via the EPA's Enforcement and Compliance History Online (ECHO) website at <https://echo.epa.gov/>. ECHO provides the public access to compliance history-related data for permittees by geographic area.
- Via the Freedom of Information Act (FOIA) by submitting a request to the EPA or the state.

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

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

18. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," in ROCIS.*

The EPA is able to comply with all provisions of the Certification for Paperwork Reduction Act Submissions.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.

Appendix A – Burden Assessment for the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule, August 2018

1. Background and Purpose

The purpose of this document is to provide an assessment of the incremental burden associated with the revisions included in the *National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule* and updated application forms. The final rule revises targeted provisions of the NPDES program requirements and application forms. This burden assessment does not include baseline costs for completing application forms or other program requirements since the EPA has accounted for those in the Information Collection Request (ICR) for the National Pollutant Discharge Elimination System (NPDES) Program (Renewal) (Office of Management and Budget [OMB] Control No. 2040-0004, EPA ICR No. 0229.23, expiration date 04/30/2021); rather, it only includes incremental burden addition or reduction associated with the revisions included in the final rule. The revisions are minor and would result in activity changes associated with completion of revised application forms and public notice of permitting actions for NPDES major individual and general permits. Standardized application forms addressed under this burden assessment Forms 1, 2A, 2B, 2C, 2D, 2E, 2F, and 2S, as described herein.

1.1 Form 1

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

Form 1 is not required for applicants submitting Forms 2A or 2S because these forms require essentially the same information.

1.2 Form 2A

Form 2A consolidates the application requirements for publicly owned treatment works (POTWs). Applicants submitting Form 2A are not required to submit Form 1. Section 1, Basic Application Information applies to all POTW applicants and requests information such as facility and applicant name, address, facility type, and existing environmental permits, collection system, population served, and outfall information. For POTWs with design flow greater than 0.1 million gallons per day (mgd), Section 2 requires information

on infiltration and inflow, a topographic map, flow diagram, and information on scheduled improvements. Section 3 applies to all applicants and requires information on outfalls, discharges, receiving water, and treatment provided. Depending on flow, treatment characteristics, and industrial users, applicants provide effluent characterization and whole effluent toxicity test data¹ in Tables B through E. Section 4 requires information on industrial discharges and hazardous wastes. Section 5 requires information for facilities that have combined sewer outfalls.

1.3 Form 2B

Concentrated animal feeding operations (CAFOs) and concentrated aquatic animal production (CAAP) facilities complete Form 2B, in addition to Form 1. The EPA revised Form 2B as part of the CAFO Rulemaking. CAFOs are required to provide information about the owner/operator, location, topographic map, CAFO characteristics, and nutrient management plans. CAAP facilities are required to provide data on the flow rates; the number of ponds, raceways, and similar structures; the species held at the facility; and the total pounds of production.

1.4 Form 2C

Existing manufacturing, commercial, mining, and silvicultural operations that discharge process wastewater complete Form 2C, in addition to Form 1. The form requests information about a discharger's outfall locations, flow rates, and treatment. Respondents must also perform the following tasks:

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

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

Testing requirements for toxic pollutants fall into two groups. First, all process discharges in primary industrial categories must be tested for the presence of metals, cyanide, and total phenols. However, testing is not required for all organic toxic pollutants in all primary

¹ As required under 40 CFR 122.21(j), all POTWs meeting any of the following criteria must provide the results of valid whole effluent toxicity testing to the Administrator: those with design influent flows equal to or greater than 1 MGD, those with an approved pretreatment program, those required to develop a pretreatment program, or those designated by the Administrator.

industrial categories. The specific organic pollutants for which an industry must test are listed by industry type in the regulations [40 CFR 122.21(g)(7)]. Second, in addition to the mandatory testing explained above, all industrial dischargers must report quantitative data for any toxic pollutant, conventional pollutant, listed nonconventional pollutant, or radioactivity that they know or have reason to believe is present in the discharge.

1.5 Form 2D

New facilities applying for NPDES permits to discharge process wastewater complete Form 2D, in addition to Form 1. The form requests information that helps permitting authorities determine if a facility is a new source of process wastewater.²

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

1.6 Form 2E

Facilities that submit this form, in addition to Form 1, discharge only non-process wastewater that is not regulated by effluent limitations guidelines or new source performance standards (NSPS). The primary respondents include dischargers of sanitary waste and noncontact cooling water. On Form 2E, applicants provide outfall locations, identify receiving waters, specify effluent characteristics, and describe treatment systems. Form 2E also requires minimal sampling for conventional pollutants such as biochemical oxygen demand (BOD).

1.7 Form 2F

Dischargers of stormwater associated with industrial activity applying for an individual permit, as opposed to a general permit, submit Form 2F, in addition to Form 1. This form requests information about outfall locations, scheduled improvements, flow rates, the history of leaks and spills at the facility, treatment applied to discharges, the drainage and surface area associated with discharges, and contractors used by the facility. It solicits narrative descriptions of pollutant sources, including the materials present at the site. It requires applicants to sample discharges for conventional pollutants and other pollutants regulated in NPDES permits held by the facility. The form also requests biological toxicity testing data.

² The EPA classifies new facilities into two groups: new sources and new dischargers. Generally, a facility is considered a new source, as opposed to a new discharger, if the EPA has developed a New Source Performance Standard (NSPS) applicable to the new facility. If not classified as a new source, an applicant is classified as a new discharger. The distinction is important because a new source must prepare an Environmental Impact Statement under the National Environmental Policy Act in states where the EPA is the permitting authority (see 40 CFR 122.2).

1.8 Form 2S

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

2. Burden Estimates for Revisions Included in the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule

2.1 Revisions Not Anticipated to Result in a Change in Activities or Burden

The revisions described herein are not anticipated to result in changes in activities or additional burden hours.

- 40 CFR 122.1 updates NPDES contact information.
- 40 CFR 122.2 adds two definitions related to the discharge of pesticides from pesticides application to ensure the NPDES regulations are consistent with the 6th Circuit decision (*National Cotton Council, et al. v. EPA*, 553 F.3d 927 (6th Cir. 2009)) as implemented in the EPA's Pesticide General Permit.
- 40 CFR 122.2(d) corrects typographical error of “NDPES” to “NPDES” in the definition of “New discharger”.
- 40 CFR 122.3(a) clarifies which vessel discharges are excluded from the requirement to obtain NPDES permits.
- 40 CFR 122.21(a)(2)(i) updates contact information.
- 40 CFR 122.21(g)(7)(ix) codifies longstanding existing practice of allowing the Form 2C applicant to provide existing data that has been collected in the previous three years and provides clarity in the Form 2C instructions.
- 40 CFR 122.21(k)(5)(vi) updates to remove the reference to a permit holder's presumed gender and corrects the reference to the correct application form (i.e., Form 2C).
- 40 CFR 122.44(k)(4) deletes outdated references to information sources that are no longer available and provides a website address where updated guidance is provided.
- 40 CFR 125.3(a)(1)(ii) removes an outdated regulation.

2.2 Revisions Anticipated to Result in Changes in Activities or Burden

The revisions described herein are anticipated to result in changes in activities and additional or reduced burden.

- 40 CFR 122.21 includes clarifying changes to existing application requirements and forms.
-
- Various regulatory references request email address (multiple application forms).³
- 40 CFR 122.21(j)(6)(i) requests the number of SIUs and NSCIUs.
- 40 CFR 122.21(f)(9) requests applicants indicate if they have cooling water intake structure(s) (CWIS).
- 40 CFR 122.21(f)(10) and 122.21(j) requires applicants to indicate, at the time of permit application, whether they are requesting technology-based variances or are operating under the technology-based variances described in 122.21(m) and (n).
- 40 CFR 122.21(j)(4)(i) and 40 CFR 122.21(j)(5)(i) requires new POTW dischargers to submit characterization data for specified parameters and WET within 24 months of commencement of the discharge. The time limit to submit was previously unspecified.
- 40 CFR 124.10(c) allows public notice of major and general permits via website in lieu of newspaper.

2.3 General Assumptions for Burden Estimates

In estimating the burden hours, the number of respondents were based on the number of types of permits in existence. Counts of permits were obtained from the NPDES Program ICR and were representative of 2016. For this burden assessment, permittee numbers for 2018 through the next five year permitting cycle are assumed to be the same as in 2016. The time estimates for activities resulting from the revisions are less than one hour on a per form or per permit basis, thus any differences in future numbers of permittees are not expected to greatly influence overall burden estimates.

Burden hour estimates for states authorized to administer the NPDES program (which can include U.S. territories and Indian tribes, referred to as “authorized states”) and the EPA are estimated on a per permit basis. Information on the issuing agency (authorized state versus the EPA) was obtained from the NPDES Program ICR as previously discussed or, where not available in the NPDES Program ICR, estimated based on the proportion of states with specific NPDES permitting authorities (e.g., general program, pretreatment, biosolids, etc.).

For the revisions with anticipated burden identified in section 2.2, the burden would be realized once within a five-year period, with the assumption that each permit would be reapplied for and renewed once every five years. The estimated average annual burden hours are assumed to be divided evenly among the five years.

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

³40 CFR 122.21(c)(2)(ii)(B), 40 CFR 122.21(f)(4), 40 CFR 122.21(j)(1)(ii), 40 CFR 122.21(j)(1)(viii)(2) and (3), 40 CFR 122.21(j)(9), 40 CFR 122.21(q)(1)(i), 40 CFR 122.21(q)(2)(i), 40 CFR 122.21(q)(8)(vi)(A), 40 CFR 122.21(q)(9)(iii)(D) and (E), 40 CFR 122.21(q)(9)(iv)(A), 40 CFR 122.21(q)(10)(ii)(A), 40 CFR 122.21(q)(10)(iii)(K)(1), 40 CFR 122.21(q)(11)(ii)(A), 40 CFR 122.21(q)(12)(i), and 40 CFR 122.21(q)(13).

- The EPA used a labor rate of \$49.40 per hour for all authorized state and territory respondent activities defined in this ICR. This hourly rate was based on the average hourly wage for state and municipal employees as determined by the U.S. Department of Labor.⁴
- The EPA assumes the average hourly rate in the private sector is \$60.37.⁵ This value was used for all permittees.
- The EPA determined the hourly employment cost of federal employees using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2018 General Schedule (2018-GS), the average annual salary of a government employee at the GS-9, Step 10 level is \$57,015. At 2,080 hours per year, the hourly wage is \$27.41. Assuming overhead costs of 60 percent, or \$16.45 per hour, the fully loaded cost of employment for a federal employee is \$43.86 per hour.

2.4 Improved Forms (40 CFR 122.21)

The application Forms 1 through 2S, described above, and the accompanying instructions for each form have been reformatted and enhanced for improved readability and clarity. It is assumed that applicants will experience a burden reduction of 0.5 hours per form because of reduced time to complete the forms. The number of respondents is calculated from the following assumptions:

- Non-POTW dischargers are required to submit Form 1 and some combination of Forms 2B through 2F. The estimate assumes that 80 percent of the non-POTW dischargers would submit two forms in addition to Form 1; 20 percent of non-POTWs would submit only one additional form.
- POTWs are assumed to submit Form 2A and Form 2S.

Table 1. Estimated Burden Associated with Improved Forms – Permittees

Permittees	Responses Per Year	No. of Forms/ 5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
POTWs	8,156	2	-8,156	-\$492,378
Individual Non-POTWs	12,240	2-3 ⁶	-17,136	-\$1,034,500
Sludge Only TWTDS	267	1	-134	-\$8,059
Total	20,663	--	-25,426	-\$1,534,937

⁴ 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, March 2018.*

⁵ Determined by the U.S. Department of Labor, Bureau of Labor Statistics, Total Compensation for Management, professional, and related; *Table 5. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by major occupational group and bargaining unit status, June 2016.*

⁶ Assumed that 80 percent of non-POTWs submit Form 1 plus 2 additional forms and 20 percent of non-POTWs submit Form 1 plus 1 additional form.

The permitting authorities (i.e., authorized states and the EPA) are not expected to incur additional activities because of the revised forms.

2.5 Reporting Industrial Classification Codes (40 CFR 122.21(f)(3))

The revisions to the NPDES application forms include a new requirement for applicants to provide up to four North American Industrial Classification System (NAICS) codes. This additional reporting is only applicable to applicants submitting Form 1 (industrial applicants). The form instructions include directions to identify the NAICS codes that correspond to a facility’s known SIC code. In addition, the applicant may know which NAICS code(s) apply to the facility through other federal or state permits it has been issued. The EPA estimates this requirement will add an estimate of 0.1 hours of burden.

Table 2. Estimated Burden Associated with Reporting NAICS Codes - Permittees

Permittees	Responses Per Year	Avg. No. of NAICS Codes Entries/5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual Non-POTWs	12,240	1.0	1,224.0	\$73,893
Total	12,240	1.0	1,224.0	\$73,893

2.6 Reporting Email Address³

The revisions to the NPDES application forms require email addresses be provided in Forms 1, 2A, 2B (for CAFOs only), and 2S. Additional activities associated with this revision include an estimate of 0.1 hours to enter each email entry, including time to consult records. In most instances, email addresses will be readily available, and/or will be the same email address entered in multiple locations. Computer auto-entry functions may further speed this process. Forms 2A, 2B, and 2S have multiple locations where email addresses may be required for owners and operators other than the applicant. POTW applicants are assumed to complete on average 11 of 23 possible email entries. Non-POTW applicants are assumed to complete on average 1.5 out of two possible email entries per permit. Applicants for CAFOs are assumed to complete on average 1.5 out of two possible email entries. CAFO applicant email entries for Form 1 are counted as “Individual Non-POTWs.” Sludge-only TWTDS applicants are assumed to complete on average nine out of 18 possible email entries on Form 2S.

Table 3. Estimated Burden Associated with Reporting Email Address - Permittees

Permittees	Responses Per Year	Avg. No. of Email entries/ 5 years	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual POTWs	8,156	11	8,971.6	\$541,615
Individual Non-POTWs	12,240	1.5	1,836.0	\$110,839
CAFOs	3,189	1.5	478.4	\$28,878
Sludge Only TWTDS	267	9	240.3	\$14,507
Total	20,663⁷	--	11,526.3	\$695,839

Permitting authorities are anticipated to experience reduced burden associated with more efficient communication. The burden reduction is assumed to be -0.25 hours per permit application package. For POTWs, non-POTWs, and CAFOs, the number of POTW and non-POTW permits issued by authorized states and the EPA were obtained through the NPDES Program ICR. For sludge only TWTDS permits, the number of permits issued by authorized states versus the EPA was assumed to be three percent, based on the number of states with authorized sludge programs.

Table 4. Estimated Burden Associated with Reporting Email Address – Authorized States

Permittees	Responses Per Year	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual POTWs, Non-POTWs, and Sludge Only TWTDS	20,019	-5,005	-\$247,235

Table 5. Estimated Burden Associated with Reporting Email Address – EPA

Permittees	Responses Per Year	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Individual Municipal, Non-municipal, and Sludge Only Facility Applicants	644	-161	-\$7,061

2.7 Request for the Number of Significant Industrial Users (SIUs) and Non-Significant Categorical Industrial Users (NSCIUs) (40 CFR 122.21(j)(6)(i))

Existing regulations require that POTWs identify the number of SIUs and Categorical Industrial Users (CIUs). The revision requires identification of the number of SIUs and NSCIUs. The revision is anticipated to reduce the redundancy of identifying CIUs twice. Under the revision, permittees are anticipated to identify a subset of CIUs that have been determined to be NSCIUs; therefore, no change in burden is anticipated for permittees.

Authorized states and the EPA are anticipated to experience reduced burden associated with clearer information in Form 2A of the universe of CIUs that are designated as NSCIUs. The assumed reduction is estimated as 0.25 hours per applicant.

Table 6. Estimated Burden Hour Reduction for Review of Applications for POTWs with Pretreatment Programs – Authorized States

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Permits Issued by Authorized States	306	1/5 yrs.	-77	-\$3,804

⁷ Excludes count of CAFO applicants because they are already counted as Non-POTWs.

Table 7. Estimated Burden Hour Reduction for Review of Applications for POTWs with Pretreatment Programs – EPA

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Permits Issued by the EPA	9	1/5 yrs.	-2	-\$88

2.8 Cooling Water Intake Structure (CWIS) Indication (40 CFR 122.21(f)(9))

The revision requires the applicant to indicate whether the facility uses cooling water and specify the source of the cooling water. The revision is anticipated to result in additional burden for power plants and manufacturers that use cooling water. The additional burden associated with consulting records is 0.25 hours per application.

Table 8. Estimated Burden Associated with CWIS Indication – Permittees

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Power Plants and Manufacturers with Cooling Water ⁸	293	1/5 yrs.	73	\$4,416

For authorized states and the EPA, the revision is expected to result in more efficient permitting because the permitting authority can initiate data submissions and reviews earlier in the permitting process. This efficiency will be realized where the permitting authority is issuing/reissuing permits that are subject to 40 CFR 122.21(r) submission requirements. For applicants that indicate they use cooling water, 80 percent are assumed to be subject to 40 CFR 122.21(r) and the estimated burden reduction for this portion of applicants is 1.0 hour.

Table 9. Estimated Burden Associated with CWIS Indication – Authorized States

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Power Plants and Manufacturers with Cooling Water ^{8,9}	227	1/5 yrs.	-227	-\$11,214

⁸ Does not include offshore oil and gas facilities that are not subject to 40 CFR 122.21(r) requirements.

⁹ Information on the number of permits issued by the EPA/authorized states is estimated based on the overall ratio of state issued/federal issued permits, which is approximately 0.03.

Table 10. Estimated Burden Associated with CWIS Indication - EPA

Permittees	Responses Per Year	Response Frequency	Average Annual Total Burden (hours)	Average Annual Total Labor Costs (2018\$)
Power Plants and Manufacturers with Cooling Water ^{8,9}	7	1/5 yrs.	-7	-\$307

2.9 Notification of Existing Technology-based Variances or Anticipated Technology-based Variance Requests (40 CFR 122.21(f)(10) and 122.21(j))

The revisions request that permittees indicate in the application form whether they are currently operating under a technology-based variance or are requesting a technology-based variance that may be allowed under 40 CFR 122.21(m) for non-POTWs and 40 CFR 122.21(n) for POTWs. A technology-based variance would be a major component of a permit; thus, the application respondent is likely to know this information and would not need to review records to complete this entry in Form 2C. A small number of technology-based variances are requested each year. Data collected as part of EPA ICR No. ICR 0229.23 indicated there were only 61 permits that included technology-based variance requests or technology-based variance renewals that would be subject to the regulation. Because of the small number of permittees that would be affected, the EPA expects that burden addition or reduction for permittees, authorized states, and the EPA to be minimal and has assumed it to be 0 hours.

2.10 New POTW Submittal of Effluent Characterization Data within 24 months of Commencement of the Discharge (40 CFR 122.21(j)(4)(i) and 40 CFR 122.21(j)(5)(i))

The revisions require new POTW dischargers to provide characterization data for specific analytes (40 CFR 122.21(j)(4)(i)) and whole effluent toxicity (40 CFR 122.21(j)(4)(i)) within 24 months of commencement of the discharge. Existing regulations do not specify the time limit to submit this information. In practice, permitting authorities typically include characterization data requirements for new dischargers in the initial NPDES permit issued; therefore, the EPA has assumed there are no new costs associated with sampling for the analytes listed in Form 2A, only variation in the required timeframe for collecting and reporting the data in Form 2A. In addition, the number of new POTW dischargers each year is expected to be low. In consideration of the minor change in timing that would affect very few dischargers, the estimated burden is assumed to be minimal; thus, no burden hours or costs are calculated.

2.11 Option to Provide Public Notice on Agency Website in Lieu of the Newspaper (40 CFR 124.10(c)(2)(iv))

The revision is not anticipated to result in changes in activities for permittees. For permitting authorities, it is anticipated that the revision would result in a cost reduction associated with website notice. In estimating the incremental cost savings, it is assumed that 20 percent of the authorized states will not opt for public notice via website for various reasons, including conflict with state statutes. Burden cost reduction is, therefore, assumed to be realized by 80 percent of the authorized states issuing NPDES permits.

Burden cost reductions are based on information provided by Louisiana Department of Environmental Quality (LDEQ) in comments on the 2016 proposed rule. The comment provides information on the cost of providing public notice for Notices of Intent (NOIs) on the website. Assuming that it would cost the same to issue public notice for an NOI as for a permit, this information was used to estimate that each permit would cost \$113 (adjusted for inflation)¹⁰ to issue a public notice on a website. The cost of issuing a public notice via newspaper is assumed to be \$1,416 based on the Animal Sector burden estimates included in EPA ICR No. ICR 0229.23 (adjusted for inflation).¹¹ Issuance of the Public Notice via website rather than via newspaper results in a burden reduction of \$1,303 per permit issuance.

Table 10. Estimated Burden Associated with Public Notice Option on Agency Website - Authorized States¹²

No. of Major and General Permits Issued by Authorized States ¹³	Response Frequency	Average Annual Burden Costs (2018\$)
1,049	1/5 yrs.	-\$1,366,847

Table 11. Estimated Burden Associated with Public Notice Option on Agency Website - EPA

No. of Major and General Permits Issued by the EPA ¹⁴	Response Frequency	Average Annual Burden Costs (2018\$)
41	1/5 yrs.	-\$52,826

3. Total Burden Estimate Associated with Revisions Included in the National Pollutant Discharge Elimination System (NPDES): Specific Provisions Affecting Applications and Program Updates Final Rule

The total annual burden costs include labor and operations and maintenance (associated with issuing public notices on agency websites). Because the revisions address permit application and renewal activities, they are assumed to repeat once every five years. The average annual burden costs can, therefore, be assumed to be the same for future years. The summed average annual burden costs are provided in Tables 12-14.

Table 12. Estimated Total Burden - Permittees

Responses Per Year	Response Frequency	Total Average Annual Burden Hours	Average Annual Burden Costs (2018\$)
20,663	1/5 yrs.	-12,602.7	-\$760,825

¹⁰ From July 2016 CPI to June 2018 CPI using https://www.bls.gov/data/inflation_calculator.htm.

¹¹ From April 2018 CPI to June 2018 CPI using https://www.bls.gov/data/inflation_calculator.htm.

¹² These estimates reflect updated information from the number of permits and cost estimates presented in footnote 35 of the Federal Register notice on May 18, 2016 (81 FR 31366).

¹³ Assumes 80 percent of the permits would be issued by authorized states that opt for Public Notice via Agency website.

¹⁴ Assumes the EPA would issue Public Notice via Agency website for 100 percent of the permits issued.

Table 13. Estimated Total Burden - Authorized States

Responses Per Year	Response Frequency	Total Average Annual Burden Hours	Average Annual Burden Costs (2018\$)
20,019	1/5 yrs.	-5,309	-\$1,629,100

Table 14. Estimated Total Burden - EPA

Responses Per Year	Response Frequency	Total Average Annual Burden Hours	Average Annual Burden Costs (2018\$)
644	1/5 yrs.	-170	-\$60,282

Appendix B – Citation of Regulation Authorizing Data Collection and Federal Register Notice

B.1 United States Clean Water Act, Section 402: National Pollutant Discharge Elimination System (33 U.S.C. sec. 1342)

B.2 National Pollutant Discharge Elimination System (NPDES): Applications and Program Updates Final Rule (NPDES Program Updates Rule), XX FR XXXXX, December XX, 2018.

Appendix C – Draft Revised NPDES Application Forms

C.1 Application Form 1, General Information

(See attached PDF document)

C.2 Application Form 2A, New and Existing Publicly Owned Treatment Works

(See attached PDF document)

C.3 Application Form 2B, Concentrated Animal Feeding Operations and Concentrated Aquatic Animal Production Facilities

(See attached PDF document)

C.4 Application Form 2C, Existing Manufacturing, Commercial, Mining, and Silvicultural Operations

(See attached PDF document)

C.5 Application Form 2D, New Manufacturing, Commercial, Mining, and Silvicultural Operations That Have Not Yet Commenced Discharge of Process Wastewater

(See attached PDF document)

C.6 Application Form 2E, Manufacturing, Commercial, Mining, and Silvicultural Facilities Which Discharge Only Nonprocess Wastewater

(See attached PDF document)

C.7 Application Form 2F, Stormwater Discharges Associated with Industrial Activity

(See attached PDF document)

C.8 Application Form 2S, New and Existing Treatment Works Treating Domestic Sewage

(See attached PDF document)