

**Information Collection Request (ICR) Supporting Statement for
the Proposed 2020 National Pollutant Discharge Elimination
System (NPDES) Multi-Sector General Permit (MSGP) for
Industrial Stormwater Discharges**

OMB Control No. 2040-NEW, EPA ICR No. 2612.01

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United States Environmental Protection Agency
Office of Wastewater Management
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Part A

I. Identification

A. Title

Title: Proposed National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Industrial Stormwater Discharges
OMB Control Number: 2040-NEW
EPA ICR Number: 2612.01

B. Short Characterization/Abstract

This Information Collection Request (ICR) calculates the burden and costs associated with information collection and reporting activities from the proposed U.S. Environmental Protection Agency (EPA) National Pollutant Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activity.

The burden and costs associated with the entire NPDES program are accounted for in an approved ICR (EPA ICR number 0229.23, OMB control no. 2040-0004). Certain changes in the proposed MSGP would 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 permit in a 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.

The information collection provisions associated with the proposed MSGP include the following:

- Notice of Intent (NOI) and Notice of Termination (NOT) forms;
- Stormwater Pollution Prevention Plans (SWPPPs);
- Sampling and Discharge Monitoring Reports (DMRs);
- Inspection Reports;
- Corrective Action/Additional Implementation Measure (AIM) Documentation;
- Annual Reports;
- No Exposure Certifications; and
- Other Information.

In summary, this ICR estimates an annual burden of 68,857 hours for 2,400 respondents (2,400 is the approximate number of permittees covered under the 2015 MSGP) at an annual cost of \$2,374,892. The Agency burden is 3,048 hours annually at a labor cost of \$135,514.

II. Need for and Use of Collection

A. Need/Authority for the Collection

Congress passed the Federal Water Pollution Control Act of 1972 (Public Law 92-500, October 18, 1972) (hereinafter the Clean Water Act or CWA), 33 U.S.C. 1251 et seq., with the stated objectives to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a), 33 U.S.C. 1251(a). To achieve this goal, the CWA provides that "the discharge of any pollutant by any person shall be unlawful" except in compliance with other provisions of the statute. CWA section 301(a), 33 U.S.C. 1311. The CWA defines "discharge of a pollutant" broadly to include "any addition of any pollutant to navigable waters from any point source." CWA section 502(12), 33 U.S.C. 1362(12). The EPA is authorized under CWA section 402(a) to issue an NPDES permit for the discharge of any pollutant from a point source. These NPDES permits are issued by the EPA or NPDES-authorized state or tribal agencies. Since 1972, the EPA and the authorized states have issued NPDES permits to thousands of permittees, both industrial (e.g., manufacturing, energy, mining facilities, construction sites) and municipal (e.g., sewage treatment plants). As required under Title III of the CWA, the EPA has promulgated Effluent Limitations Guidelines (ELGs) and New Source Performance Standards (NSPS) for many industrial point source categories and these requirements are incorporated into NPDES permits. The Water Quality Act (WQA) of 1987 (Public Law 100-4, February 4, 1987) amended the CWA, adding CWA section 402(p), requiring implementation of a comprehensive program for addressing stormwater discharges. 33 U.S.C. 1342(p). The EPA published a final regulation on the first phase of this program on November 16, 1990, establishing permit application requirements for "stormwater discharges associated with industrial activity". See 55 FR 47990. The EPA defined the term "stormwater discharge associated with industrial activity" in a comprehensive manner to cover a wide variety of facilities. See 40 CFR 122.26(b)(14). The EPA issues the MSGP under this statutory and regulatory authority. While the regulations establish the EPA's authority and requirement to collect information under the MSGP, the EPA has specific needs for collecting the data, which include:

- To provide information supporting permittee eligibility to be covered by the permit;
- To provide information on pollutant discharge trends for performance measures;
- To provide information to the EPA and states to prioritize permit activities;
- To determine whether permittees are in compliance with permit conditions; and
- To provide information to the EPA to determine the need for and to help with development of permit limits.

B. Practical Utility/Users of the Data

This ICR includes information used primarily by permittees 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. Much of these data must be submitted to the EPA, while other information must be maintained on-site by the permittee.

III. Non Duplication, Consultations, & Other Collection Criteria

A. Non duplication

All information requested from respondents under this ICR is required in order to comply with the permit and is not available from other sources.

B. Public Notice Required Prior to ICR submission to OMB

Announcement of this ICR is published in the *Federal Register*. The notice includes a request for comments on the content and impact of these information collection requirements on the regulated community. The EPA will address all comments received in the subsequent ICR.

C. Consultations

The most significant proposed changes to the MSGP are based on terms stipulated in a Settlement Agreement on the 2015 MSGP and based on recommendations from the National Academies of Sciences, Engineering, and Medicine's National Research Council (NRC) study, *Improving the EPA Multi-Sector General Permit for Industrial Stormwater Discharges*, which was delivered in February of 2019. The EPA met with the regulated community and environmental group stakeholders during the development of the proposed permit to discuss these proposed changes. Additionally, the EPA is planning additional engagement with stakeholders after the proposal of the permit before permit finalization.

D. Effects of Less Frequent Collection

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 one of the major factors considered in establishing application requirements, monitoring conditions, and report contents and frequencies. The EPA regularly seeks new opportunities to reduce burden on the regulated community. The EPA and other stakeholders need current information about permittees and discharge characteristics to fulfill oversight responsibilities. The burden described in this ICR identifies the burden that the EPA has determined as necessary. The EPA has determined that the information currently required is the minimum that is necessary to adequately evaluate permittee compliance.

E. General Guidelines

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

F. Confidentiality

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

G. Sensitive Questions

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

IV. Respondents and Information Requested

A. Respondents/SIC Codes

1. Coverage under the proposed 2020 MSGP is available to operators of eligible facilities located in areas where the EPA is the permitting authority and where the general permit is available for use. A list of eligible areas is included in Appendix C of the proposed 2020 MSGP. Appendix N of the proposed 2020 MSGP also includes SIC and NAICS codes that fall within each regulated industrial sector.
2. The EPA anticipates that approximately 2,400 permittees will be covered under the next reissuance of the 2020 MSGP.
- 3.
4. The proposed permit regulates stormwater discharges associated with industrial activity from facilities in the 30 sectors shown below:
5. Sector A—Timber Products.
6. Sector B—Paper and Allied Products Manufacturing.
7. Sector C—Chemical and Allied Products Manufacturing.
8. Sector D—Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers.
9. Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
10. Sector F—Primary Metals.
11. Sector G—Metal Mining (Ore Mining and Dressing).
12. Sector H—Coal Mines and Coal Mining-Related Facilities.
13. Sector I—Oil and Gas Extraction.
14. Sector J—Mineral Mining and Dressing.
15. Sector K—Hazardous Waste Treatment Storage or Disposal.
16. Sector L—Landfills and Land Application Sites.
17. Sector M—Automobile Salvage Yards.
18. Sector N—Scrap Recycling Facilities.
19. Sector O—Steam Electric Generating Facilities.
20. Sector P—Land Transportation.

21. Sector Q—Water Transportation.
22. Sector R—Ship and Boat Building or Repairing Yards.
23. Sector S—Air Transportation Facilities.
24. Sector T—Treatment Works.
25. Sector U—Food and Kindred Products.
26. Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.
27. Sector W—Furniture and Fixtures.
28. Sector X—Printing and Publishing.
29. Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
30. Sector Z—Leather Tanning and Finishing.
31. Sector AA—Fabricated Metal Products.
32. Sector AB—Transportation Equipment, Industrial or Commercial Machinery.
33. Sector AC—Electronic, Electrical, Photographic and Optical Goods.
34. Sector AD—Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.

B. Information Requested – Data Items, including record keeping requirements, and Respondent Activities

This section presents the data items, including record-keeping requirements, and required respondent activities involved in preparing and submitting those data items.

Data items related to the MSGP include:

- Notice of Intent (NOI) and Notice of Termination (NOT) forms;
- Stormwater Pollution Prevention Plans (SWPPPs);
- Sampling and Discharge Monitoring Reports (DMRs);
- Inspection Reports;
- Corrective Action/Additional Implementation Measure (AIM) Documentation;
- Annual Reports;
- No Exposure Certifications; and
- Other Information.

Each of these, including respondent activities, are summarized below.

Also included is an indication of whether the EPA is proposing changes to the data item.

Notice of Intent (NOI) and Notice of Termination (NOT) forms [Minor proposed changes to the information collection burden]

Like the final 2015 MSGP, the EPA’s proposed 2020 MSGP would require permittees to submit an NOI to obtain coverage under the permit. The NOI requests basic permittee and facility information, as well discharge location(s), receiving water information, whether the facility discharges to a federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site listed in Appendix P of the permit, information from the SWPPP, a summary of endangered species eligibility information, and historic preservation eligibility information.

The EPA's final 2015 MSGP NOT form is identical to the proposed 2020 MSGP and would require an NOT form to be submitted when a new operator has taken over responsibility for the facility; when operations have ceased at the facility; for mining facilities who have met applicable termination requirements; and/or when coverage under an individual or alternative general permit is obtained.

Stormwater Pollution Prevention Plans (SWPPPs) [No proposed changes to the information collection burden]

The EPA's proposed 2020 MSGP would require all permittees to develop and maintain an updated SWPPP that includes the following elements:

- Stormwater pollution prevention team;
- Site description;
- Summary of potential pollutant sources;
- Description of control measures;
- Schedules and procedures;
- Documentation to support eligibility considerations under other federal laws; and
- Signature requirements.

Sampling and Discharge Monitoring Reports (DMRs) [Major proposed changes to the information collection burden]

The DMR is used to report the results of applicable monitoring under the permit, including quarterly benchmark monitoring, impaired waters monitoring, and numeric effluent limit monitoring.

Inspection Reports [No proposed changes to the information collection burden]

Inspection reports would include the inspection date and time; the name and signature of the inspector; weather information; all observations related to the implementation of control measures; and any incidents of noncompliance.

Quarterly visual assessment summaries must include sample locations; sample collection date and time; personnel collecting the sample; nature of the discharge; observations of the discharge; and probable sources of stormwater contamination.

Corrective Action/Additional Implementation Measure (AIM) Documentation [Minor proposed changes to the information collection burden]

The proposed 2020 MSGP would require the documentation of any corrective action conditions/AIM responses, including the condition triggering the corrective action/AIM response, the date of the condition/AIM response, and actions taken. This documentation is not required to be submitted to the EPA, except in summary form on the Annual Report.

Annual Reports [No proposed changes to the information collection burden]

Each permittee would submit an Annual Report to the by January 30th for each year of permit coverage. The Annual Report requires a summary of routine facility inspection documentation, a summary of

quarterly visual assessment documentation, and information about corrective actions and/or additional implementation measures.

No Exposure Certifications [No proposed changes to the information collection burden]

Industrial operators that are eligible for no exposure certifications do not need to obtain coverage under the MSGP or comply with any of the other reporting requirements in the permit. To be covered under the exclusion, they must submit a No Exposure Certification to EPA electronically using NeT (unless a waiver to use a paper form has been granted) that certifies the entire facility meets a condition of no exposure.

Other Information

- **Endangered and Threatened Species and Critical Habitat Protection** [No proposed changes to the information collection burden]

The proposed 2020 MSGP would require permittees to use the Criterion Selection Worksheet in Appendix E with regard to the protection of threatened and endangered species and critical habitat. The eligibility process requires an evaluation of the facility's action area and presence of threatened and endangered species and critical habitat. If there are threatened or endangered species or critical habitat in the action area, the permit requires the operator to complete and submit an eligibility form to the EPA for review by the EPA and the Services.

- **Historic Properties Protection** [No proposed changes to the information collection burden]
The proposed 2020 MSGP would require permittees to follow the eligibility procedures in Appendix F with regard to the protection of historic properties. The permit does not require any separate information to be submitted to the EPA besides indicating their criterion selection on the NOI form to the EPA. There would be a requirement for permittees to contact the relevant State or Tribal Historic Preservation Office in writing only where historic properties potentially exist and where there will be installation of control measures associated with the permit; the letter must describe the facility, the nature and location of subsurface disturbance activities, any known or suspected historic properties, and any anticipated effects on such properties.
- **New Discharges and New Sources to Water Quality-Impaired Waters** [No proposed changes to the information collection burden]

The proposed 2020 MSGP would require new dischargers/new sources that discharge to impaired waters to comply with one of three options in order to be eligible for the permit. Two of the options require submittal of information directly to the EPA Regional Office to support a claim that the pollutants causing the impairment are not present at the site, or a conclusion that the discharge is expected to meet water quality standards.

- **Discharges to a Federal CERCLA Site** [Minor proposed changes to the information collection burden]

The proposed 2020 MSGP would require permittees that discharge to specified Federal CERCLA sites in Appendix P to notify the EPA Regional Office to determine if the permittee is

implementing adequate controls and/or procedures to ensure the discharge will not lead to recontamination of aquatic media at the CERCLA Site such that the discharge will cause or contribute to an exceedance of a water quality standard.

- **Exceedance Report for Numeric Effluent Limitations** [No proposed changes to the information collection burden]
- The proposed 2020 MSGP would require permittees to submit an Exceedance Report if follow-up numeric effluent limit monitoring exceeds a limit. The report must include information about the facility, receiving water, monitoring data, and an explanation of the situation.
- **Additional Reporting** [No proposed changes to the information collection burden]

The following reports are part of the Standard NPDES Permit Conditions that would be required to be submitted directly to the EPA Regional Office:

- **24-hour reporting:** Permittees would report any noncompliance which may endanger human health or the environment. Any information must be provided verbally within 24 hours from the time the permittee is aware of the circumstances.
- **5-day follow-up reporting to the 24-hour reporting:** Permittees would provide a written submission within 5 days from the time the permittee is aware of the circumstances.
- **Reportable quantity spills:** Permittees would provide notification as soon as there is knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.
- **Planned changes:** Permittees would provide prompt notice no fewer than 30 days prior to making any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged.
- **Anticipated noncompliance:** Permittees would give advance notice to the EPA of any planned changes in the permitted facility or activity which is anticipated to result in noncompliance with permit requirements.
- **Compliance schedules:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit would be submitted no later than 14 days following each schedule date.
- **Other noncompliance:** Permittees would report all instances of noncompliance not reported in the annual report, compliance schedule report, or 24-hour report at the time monitoring reports are submitted.
- **Other information:** Permittees would promptly submit facts or information if they become aware that they failed to submit relevant facts in the NOI, or incorrect information in the NOI or in any report was submitted.

V. Agency Activities, Methods, and Information Management

A. Agency Activities

The EPA's activities as the NPDES permitting authority in charge of administering the MSGP are to review and process information and reports generated under the permit.

B. Collection Methodology and Management

The EPA collects most information generated under the MSGP through the Integrated Compliance Information System (ICIS-NPDES) database via the NPDES eReporting Tool (Net). The EPA uses this information to assess permit compliance and trends. This technology also reduces the burden to EPA and the states for gathering and analyzing national permit and water quality data.

Minimal other information may be collected and stored on paper-based forms, databases, and computers.

The public may access much of the information generated under the permit via the EPA tool Enforcement and Compliance History Online (ECHO) and through the E-Enterprise Permit Lookup.

C. Small Entity Flexibility

For many reasons, the EPA believes the reporting requirements discussed in this ICR do not place an unreasonable burden on small business. The EPA and states have made extensive use of general permits to streamline the permitting process for both the permittee and EPA. In fact, the majority of stormwater permittees, which compose more than three quarters of all NPDES permittees, are covered under general permits.

The EPA has regularly looked for ways to reduce reporting burdens on businesses of all sizes. That is why the EPA developed general permit procedures to reduce burdens associated with the application process and information submittals for industrial stormwater facilities.

D. Collection Schedule

The CWA limits NPDES permit terms to be no longer than five years, at which point permits must be renewed. Thus, permitted facilities must obtain coverage under the new or re-issued NPDES permits, and comply with any information collection requirements, upon permit reissuance generally every five years.

The following is a summary of the collection schedule for various data items under the proposed MSGP:

- **Notice of Intent (NOI) and Notice of Termination (NOT) forms** [Minor proposed changes to the information collection burden]

The NOI is submitted once each permit term. Deadlines vary based on the category of operator, but for most permittees who are existing dischargers, NOIs are submitted within 90 days of the issuance of the permit. The operator may submit a modification or change to update the NOI at any time.

The NOT is submitted only when permit coverage is no longer needed; because most facilities are long-term, existing permittees, NOTs are not expected to be submitted frequently under this permit.

- **Stormwater Pollution Prevention Plans (SWPPPs)** [No proposed changes to the information collection burden]

An initial SWPPP must be developed prior to submitting an NOI for permit coverage. This ICR assumes that every five years, industrial stormwater permittees who had previous permit coverage under the final 2015 MSGP will perform a comprehensive reevaluation of the existing SWPPP and modify the plan as appropriate. This reevaluation is anticipated to require less cost and burden than the initial cost and burden of developing the plan.

- **Sampling and Discharge Monitoring Reports (DMRs)** [Major proposed changes to the information collection burden]

The EPA is proposing to require all facilities to conduct quarterly benchmark monitoring throughout the permit term for three indicator parameters. For all other benchmark monitoring parameters, which are sector-specific, monitoring would be conducted quarterly during the first year of permit coverage and could be discontinued if the average of the four quarterly samples is below the benchmark threshold. If the average sample is above the benchmark threshold, monitoring must continue on a quarterly basis and additional implementation measures may be required until a four-quarter average is below the benchmark threshold.

For permittees who discharge to impaired waters without an EPA-approved or established TMDL and have pollutants associated with the industrial activity or that are used as benchmark parameters, monitoring must be conducted once per year at each discharge point. After three years of monitoring, if no pollutants are detected, monitoring can be discontinued for the remainder of the permit term.

Numeric effluent limit monitoring applies to a small subset of permittees that are subject to an effluent limitation guideline. Numeric effluent limit monitoring requirements are one sample per year, unless there is an exceedance, in which case follow-up monitoring must be conducted within 30 calendar days and must continue quarterly until the discharge is back in compliance with the effluent limitation.

- **Inspection Reports** [No proposed changes to the information collection burden]
Inspection reports and quarterly visual assessment documentation must be completed once each quarter throughout the permit term.
- **Corrective Action/Additional Implementation Measure Documentation** [Minor proposed changes to the information collection burden]

Corrective action/Additional Implementation Measure documentation requirements are primarily triggered by benchmark monitoring exceedances; as such there is no set schedule in the permit.

- **Annual Reports** [No proposed changes to the information collection burden]
Annual Reports must be submitted by January 30th of each year of permit coverage.
- **No Exposure Certifications** [No proposed changes to the information collection burden]
No Exposure Certifications must be submitted once every five years.
- **Other Information.**
 - **Endangered and Threatened Species and Critical Habitat Protection** [No proposed changes to the information collection burden]
Endangered and threatened species and critical habitat protection documentation is only generally required in the process of determining permit eligibility. Most information collection requirements related to this provision apply to new facilities, and much of the information required in the eligibility process is also required as part of the SWPPP development. Once a facility has been deemed eligible with regard to this provision, under subsequent permit reissuances no further documentation is needed unless there have been changes that could impact eligibility.
 - **Historic Properties Protection** [No proposed changes to the information collection burden]
Historic properties documentation is only generally required in the process of determining permit eligibility. Any information collection requirements related to this provision apply to new facilities; once a facility has been deemed eligible with regard to this provision, under subsequent permit reissuances no further documentation is needed unless there have been changes that could impact eligibility.
 - **New Discharges and New Sources to Water Quality-Impaired Waters** [No proposed changes to the information collection burden]
Documentation required for new discharges and new sources to water quality-impaired waters is only required once. Once a facility is an existing discharger, these documentation requirements no longer apply.
 - **Discharges to a Federal CERCLA Site** [Minor proposed changes to the information collection burden]
Facilities that are subject to the Federal CERCLA Site eligibility provisions are only required to contact the EPA Regional Office once prior to submitting the NOI for permit coverage.
 - **Exceedance Report for Numeric Effluent Limitations** [No proposed changes to the information collection burden]
Numeric effluent limitation exceedance report requirements are triggered by exceedances; as such there is no set schedule in the permit.
 - **Additional Reporting** [No proposed changes to the information collection burden]
The additional reporting requirements that are based on the Standard NPDES Permit Conditions are triggered based on specific events and actions that cannot be anticipated; as such, there is no set schedule in the permit.

VI. Estimating Burden and Cost

A. Estimating Respondent Burden

Key Assumptions:

Not all proposed requirements apply to all facilities all of the time. For example, certain sectors will have three applicable monitoring requirements (i.e., benchmark monitoring, impaired waters monitoring, and numeric effluent limitation monitoring), while others may only have universal benchmark monitoring. These nuances for each proposed permit requirement are not necessarily clear in an average information collection burden cost estimate.

The number of discharge points and pollutants varies greatly between facilities. EPA assumes an average of 2.4 discharge points per facility based on analysis of 2015 MSGP NOI data, noting that currently permitted facilities have a broad range of discharge points, from as few as 1 to as many as 66.

With these assumptions in mind, this section presents the estimated respondent burden for each information request.

- **Notice of Intent (NOI) and Notice of Termination (NOT) forms** [Minor proposed changes to the information collection burden]

The EPA estimates that 2,400 permittees will spend 4.0 hours preparing and submitting an NOI once each permit term.

The EPA estimates that 200 permittees will spend 0.5 hours submitting an NOT once each permit term.

NOIs and NOTs are required to be submitted to the EPA via the EPA's electronic NPDES eReporting Tool (NeT), unless a waiver to use a paper form has been granted.

Basis: The EPA estimates that the addition of two questions on the NOI form (e.g., questions about coal-tar usage and about pending enforcement actions) will add approximately five minutes of burden per permittee to the previous ICR's NOI burden estimate of 3.9 hours. The estimate of how many permittees will submit an NOI is based on the number of NOIs submitted during the 2015 MSGP cycle.

The 30-minute estimate for submitting an NOT is from the previous ICR. The estimate of how many permittees will submit an NOT is based on the number of NOTs submitted during the 2015 MSGP cycle.

- **Stormwater Pollution Prevention Plans (SWPPPs)** [No proposed changes to the information collection burden]

The EPA estimates that 600 permittees will spend 10 hours preparing a new SWPPP once each permit term.

The EPA estimates that 1,800 permittees will spend 4 hours updating SWPPPs throughout the permit term.

The SWPPP is required to be submitted to the EPA upon submittal of the NOI, either in summary form on the NOI or via an electronic link that the EPA can access.

Basis: The EPA's contractor who has extensive experience developing and updated SWPPPs provided the EPA with the 10 hours estimate for developing a new SWPPP and 4 hours estimate for updating the existing SWPPP.

- **Sampling and Discharge Monitoring Reports (DMRs)** [Major proposed changes to the information collection burden]
The EPA estimates that 2,400 permittees will each submit an average of 20 DMRs throughout the permit term (once per quarter).

The estimated average time per permittee to conduct sampling (per quarter), including lab analysis time and DMR submittals, is 4.19 hours.

Basis: The estimate that 2,400 permittees will be submitting DMRs 20 times throughout the permit term is based on the proposed new requirement for universal benchmark monitoring for all sectors for indicator parameters of pH, TSS, and COD. The EPA notes that for most other parameters required to be monitored under the 2020 MSGP, monitoring can be discontinued earlier, however. Additionally, although some permittees may be subject to three kinds of monitoring requirements under the permit (i.e., benchmark, impaired waters, numeric effluent limit), the EPA assumes that each quarterly sample can be used to analyze for all applicable monitoring requirements.

The EPA calculated the total information collection burden with the proposed permit by adding the additional costs associated with the new proposed monitoring requirements from the proposed permit's cost analysis to the existing ICR's information collection burden estimates.

- **Inspection Reports** [No proposed changes to the information collection burden]
The EPA estimates that 2,400 permittees will spend an average of one hour conducting quarterly site inspections and completing inspection reports 20 times throughout the permit term (once per quarter).

The EPA estimates that 2,400 permittees will spend an average of one hour conducting quarterly visual assessments and completing associated documentation requirements 20 times throughout the permit term.

These reports are not required to be submitted to the EPA, except in summary form on the Annual Report.

Basis: The estimate that 2,400 permittees will be conducting inspections and quarterly visual assessments is based on the proposed requirement that all permittees will at a minimum be conducting quarterly inspections and quarterly visual assessments throughout the permit term. The EPA assumes each quarterly inspection and visual assessment will take approximately one

hour; this is an update from a previous ICR which estimated four hours for one annual inspection (a permit requirement from a previous permit that no longer applies).

- **Corrective Action/Additional Implementation Measure Documentation** [Minor proposed changes to the information collection burden]

The EPA estimates that approximately 30 percent of permittees, or 700 permittees, will have corrective action and/or AIM documentation each year of permit coverage. The EPA assumes that the 700 permittees who have corrective action and/or AIM documentation will each spend an average of one hour documenting their corrective actions/AIM responses each year of the permit.

This documentation is not required to be submitted to the EPA, except in summary form on the Annual Report.

Basis: The EPA's estimate that 30 percent of permittees will have corrective action and/or AIM documentation is based on the EPA's implementation of the 2015 MSGP. AIM is a new proposed requirement, and the EPA does not know how many permittees will be subject to it and the corresponding documentation requirements. However, corrective actions are not a new requirement, and under the 2015 MSGP permittees had to include information regarding four quarter average benchmark exceedances in their corrective action documentation. Under the proposed 2020 MSGP, four quarter average exceedances will trigger AIM requirements. Since these exceedances were previously documented as part of the corrective action documentation, proposed AIM documentation requirements are not expected to result in an increased burden.

This documentation is not required to be submitted to the EPA, except in summary form on the Annual Report.

- **Annual Reports** [No proposed changes to the information collection burden]
The EPA estimates that 2,400 permittees would spend an average of one hour completing and submitting the Annual Report five times throughout the permit term.

Each permittee must submit an Annual Report to the EPA electronically using NeT (unless a waiver to use a paper form has been granted) by January 30th for each year of permit coverage. Basis: The estimate that 2,400 permittees will be filling out Annual Reports is based on the proposed requirement that all permittees conduct an Annual Report once a year. The estimate that it will take one hour to complete and submit the Annual Report form is based on the EPA's best professional judgement; the EPA expects that because the Annual Report summarizes information already documented by the permittee, it should not take very long to fill out the form and submit it electronically.

- **No Exposure Certifications (NEC)** [No proposed changes to the information collection burden]
The EPA estimates that 1,000 industrial facility operators will spend an average of 0.75 hours submitting an NEC every five years.

To be covered under the exclusion, operators must submit a No Exposure Certification to EPA electronically using NeT (unless a waiver to use a paper form has been granted) that certifies the entire facility meets a condition of no exposure.

Basis: The estimate that 1,000 operators will be filing an NEC once every five years is based on the EPA's current estimate of operators that have filed an NEC. 0.75 hours is the estimate from the previous ICR.

- **Other Information.**

- **Endangered and Threatened Species and Critical Habitat Protection** [No proposed changes to the information collection burden]

Under the proposed 2020 MSGP, all permittees would be required to use the Criterion Selection Worksheet in Appendix E to determine their eligibility with regard to the protection of endangered and threatened species and critical habitat. The EPA estimates that 600 permittees will have potential adverse effects to species and/or critical habitat and will spend an average of three hours completing and submitting the Criterion C form that is part of the Criterion Selection Worksheet in Appendix E once each permit term. The EPA estimates that the remainder of permittees, approximately 1,800, will spend an average of one hour completing the Criterion Selection Worksheet in Appendix E once each permit term. The Criterion Selection Worksheet is not submitted to the EPA.

Basis: The estimate that 600 permittees will complete and submit Criterion C forms is based on the EPA's estimate of the number of new permittees expected to seek coverage under the 2020 MSGP (the requirement largely will only apply to new dischargers). The estimate that it will take these permittees three hours to complete and submit (via an email to the EPA) the Criterion C form is based on the EPA's best professional judgement. The estimate that 1,800 permittees will complete the Criterion Selection Worksheet is based on the assumption that all existing permittees will have to fill out the worksheet as part of reestablishing their eligibility under the new permit. However, since existing permittees are presumed to have already previously established their eligibility with regard to the protection of threatened and endangered species and have the required information readily available to them, the EPA assumes conservatively it will take on average one hour for them to complete the worksheet.

- **Historic Properties Protection** [No proposed changes to the information collection burden]

The EPA estimates that 60 industrial facility permittees will spend an average of five hours contacting the relevant State or Tribal Historic Preservation Office (SHPO/THPO) in writing once each permit term. The permit does not require this information to be submitted to the EPA.

Basis: The estimate that 60 permittees will be required to contact the SHPO/THPO in writing is based on the number of permittees who had to do this during the final 2015 MSGP term. The EPA estimates that this will continue to be a rare occurrence under the new permit as the vast majority of permittees under the MSGP are existing permittees that will not have new subsurface controls installed and are not expected to be located in areas where there are historic properties.

- o **New Discharges and New Sources to Water Quality-Impaired Waters** [No proposed changes to the information collection burden]

The EPA estimates that 50 industrial facility permittees will spend an average of two hours meeting the information collection and submittal requirements applicable to new discharges and new sources to water quality-impaired waters once each permit term. This information is required to be submitted directly to the appropriate EPA Regional Office.

Basis: There were 200 permittees under the final 2015 MSGP who were both new dischargers and discharged to impaired waters. Because the vast majority of permittees under the MSGP are existing permittees, and because there is another option for meeting this eligibility requirement that does not require submittals to the EPA (i.e., by preventing all exposure to stormwater of the pollutant(s) for which the waterbody is impaired), the EPA anticipates the burden on this requirement to be minimal. The EPA anticipates that only 25 percent of these permittees will choose the option that requires information to be submitted to the appropriate EPA Regional Office; the other 75 percent are anticipated to meet the requirement by preventing exposure.

- o **Discharges to a Federal CERCLA Site** [Minor proposed changes to the information collection burden]

The EPA estimates that 100 industrial facility permittees will spend an average of two hours meeting the notification requirements applicable to new discharges to federal CERCLA sites once each permit term. Permittees would submit this information directly to the appropriate EPA Regional Office.

Basis: The EPA is requesting comment on applying the Federal CERCLA site eligibility requirements across all 10 EPA Regions. The EPA does not currently have data on how permittees may be affected by this proposed requirement. For the purpose of a rough estimate, the EPA assumes that 4 percent of permittees will be subject to this requirement (approximately 4 percent of Region 10 permittees are subject to the existing requirement in Region 10). The estimate that these permittees will each spend two hours meeting the notification requirements is based on EPA's experience implementing this provision in Region 10 under the 2015 MSGP.

- o **Exceedance Report for Numeric Effluent Limitations** [No proposed changes to the information collection burden]

The EPA estimates that 20 industrial facility permittees will spend an average of one hour to meet the numeric effluent limit exceedance report submittal requirements one time throughout the permit term. Permittees would submit this information directly to the appropriate EPA Regional Office.

Basis: These estimates are based on the EPA's experience implementing this provision under the 2015 MSGP.

- o **Additional Reporting** [No proposed changes to the information collection burden]

The following reports are part of the Standard NPDES Permit Conditions and would be submitted directly to the appropriate EPA Regional Office:

- **Planned changes:**
The EPA estimates that 20 permittees will spend an average of four hours to meet the planned changes standard permit condition throughout the permit term.
Basis: These estimates are based on estimates from a previous ICR, which assumed this requirement would apply to 1 percent of permittees.
- **Anticipated noncompliance:**
The EPA estimates that two permittees will spend an average of five hours meeting the anticipated noncompliance standard permit condition throughout the permit term.
Basis: These estimates are based on estimates from a previous ICR, which assumed this requirement would apply to 0.1 percent of permittees.
- **Other information:**
The EPA estimates that one permittee will spend an average of two hours reporting previously provided inaccurate information.
Basis: These estimates are based on estimates from a previous ICR, which assumed this requirement would apply to 0.05 percent of permittees.
- **Other Additional Reporting:**
The EPA estimates that 170 permittees will spend an average of 20 hours on reporting related to other NPDES standard permit conditions.
Basis: These estimates are based on estimates from a previous ICR, which assumed additional standard permit condition reporting would apply to approximately 7 percent of permittees.

B. Estimating Respondent Costs

With burden hour estimates included in Section VI.A, the next step is to estimate the labor cost per respondent and the capital costs required to complete each activity that would be required under the proposed 2020 MSGP. The total cost for each respondent activity is composed of the following:

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

1. Estimating Labor Costs

When calculating respondent labor costs, the EPA assumes the average loaded hourly rate in the private sector is \$34.49 (source: <https://www.bls.gov/news.release/pdf/ecec.pdf> accessed September 18, 2019).

At 68,857 hours per year, this equates to \$2,374,892 annually in labor costs associated with respondent burden.

2. Estimating Capital and Operations and Maintenance Costs

No O&M costs are anticipated for this ICR.

3. Capital/Start-up Operating and Maintenance (O&M) Costs

No capital/start-up O&M costs are anticipated for this ICR.

4. Annualizing Capital Costs

No capital costs are anticipated for this ICR.

C. Estimating Agency Burden and Cost

This section presents the estimated agency burden for each information request and the associated agency cost. A summary of the burden and cost is provided at the end of this section.

- **Notice of Intent (NOI) and Notice of Termination (NOT) forms** [No proposed changes to the Agency burden]
The estimated average time for the EPA to process NOIs is 0.25 hours per NOI. The estimated time to process NOTs is negligible due to the electronic processing of these forms.
- **Stormwater Pollution Prevention Plans (SWPPPs)** [No proposed changes to the Agency burden]
The SWPPP is only required to be submitted in summary form on the NOI or as an Internet link. Therefore, review of the SWPPP should not cause significant Agency burden. Additionally, the Agency does not expect to review 100 percent of SWPPPs that are submitted (the SWPPPs are made publicly available for public, states, and other stakeholders and are also reviewed by the Services). The EPA estimates, based on its best professional judgement, that each of the approximately 25 percent of submitted SWPPPs will require one hour of EPA review.
- **Sampling and Discharge Monitoring Reports (DMRs)** [Major proposed changes to the Agency burden]
Based on the previous ICR, the estimated time for the EPA to process DMRs is 0.16 hours per DMR plus 0.5 hours for follow-up of 20 percent of submissions. The major proposed change will be the number of DMRs requiring EPA review, follow-up, and processing.
- **Inspection Reports** [No proposed changes to the Agency burden]
Because inspection reports are not submitted to the EPA (except in summary form as part of the Annual Report form), the Agency is not expecting any Agency burden associated with this requirement and therefore estimates 0 hours.
- **Corrective Action/Additional Implementation Measure Documentation** [Major proposed changes to the Agency burden]
Because corrective action/AIM documentation is not submitted to the EPA (except in summary form as part of the Annual Report form), the Agency does not estimate any Agency burden associated with this requirement.

- **Annual Reports** [No proposed changes to the Agency burden]
Because Annual Reports are submitted electronically, the EPA does not anticipate significant Agency burden associated with submittals. Based on its best professional judgement, the EPA estimates that approximately 5 percent of Annual Reports will require one hour of EPA follow-up.
- **No Exposure Certifications** [No proposed changes to the Agency burden]
Because NECs are submitted electronically, the EPA does not anticipate significant Agency burden associated with their submittal. The EPA estimates 0 hours of Agency burden.
- **Other Information.**
 - **Endangered and Threatened Species and Critical Habitat Protection** [No proposed changes to the Agency burden]
Based on the EPA's experience with implementation of the 2015 MSGP, the Agency anticipates spending on average 0.25 hour reviewing and following-up, as necessary, on each of the Criterion C forms submitted.
The EPA estimates spending an additional 0.5 hour resolving ESA issues for 5 percent of permittees throughout the permit term.
 - **Historic Properties Protection** [No proposed changes to the Agency burden]
Based on the EPA's experience with the 2015 MSGP, the EPA anticipates spending approximately one hour assisting the small subset of estimated 60 permittees that have to contact the SHPO/THPO with regard to historic properties eligibility.
 - **New Discharges and New Sources to Water Quality-Impaired Waters** [No proposed changes to the Agency burden]
Based on the EPA's experience with the 2015 MSGP, the EPA anticipates spending approximately one hour assisting the small subset of the estimated 50 permittees that are subject to the new discharges and new sources to water quality-impaired waters.
 - **Discharges to a Federal CERCLA Site** [Minor proposed changes to the Agency burden]
Based on the EPA's experience with the 2015 MSGP, the EPA anticipates spending approximately two hours assisting the small subset of the estimated 100 permittees that may be subject to Federal CERCLA site discharge eligibility requirements.
 - **Exceedance Report for Numeric Effluent Limitations** [No proposed changes to the Agency burden]
Based on the EPA's experience with the 2015 MSGP, the EPA anticipates spending approximately two hours assisting the small subset of estimated 20 permittees that may be required to submit Numeric Effluent Limit exceedance reports.
 - **Additional Reporting** [No proposed changes to the Agency burden]
Based on the EPA's experience with the 2015 MSGP, the EPA anticipates spending approximately two hours on the small subset of estimated 200 additional permittee reports.

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, 2019 General Schedule (2019-GS) (link: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS.pdf> accessed September 18, 2019), the average annual salary of a government employee at the

GS-9, Step 10 level is \$57,809. At 2,080 hours per year, the hourly wage is \$27.79. Assuming overhead costs of 60 percent, or \$16.67 per hour, the fully loaded cost of employment for a federal employee is \$44.46.

Table 1 Estimated Agency burden and cost.

Activity	Hours per Response	No. Annual Responses	Total Annual Burden (hrs)	Total Annual Cost
NOI form review	0.25	480	120	\$5,335.20
SWPPP review	1	120	120	\$5,335.20
DMR submittal	0.16	9,600	1,536	\$68,290.56
DMR follow-up	0.5	1,920	960	42,681.60
Annual Report	1	120	120	\$5,335.20
ESA Criteria C form review	0.25	120	30	\$1,333.80
Other ESA issues	0.5	24	12	\$533.52
Historic Properties Eligibility	1	12	12	\$533.52
New Dischargers/Sources to Impaired Waters Eligibility	1	10	10	\$444.60
Discharges to a Federal CERCLA Site Eligibility	2	20	40	\$1,778.40
Exceedance Report for Numeric Effluent Limitations	2	4	8	\$355.68
Additional Reporting:	2	40	80	\$3,556.80
Total Agency Activities		12,470	3,048	\$135,514.08

D. Estimating the Respondent Universe and Total Burden and Costs

Detailed information describing the universe and basis for burden and costs is provided in Section VI.A. Results are presented below.

Table 2 Estimated Respondent burden and cost.

Activity	Hours per Response	No. Annual Responses	Total Annual Burden (hrs)	Total Annual Cost
NOI form	4	480	1920	\$66,220.80
NOT form	0.5	40	20	\$689.80
New SWPPP	10	120	1200	\$41,388.00

Activity	Hours per Response	No. Annual Responses	Total Annual Burden (hrs)	Total Annual Cost
Update existing SWPPP	4	360	1440	\$49,665.60
Sampling & DMR submittal	4.19	9600	40,285	\$1,389,433.31
Quarterly Site Inspection	1	9600	9600	\$331,104.00
Quarterly Visual Inspection	1	9600	9600	\$331,104.00
Corrective Action/AIM Documentation	1	700	700	\$24,143.00
Annual Report	1	2400	2400	\$82,776.00
NEC form	0.75	200	150	\$5,173.50
ESA Criterion C form	3	120	360	\$12,416.40
ESA Criteria Selection Worksheet	1	360	360	\$12,416.40
Historic Properties Eligibility	5	12	60	\$2,069.40
New Dischargers/Sources to Impaired Waters Eligibility	2	10	20	\$689.80
Discharges to a Federal CERCLA Site Eligibility	2	20	40	\$1,379.60

Activity	Hours per Response	No. Annual Responses	Total Annual Burden (hrs)	Total Annual Cost
Exceedance Report for Numeric Effluent Limitations	1	4	4	\$137.96
Additional Reporting:				
Planned changes	4	4	16	\$551.84
Anticipated noncompliance	5	0	2	\$68.98
Other information	2	0	0	\$13.80
Other Additional Reporting	20	34	680	\$23,453.20
Total Respondent Activities		33,665	68,857	\$2,374,891.73

E. Bottom Line Burden Hours and Cost Tables

1. Respondent Tally

The bottom-line burden hours and costs for facilities and authorized states are the average annual hours and costs collectively incurred for all activities during the 3-year period covered by this ICR. The below table provides a summary of the average annual number of respondents, burden hours, and costs.

Table 3 Bottom line respondent burden hours and cost.

Unique Respondents (number)	2,400
Responses (number)	33,665
Burden (hours)	68,857
Costs (labor)	\$2,374,892
Costs (capital)	\$0
Costs (O&M)	\$0
Total costs	\$2,374,892

2. The Agency Tally

The bottom-line burden hours and costs for the Agency are the total annual hours and costs collectively incurred for all activities during the period covered by this ICR. The below table provides a summary of the average annual Agency burden hours and costs.

Table 4 Bottom line Agency burden hours and cost.

Responses (number)	12,470
Burden (hours)	3,048
Costs (labor)	\$135,514.08
Costs (capital)	\$0
Costs (O&M)	\$0
Total costs	\$135,514.08

F. Reasons for Change in Burden

The proposed new burden is based on proposed new requirements in the 2020 MSGP and updated costing methodology and include any changes to hourly rates.

G. Burden Statement

The calculations made for this ICR cover the estimated burden and costs for the EPA and MSGP permittees. This ICR estimates a burden of 33,665 hours annually for 2,400 respondents (permittees) at a cost of \$2,374,892. The annual reporting and record-keeping burden for this collection of information is estimated to average 29 hours per respondent (2 hours per response).

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

To comment on EPA's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2019-0372, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water

Docket is 202-566-2426. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at <http://www.regulations.gov/>. Use FDMS to submit or view public comments, to access the index listing of the contents of the public docket, and to access documents in the public docket that are available electronically. Once in the system, key in the docket ID number identified above. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. in any correspondence.

Appendix A
Proposed Revised Permit Forms