

**Information Collection Request (ICR) for the
NPDES Electronic Reporting Rule – Phase 2 Extension (Proposal)
(EPA No. 2617.01, OMB No. 2020-NEW)**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Title: NPDES Electronic Reporting Rule – Phase 2 Extension (Proposal)

EPA ICR No.: 2617.01

OMB Control No.: 2020-NEW

1(b) Short Characterization/ Abstract

EPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (“NPDES eRule”) on 22 October 2015. The 2015 rule required EPA and states to modernize Clean Water Act (CWA) reporting for municipalities, industries and other facilities. That rule replaced most paper-based NPDES reporting requirements with electronic reporting. These reports include: (1) Discharge Monitoring Reports (DMRs); (2) general permit reports (e.g., Notices of Intent to discharge in compliance with a general permit); and (3) other specified program reports. The NPDES eRule included a phased implementation schedule (40 CFR 127.26). Most states and permittees have successfully implemented Phase 1 of the NPDES eRule, which includes DMRs and the Federal Biosolids Annual Report where EPA is the Regulatory Authority. All other reports and notices are part of Phase 2 implementation.

EPA is proposing to postpone the compliance date for Phase 2 implementation by three years and to provide states with additional flexibility to request even more time as needed. Further, the proposed rule accompanying this ICR would also clarify existing requirements and eliminate some duplicative or outdated reporting requirements. These changes will help ensure a smoother transition from paper to electronic reporting for the NPDES program. Taken together, the flexibility afforded by the proposed rule and the implementation of electronic reporting will help NPDES authorized programs save considerable resources, make reporting easier for NPDES-regulated entities, streamline permit renewals (as permit writers typically review previous noncompliance events during permit renewal), ensure full exchange of NPDES program data between states and EPA to the public, improve environmental decision-making, and protect human health and the environment.

This rule-related ICR addresses the incremental burden to authorized NPDES programs under the proposed changes to the 2015 NPDES eRule. The incremental burden is associated with the submittal of alternative Phase 2 compliance deadlines requests to EPA and the sharing of information related to state-issued general permits and program reports. This ICR does not impose any new reporting requirements on NPDES-regulated entities.

The respondents to this ICR are the 48 authorized NPDES programs (47 states and the U.S. Virgin Islands). The total annual burden for the 48 authorized EPA programs is 416 hours. Burden is defined at 5 CFR 1320.3(b). EPA estimates that this burden will reduce as more and more general permits and program reports are switched from paper to electronic reporting.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

2(a)(i) Need for the Collection

EPA published the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (“NPDES eRule”) on 22 October 2015. The 2015 rule required EPA and states to modernize Clean Water Act (CWA) reporting for municipalities, industries and other facilities. That rule replaced most paper-based NPDES reporting requirements with electronic reporting.

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

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

The proposed rule would extend the NPDES eRule Phase 2 implementation period and provide for additional flexibility for authorized NPDES programs. The overall impact of these proposed changes would allow states to more efficiently implement the NPDES eRule. EPA proposes postponing the compliance date for Phase 2 implementation by three years (from December 21, 2020 to December 21, 2021) and providing states with additional flexibility to request even more time as needed. Under the proposed rule, authorized NPDES programs can submit an alternative Phase 2 compliance deadlines request to EPA for review and approval or rejection. This ICR covers the burden associated with the process for authorized NPDES programs to request additional time from EPA as needed for Phase 2 implementation.

Finally, this ICR covers the burden associated with authorized NPDES programs sharing basic information with EPA about their Phase 2 implementation of the NPDES eRule. Under the NPDES eRule authorized NPDES programs must share basic information with EPA regarding their general permits and program reports so that EPA can assess the corresponding electronic reporting participation rates [see 40 CFR 127.26(j)]. This ICR covers the burden associated with creating a complete inventory of NPDES general permits and program reports and the related electronic reporting tools. This inventory will help ensure that EPA has nationally consistent, complete, accurate, and timely information on general permits and program reports and the related electronic reporting tools so that it can accurately tracking Phase 2 implementation of the NPDES eRule. This information sharing will help EPA, authorized NPDES programs, and NPDES-regulated entities identify progress in implementing the NPDES eRule. With the implementation of this information collection activity, NPDES-regulated entities would be able to ensure that they are fully aware of the compliance dates and electronic reporting tools for their reporting obligations.

2(a)(ii) Authority for the Collection

The Clean Water Act (CWA)¹ establishes a comprehensive program for protecting and restoring our nation's waters. The National Pollutant Discharge Elimination System (NPDES) permit program was established by the CWA to authorize and control the discharges of pollutants to waters of the United States (CWA Section 402(a)). This information collection activity flows from the NPDES Electronic Reporting Rule (see October 22, 2015; 80 FR 64064), which is intended to reduce the burden associated with the existing paper-based reporting system. Echoing the goals of CWA section 101(f), the rule would increase the speed, quality and scope of information received by EPA, authorized NPDES programs, and the public.

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

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

2(b) Practical Utility/Users of the Data

EPA has primary responsibility for ensuring the CWA's NPDES program is effectively and consistently implemented nationwide, thus ensuring that public health and environmental protection goals of the CWA are met. EPA is taking this action pursuant to CWA sections 101(f), 304(i), 308, 402, and 501. The accurate, complete, and timely information collected under this ICR will help EPA and states more efficiently implement the 2015 NPDES eRule. The improved information sharing would increase transparency and accountability and help EPA and authorized NPDES programs collaborate and measure progress in implementing the 2015 NPDES eRule. This information collection would provide EPA with more timely, consistent, and accurate inventory of all general permits and program reports, the number of facilities that must electronically submit reports, and the online location of state electronic reporting tools.

Receiving current high-level data on general permits and program reports is critical to EPA's ability to oversee and manage authorized NPDES programs. Authorizing the burden under this ICR will allow EPA to provide timely assistance to authorized NPDES programs as they implement the NPDES eRule. The general permits and program reports inventory will help promote efficiencies in NPDES eRule implementation as states will be able to use this information to identify other states that have already developed electronic reporting tools. Additionally, with the implementation of this information collection activity, NPDES-regulated entities would be able to ensure that they are fully aware of the compliance dates and electronic reporting tools for their reporting obligations.

¹ The 1948 Federal Water Pollution Control Act (FWPCA) and subsequent amendments are now commonly referred to as the Clean Water Act (CWA).

3. NON-DUPLICATION, CONSULTATIONS AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

This ICR covers a new provision in the NPDES eRule that allows authorized NPDES programs to request an alternative Phase 2 compliance deadline for specific facilities, general permits, program reports, or data elements. This ICR covers the burden associated with the alternative Phase 2 compliance deadlines requests and is not duplicated in any other ICR or NPDES regulation. This ICR also covers the information sharing between authorized NPDES programs and EPA to compile and maintain key information related to the general permits and program reports that must switch to electronic reporting. This data collection is non-duplicative as these data are not collected elsewhere.

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

This ICR will be made available to the public for comment concurrent with the proposed rule published in the *Federal Register*. Responses to comments will be considered in developing the final rulemaking.

3(c) Consultations

EPA has held many consultations with authorized NPDES program during the implementation of this final rule. The authorized NPDES programs recommended that EPA extend the Phase 2 compliance date and include more implementation flexibility in implementation. EPA has organized these consultations around the NPDES sectors [e.g., biosolids, stormwater, pretreatment) and other major topics (e.g., data exchange, development of general permits and program reports in EPA's NPDES Electronic Report Tool (or "NeT"), NPDES Noncompliance Report development]. These consultations were usually held on a bi-weekly schedule and involved most of the authorized NPDES programs. Additionally, EPA held two meetings with Association of Clean Water Administrators (ACWA) and several authorized NPDES programs to review the major aspects of the proposed rule associated with this ICR.

3(d) Effects of Less Frequent Collection

EPA recognizes the importance of balancing the need for data collection efforts against burden and costs to the respondents. EPA has already seen cost saving benefits in implementing the 2015 NPDES eRule. This included savings for regulated entities, states, and EPA through the elimination of requirements associated with mailing and processing paper reports.

Less frequent reporting would make it more difficult for EPA to perform its oversight role on NPDES eRule Phase 2 implementation, hamper its ability to effectively provide guidance to state programs, severely limit its ability to provide meaningful review and comment on the alternative Phase 2 compliance deadlines requests for general permits and program reports. Less frequent reporting would impair EPA's ability to have a nationally consistent, complete, accurate, and timely information on general permits and program reports and the related electronic reporting tools.

Finally, this ICR does not alter the reporting frequencies associated with the NPDES program (see OMB Control No. 2040-0004). The effects of less frequent collection of NPDES data are discussed in this approved ICR.

3(e) General Guidelines

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

3(f) Confidentiality

None of the information collected under this ICR is confidential business information (CBI), enforcement sensitive, or contain personally identifiable information.

3(g) Sensitive Questions

The requirements addressed in this ICR do not include sensitive questions. Sensitive questions are defined in EPA's ICR Handbook, *Guide to Writing Information Collection Requests Under the Paperwork Reduction Act of 1995* as "questions concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private." The information addressed in this ICR is generally related to due dates for general permits and program reports and related electronic reporting tools. Under this ICR there is no information collected on individuals.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

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

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

EPA issues NPDES permits except where a state demonstrates that it has adequate legal, technical, and financial capabilities in place to administer the NPDES program. To date, 47 states and one U.S. territory are authorized by EPA to administer the NPDES program, or parts of it.² EPA is the authorized NPDES program for the entire program in the other 3 states and all tribes and the remaining territories. EPA is also the authorized NPDES program for any subprogram for which authorized states have declined to assume responsibility, and for certain national subprograms such as vessels. The authorized states and territories are considered respondents for evaluating paperwork burden in this ICR.

4(b) Information Requested

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

EPA is proposing to postpone the compliance date for Phase 2 implementation by three years (from December 21, 2020, to December 21, 2023) and to provide states with additional flexibility to request even more time as needed. The proposed new regulatory provision [40 CFR 127.24(e)] would allow authorized NPDES programs to request even more time to implement Phase 2 of the NPDES eRule beyond December 21, 2023. This ICR covers the burden associated with the submission of alternative Phase 2 compliance deadlines requests from authorized NPDES programs and EPA's review and determination.

Under this provision authorized NPDES program would send a request for EPA to review and determination. This request would identify the facilities, general permits, program reports, or data

² See: <https://www.epa.gov/npdes/npdes-state-program-information>

elements for which the authorized NPDES program needs additional time beyond December 21, 2023. A waiver request submission can cover one or more general permits and program reports. For example, under this option a state could seek approval from the EPA to postpone implementation of electronic reporting for a NPDES general permit until some agreed upon time after December 21, 2023, but no later than December 21, 2026. This waiver might be helpful if a state has a permit or program report that is a lower priority for electronic reporting (e.g., a general permit that provides coverage for 10 or fewer NPDES-regulated entities).

The alternative Phase 2 compliance deadlines request must:

- be submitted to EPA by the Director, as defined in 40 CFR 122.2;
- identify each general permit, program report, and related data elements covered by the request and the corresponding alternative Phase 2 compliance deadlines;
- identify each facility covered by the request and the corresponding alternative Phase 2 compliance deadlines (Note: This only applies if the request covers some but not all facilities with the general permit or program report requirement);
- be submitted at least 120 days prior to the compliance dates in Table 1 to 40 CFR 127.16 or a previously EPA approved alternative Phase 2 compliance deadline; and
- provide a rationale for the delay and enough details (e.g., tasks, milestones, roles and responsibilities, necessary resources) to clearly describe how the program will successfully implement electronic reporting for general permit, program report, and related data element covered by the request.

EPA will review each alternative Phase 2 compliance deadline request and approve or reject the request within 120 days. EPA will provide notice to the authorized NPDES program. The authorized NPDES program may re-apply if the initial request is rejected by EPA. EPA will update its website with each alternative Phase 2 compliance deadline and the corresponding Agency approval or rejection notice. EPA will provide updated information at: <https://www.epa.gov/compliance/npdes-ereporting>. EPA will update its website to clearly identify the approved alternative Phase 2 compliance deadline for each facility, general permit report, program report, and related data element by authorized NPDES program.

EPA and states also need to share information to create a common and complete inventory of general permits and program reports and related electronic reporting tools. This inventory will help promote efficiencies in NPDES eRule implementation. Under the NPDES eRule authorized NPDES programs must share basic information with EPA regarding their general permits and program reports so that EPA can assess the corresponding electronic reporting participation rates [see 40 CFR 127.26(j)]. This ICR covers the burden associated with the authorized NPDES program providing information to EPA to compile and maintain this inventory of general permits and program reports and related electronic reporting tools. The general permit data to be shared with EPA includes:

- NPDES General Permit ID
- State
- NPDES General Permit Name
- Link to NPDES General Permit (URL)
- Link to Electronic Reporting Tool (URL)
- Electronic Reporting Tool Initial Deployment Date
- General Permit Issued Date

- General Permit Effective Date
- General Permit Expired Date
- Estimate Number of General Permit Covered Facilities
- EPA Issued General Permit
- General Permit will use EPA’s NPDES Electronic Reporting Tool (or “NeT”)
- General Permit Requires DMR Submissions
- General Permit Requires Program Report
- Industrial Category
- General Permit Requires NOI Submission
- Timing of General Permit NOI Submissions
- General Permit Will Be Renewed

The program report data to be shared with EPA includes:

- State
- Program Report Type
- Link to Electronic Reporting Tool (URL)
- Electronic Reporting Tool Initial Deployment Date
- Estimate Number of Program Report Filers
- EPA Issued Program Report
- Program Report will use EPA’s NPDES Electronic Reporting Tool (or “NeT”)

Authorized NPDES programs will share these data with EPA as their general permits and program reports and the related electronic reporting tools are updated or deployed. Authorized NPDES programs will also annually review and update EPA’s inventory of general permits and program reports and the related electronic reporting tools. EPA will make these data available to authorized NPDES programs and NPDES-regulated entities for review through an easy to use online dashboard. EPA will also supplement these data with the “Electronic Reporting Deadline” for each general permit and program report. This will provide a single source of information on “who” needs to report, “what” reports must be submitted electronically, “when” these reports must be electronically submitted, and the location of the electronic reporting tool (i.e., the “where”).

4(b)(ii) Respondent Activities

State authorized NPDES programs would need to complete the following activities:

- Authorized NPDES programs will need to email a waiver request to EPA when they are seeking an alternative Phase 2 compliance deadline for general permits or program reports. This will involve complete a two- or three-page memorandum or form with information listed above so that EPA can make an informed decision on whether to approve or deny the request. This request should be submitted at least 120 days prior to the compliance dates in Table 1 to 40 CFR 127.16 or a previously EPA approved alternative Phase 2 compliance deadline. A waiver request submission can cover one or more general permits and program reports.
- Authorized NPDES programs will need to send an email to EPA with the information listed above as they update or deploy their general permits and program reports and the related electronic reporting tools. These updates should be timely in that the authorized NPDES program sends an email to EPA within 40 days of the completed activity. EPA may also create an online form for authorized NPDES programs to submit these data.
- Authorized NPDES programs will need to annually review EPA’s inventory of general permits and program reports and the related electronic reporting tools. Authorized NPDES programs will summarize this review in an email to EPA. This email will confirm that EPA’s inventory is

complete and accurate as well as identify any necessary changes. EPA may also create an online form for authorized NPDES programs to submit these data.

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

5(a) Agency Activities

EPA will review each alternative Phase 2 compliance deadline request and approve or reject the request within 120 days. EPA will provide notice to the authorized NPDES program. The authorized NPDES program may re-apply if the initial request is rejected by EPA. EPA will update its website with each alternative Phase 2 compliance deadline request and the corresponding Agency approval or rejection notice. EPA will provide updated information at: <https://www.epa.gov/compliance/npdes-ereporting>. EPA will update its website to clearly identify the approved alternative Phase 2 compliance deadlines for each facility, general permit report, program report, and related data element by authorized NPDES program.

EPA will also update its online inventory of general permits and program reports and the related electronic reporting tools to make sure that it is nationally consistent, complete, accurate, and updated as new information is shared with EPA. EPA will update its website to provide the inventory through an easy to use online dashboard and make the dashboard available to authorized NPDES programs and NPDES-regulated entities.

5(b) Collection Methodology and Management

Authorized NPDES programs will need to submit a waiver request when they are seeking an alternative Phase 2 compliance deadline for general permits or program reports. This will involve complete a two- or three-page memorandum or form with information listed above so that EPA can make an informed decision on whether to approve or deny the request. This memorandum or form will be email to EPA (NPDESeReporting@epa.gov).

Authorized NPDES programs will need to provide updates to EPA's inventory of general permits and program and the related electronic reporting tools by sending an email to EPA (NPDESeReporting@epa.gov). Authorized NPDES programs will also need to annually confirm through a memorandum or form that the EPA's inventory of general permits and program reports and the related electronic reporting tools are accurate and complete.

5(c) Small Entity Flexibility

Authorized NPDES programs would also incur costs during the period of this ICR, but by definition are not considered to be small entities.

5(d) Collection Schedule

This ICR covers only those activities that occur within the first three years after the effective date of the proposed rule. The analysis makes a conservative assumption regarding the number of authorized NPDES program that will need to submit an alternative Phase 2 compliance deadline request. Specifically, the analysis assumes that one third of the 47 authorized NPDES program that have elected to build one or more electronic reporting tools (approximately 15 programs) will need to complete an alternative Phase 2 compliance deadline request within the time period covered by this ICR. This estimate does not account

for the state-electronic reporting tools that are already deployed (i.e., no alternative Phase 2 compliance deadline needed).

Additionally, all 48 programs will need to submit general permits and program report data to EPA on a regular basis (within 40 days of completed activity) and annually confirm its accuracy.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

This section presents the burden and cost estimates associated with the proposed rule associated with this ICR. EPA estimates that approximately 48 respondents would annually incur paperwork-related burden following promulgation of the rule. This number is based on the number of NPDES authorized NPDES programs.

6(a) Estimating Total Respondent Burden

EPA estimates that state authorized NPDES programs would incur additional burden in carrying out the additional activities required by the rule. Specifically, they would incur burden to:

- Prepare and send a waiver request to EPA when they are seeking an alternative Phase 2 compliance deadline for general permits or program reports. This will involve complete a two- or three-page memorandum or form with information listed above so that EPA can make an informed decision on whether to approve or deny the request. This request should be submitted at least 120 days prior to the compliance dates in Table 1 to 40 CFR 127.16 or a previously EPA approved alternative Phase 2 compliance deadline.
- Prepare and send basic information to EPA as they update or deploy their general permits and program reports and the related electronic reporting tools. These updates should be timely in that the authorized NPDES program sends an email to EPA within 40 days of the completed activity. EPA may also create an online form for authorized NPDES programs to submit these data.
- Annually review EPA's inventory of general permits and program reports and the related electronic reporting tools. Authorized NPDES programs will summarize this review in an email to EPA. This email will confirm that EPA's inventory is complete and accurate as well as identify any necessary changes. EPA may also create an online form for authorized NPDES programs to submit these data.

The sections below identify the assumptions used to estimate the burden associated with those activities that occur during the ICR period. Under the NPDES eRule Authorized NPDES programs can elect to use EPA's NPDES Electronic Reporting Tool (or "NeT") or build their own electronic reporting tools. This ICR uses the following terms to estimate the burden associated with the proposed rule. In total there are 932 NPDES general permits and 409 program reports. EPA administers the entire NPDES program in three states (e.g., Massachusetts, New Hampshire, and New Mexico), all tribal lands and territories except for the U.S. Virgin Islands, and parts of the NPDES program in other states (e.g., pretreatment program for PA) as well as tribal lands and territories. The U.S. Virgin Islands has elected to use NeT for all of their general permits and program reports. The remaining 47 states authorized for the core NPDES program have elected to build electronic reporting tools for one or more of their general permits or program reports. The following are the counts of general permits and program reports by issuer and planned usage status for NeT.

NPDES General Permit Count

Issuing Agency	Usage of EPA’s NPDES Electronic Reporting Tool (or “NeT”)	No usage of EPA’s NPDES Electronic Reporting Tool (or “NeT”)
State	80	681
U.S. EPA	160	11
Subtotal:	240	692

NPDES Program Report Count

Issuing Agency	Usage of EPA’s NPDES Electronic Reporting Tool (or “NeT”)	No usage of EPA’s NPDES Electronic Reporting Tool (or “NeT”)
State	49	220
U.S. EPA	104	36
Subtotal:	153	256

Implementation costs for authorized NPDES programs will vary depending on whether the authorized NPDES program is planning on deploying an electronic reporting tool for a general permit or program report. Under the proposed rule accompanying this ICR the 47 states that have elect to build their own electronic reporting tools may request additional time for implementation. These states will need to submit an alternative Phase 2 compliance deadline request to EPA for review and determination. EPA estimates that one third of the 47 authorized NPDES program that have elected to build one or more electronic reporting tools (approximately 15 programs) will need to complete an alternative Phase 2 compliance deadline request within the three-year period covered by this ICR. EPA estimates that each waiver review will require 16 hours to prepare and send to EPA. This results in total burden of 240 hours during the three-year period covered by this ICR.

All 48 authorized NPDES programs (47 states and U.S. Virgin Islands) will need to email to EPA with the information listed above as they update or deploy their general permits and program reports and the related electronic reporting tools. These updates should be timely in that the authorized NPDES program sends an email to EPA within 40 days of the completed activity. EPA estimates that there are 726 state-issued general permits based on information previously submitted by EPA Regions and states. Under the Clean Water Act, EPA and states, territories, or tribes with authorized NPDES programs issue NPDES permits with terms no longer than five years. See 33 U.S.C. §1342(b)(1)(B). Authorized NPDES programs may have different schedules for permit applications, but their schedules may be no less stringent than the federal deadlines. Using a five-year renewal frequency, this means that on average states are re-issuing 145 general permits each year. Using a conservative costing methodology, this ICR assumes that twelve of the 48 authorized programs will each renew a general permit in any given month of the year and provide an update to EPA within 40 days. This is an overestimate of the burden as most states do not have more than 12 general permits. This means that EPA is expecting to receive 12 updates on general permits renewals each month. EPA estimates that updated information on general permit and program report electronic reporting tools can be submitted with these monthly updates as deployment of these tools are one-time events. EPA estimates that these will be monthly updates and each update will take 1 hour to prepare and send to EPA. This results in an annual burden of 144 hours and a total burden of 432 hours during the three-year period covered by this ICR.

All 48 authorized NPDES programs will also need to annually review EPA’s inventory of general permits and program reports and the related electronic reporting tools. Authorized NPDES programs will summarize this review in an email to EPA. This email will confirm that EPA’s inventory is complete and

accurate as well as identify any necessary changes. EPA estimates that these will be monthly updates and each update will take 4 hours to prepare and send to EPA. This results in an annual burden of 192 hours and a total burden of 576 hours during the three-year period covered by this ICR.

Because EPA does not have independent estimates of the comparable system costs for each state, tribe, and territory, EPA’s estimate of the burden for those NPDES-authorized programs is 1,248 hours during the three-year period covered by this ICR. This equates to an annual average total burden of approximately 9 hours per authorized NPDES program.

6(b) Total Respondent Costs

To estimate the total respondent costs, EPA multiplies the burden estimates derived in Section 6(a) by the labor rate costs. This analysis uses State and local government workers wages in the “Management, professional, and related” category from the Bureau of Labor Statistics (June 2019).³ The total compensation is \$61.10 per hour.

Activity Covered This ICR	Total Burden Over Three-Year Period Covered by this ICR	BLS Hourly Wage Rate	Total Cost Over Three-Year Period Covered by this ICR
Alternate Compliance Date for General Permit and Program Report	240	\$61.10	\$14,664
Monthly Updates of General Permit and Program Report Information	432	\$61.10	\$26,395
Annual Review of General Permit and Program Report Information	576	\$61.10	\$35,194
TOTAL:	1,248		\$76,253

The annual burden for all authorized EPA programs is 416 hours ($= 1,248 / 3$) with an associated annual cost of \$25,418 ($= \$76,253 / 3$). The Average Annual Incremental Burden per Authorized NPDES program is approximately 8.7 hours [$= 1,248 / (48 * 3)$] and the Average Annual Incremental Cost per Authorized NPDES program is approximately \$530 [$= \$76,253 / (48 * 3)$].

6(c) Estimating Agency Burden and Cost

EPA Headquarters and EPA Regions would incur burden and cost associated with the proposed rule associated with this ICR. When calculating the Agency cost, EPA uses the loaded hourly costs for government workers shown in Table 1.

6(c)(i) EPA Headquarters

EPA Headquarters is responsible for the following activities:

- Reviewing alternative Phase 2 compliance deadline requests and making determinations; and
- Updating the inventory of EPA Regional and state-issued general permits and program reports and related electronic reporting tools.

³ <https://www.bls.gov/news.release/ecec.t03.htm>

The sections below discuss the burden associated with each of these activities.

EPA will review each alternative Phase 2 compliance deadline request and approve or reject the request within 120 days. These requests will only come from state that have elected to build their own electronic reporting tools and will not come from NeT-States or EPA Regions. EPA will provide notice to the authorized NPDES program. The authorized NPDES program may re-apply if the initial request is rejected by EPA. EPA will update its website with each alternative Phase 2 compliance deadline request and the corresponding Agency approval or rejection notice. EPA will provide updated information at: <https://www.epa.gov/compliance/npdes-ereporting>. EPA will update its website to clearly identify the approved alternative Phase 2 compliance deadline for each facility, general permit report, program report, and related data element by authorized NPDES program. EPA estimates that the review and approval or rejection of each alternative Phase 2 compliance deadline request is 16 hours per response. This results in total burden of 240 hours during the three-year period covered by this ICR.

EPA will also update its inventory of general permits and program reports and the related electronic reporting tools to make sure that it is nationally consistent, complete, accurate, and updated as new information is shared with EPA. EPA will update its website to provide the inventory through an easy to use dashboard and make the dashboard available to authorized NPDES programs and NPDES-regulated entities. EPA estimates that this will take approximately 4 hours each month. This results in an overall total of 144 hours during the three-year period covered by this ICR.

EPA update its inventory of general permits and program reports and the related electronic reporting tools to make sure that it is nationally consistent, complete, accurate, and updated through the annual state verifications. EPA estimates that this will take approximately 16 hours each year. This results in an overall total of 48 hours during the three-year period covered by this ICR.

Activity Covered This ICR	Total Burden Over Three-Year Period Covered by this ICR	BLS Hourly Wage Rate	Total Cost Over Three-Year Period Covered by this ICR
Alternate Compliance Date for General Permit and Program Report	240	\$61.10	\$14,664
Monthly Updates of General Permit and Program Report Information	144	\$61.10	\$26,395
Annual Review of General Permit and Program Report Information	48	\$61.10	\$35,194
TOTAL:	432		\$26,395

6(c)(ii) EPA Regions

Where EPA Regions are the permitting authority, they would incur costs similar to those incurred by authorized state programs (discussed in Section 6(a) above). Specifically, they would incur costs for the following activities:

- Prepare and send basic information to EPA as they update general permits. These updates should be timely in that the authorized NPDES program sends an email to EPA within 40 days of the completed activity.
- Annually review EPA’s inventory of general permits and program reports. Authorized NPDES programs will summarize this review in an email to EPA Headquarters. This email will confirm that EPA’s inventory is complete and accurate as well as identify any necessary changes.

The sections below discuss the burden associated with each of these activities.

EPA Regions will need to would modify permits for regulated entities in states where the EPA Region is the permitting authority to require electronic reporting (and, where applicable, remove language that explicitly requires paper reporting). EPA estimates that there are seven EPA Regions with 43 general permits (EPA Region 1, 2, 4, 6, 8, 9, and 10). Using a five-year renewal frequency, this means that EPA Regions are re-issuing approximately 9 general permits each year. EPA estimates that these will be monthly updates and each update will take 1 hour to prepare and send to EPA Headquarters. This results in an annual burden of 9 hours and a total burden of 27 hours during the three-year period covered by this ICR.

The seven EPA Regions will need to annual verify EPA’s inventory of general permits and program reports and sending this information to EPA. EPA estimates that this annual review will take 4 hours to prepare and send to EPA Headquarters. This results in an annual burden of 28 hours and a total burden of 84 hours during the three-year period covered by this ICR.

Activity Covered This ICR	Total Burden Over Three-Year Period Covered by this ICR	BLS Hourly Wage Rate	Total Cost Over Three-Year Period Covered by this ICR
Alternate Compliance Date for General Permit and Program Report	N/A	N/A	N/A
Monthly Updates of General Permit and Program Report Information	27	\$61.10	\$1,650
Annual Review of General Permit and Program Report Information	84	\$61.10	5,132
TOTAL:	111		\$6,782

6(d) Estimating the Respondent Universe

The respondent universe is comprised of authorized state programs. As previously noted, 47 states and one U.S. territory are authorized by EPA to administer some or all the NPDES program. EPA estimates that there are seven EPA Regions with 43 general permits (EPA Region 1, 2, 4, 6, 8, 9, and 10).

6(e) Bottom Line Burden Hours and Cost Tables

The incremental burden and cost to authorized NPDES programs is presented in Table 1.

6(f) The Agency Tally

The incremental burden and cost to EPA is presented in Tables 1 and 2.

6(g) Reasons for Change in Burden

Receiving current high-level data on general permits and program reports is critical to EPA’s ability to oversee and manage authorized NPDES programs. Authorizing the burden under this ICR will allow EPA to provide timely assistance to authorized NPDES programs as they implementation the NPDES eRule. The general permits and program reports inventory will help promote efficiencies in NPDES eRule implementation as states will be able to use this information to identify other states that have already

developed electronic reporting tools. Additionally, with the implementation of this information collection activity, NPDES-regulated entities would be able to ensure that they are fully aware of the Phase 2 compliance deadlines and the electronic reporting tools for their reporting obligations.

6(h) Burden Statement

The calculations made for this ICR cover the burden and costs for authorized EPA programs, EPA Regions, and EPA Headquarters. Burden for authorized EPA programs is 416 hours annually for 48 state respondents at a cost of \$25,418. The average annual burden per respondent is 8.7 hours per state. Agency burden is 181 hours annually at a net cost increase of \$11,059.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, or disclose or provide information to or for a federal agency. This includes the time needed to:

- Review instructions;
- Develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information;
- Adjust existing ways to comply with any previously applicable instructions and requirements;
- Train personnel to be able to respond to a collection of information;
- Search data sources;
- Complete and review the collection of information; and
- Transmit or otherwise disclose information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OECA-2009-0274, which is available for online viewing at www.regulations.gov, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OECA Docket is (202) 566-1752. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2019-0408 and OMB Control Number 2020-NEW in any correspondence.

**Attachment 1 – Draft State NPDES eRule Phase 2 Alternative Phase 2 Compliance
Deadline Request**



**STATE NPDES ERULE PHASE 2
ALTERNATIVE PHASE 2 COMPLIANCE DEADLINE
REQUEST**

FOR EPA USE ONLY

[Date Received]

FORM OMB APPROVED 2020-NEW
EXP. MM/YYYY

Director Information

Director Email Address	Director Telephone Number
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ALTERNATIVE PHASE 2 COMPLIANCE DEADLINE REQUEST SUPPORTING INFORMATION

INSTRUCTIONS: Identify each general permit, program report, and/or related data elements covered by the request and the corresponding alternative Phase 2 compliance deadline(s).

Provide a rationale for the delay and enough details (e.g., tasks, milestones, roles and responsibilities, necessary resources) to clearly describe how the program will successfully implement electronic reporting for general permit, program report, and/or related data element covered by the request.

If the request covers some but not all facilities subject to the general permit or program report requirement use this form to identify each facility covered by the request and the corresponding alternative Phase 2 compliance deadline(s).

(Attach additional pages if needed)

SIGNATURE

SCAN TO PDF AND RETURN COMPLETED APPLICATION TO:	Director Printed Name	
NPDESReporting@epa.gov	Signature	Date

Attachment 2 – NPDES General Permit and Program Report Inventory Update Form



**NPDES
GENERAL PERMIT AND PROGRAM REPORT
INVENTORY UPDATE FORM**

FORM OMB APPROVED 2020-NEW
EXP. MM/YYYY

FOR EPA USE ONLY

<p>[Date Received - SYSTEM GENERATED]</p>

NPDES General Permit Inventory Update

NPDES General Permit ID	(Note: This is the unique identifier for the NPDES general permit, not the NPDES ID of the general permit covered facilities.)
State	(Note: This is the state where the NPDES general permit provides permit coverage.)
NPDES General Permit Name	
Link to NPDES General Permit (URL)	(if available)
Link to Electronic Reporting Tool (URL)	(if available)
Electronic Reporting Tool Initial Deployment Date	(if available)
General Permit Issued Date	
General Permit Effective Date	
General Permit Expired Date	
Estimate Number of General Permit Covered Facilities	
EPA Issued General Permit	(Yes/No)
General Permit will use EPA's NPDES Electronic Reporting Tool (or "NeT")	(Yes/No)
General Permit Requires DMR Submissions	(Yes/No)

General Permit Requires Program Report	(Yes/No) (Note: The list of program reports is found in Table 1, Appendix A to 40 CFR part 127.)
Industrial Category	
General Permit Requires NOI Submission	(Yes/No)
Timing of General Permit NOI Submissions	(NOI Submissions Mostly Made Upon General Permit Renewal, NOI Submissions Made Throughout General Permit Term, Not Applicable)
General Permit Will Be Renewed	(Yes/No)

(Attach additional pages if needed)

NPDES Program Report Inventory Update

State	(Note: This is the state of the NPDES program report filers.)
Program Report Type	(Note: The list of program reports is found in Table 1, Appendix A to 40 CFR part 127.)
Link to Electronic Reporting Tool (URL)	(if available)
Electronic Reporting Tool Initial Deployment Date	(if available)
Estimate Number of Program Report Filers	
EPA Issued Program Report	(Yes/No)
Program Report will use EPA's NPDES Electronic Reporting Tool (or "NeT")	(Yes/No)

(Attach additional pages if needed)

HOW TO SUBMIT: Please report this information electronically using the instructions at:
<https://www.epa.gov/compliance/npdes-ereporting>