



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

MEMORANDUM

SUBJECT: Emergency Information Collection Request for CWA and SDWA Data Collection of Resource Needs for Utilities During the COVID-19 National Emergency (OMB No. 2040-NEW; EPA ICR No. 2625.01)

FROM: Charlotte Bertrand, Deputy Assistant Administrator

THRU: Courtney Kerwin, Director
Regulatory Support Division, OEIP
Office of Mission Support

TO: Vlad Dorjets, OMB Desk Officer
Office of Information & Regulatory Affairs
Office of Management and Budget

The U.S Environmental Protection Agency (EPA) requests an emergency information collection request (ICR) under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) that will enable us to rapidly obtain information from the water sector for coronavirus disease (COVID-19) related needs. As a result of COVID-19, the water utility sector is facing potential supply chain, workforce, and revenue shortages. The EPA needs to collect data quickly to assess whether water sector utilities have sufficient resources to continue their operations and provide safe drinking water and wastewater treatment during the COVID-19 national emergency and while America reopens. Additionally, information is necessary to facilitate planning for a rapid response, if necessary, should there be a recurrence of COVID-19 later this year. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), the EPA is requesting emergency review under 5 CFR 1320.13(a)(2)(i) because public harm is reasonably likely to result if the regular clearance procedures were followed. Additionally, this request for an emergency ICR is consistent with 5 CFR 1320.13(a)(2)(ii), "an unanticipated event has occurred." Per the PRA, clearance for the provisions approved by this emergency ICR request will automatically expire after 180 days. Maintaining them, if necessary, will require the Agency to carry-out, and OMB to approve, an ICR for a new collection, complete with 60- and 30-day public comment periods.

Section 1445 of the SDWA states that public water systems (PWSs) shall conduct monitoring, maintain records, and provide information as needed to implement their monitoring and enforcement responsibilities with respect to the Act. In addition, the National Pollutant Discharge Elimination System (NPDES) program, established under CWA Section 402, is an important tool for controlling pollutant discharges. The CWA authorizes the Agency to issue permits for the discharge of pollutants to waters of the United States, and the Agency uses the NPDES program to regulate point source discharges. Under both the SDWA and the CWA, the EPA has the authority to collect certain data from drinking water and wastewater treatment facilities; however, the EPA has determined that existing

provisions of the monitoring, recordkeeping, and reporting provisions at Section 1445 of SDWA and Section 402 of the CWA are insufficient to obtain the data necessary and in a timely manner to address drinking water and waste water issues related to the novel COVID-19 national emergency.

The EPA needs to obtain data quickly from the water utilities and associated chemical and other manufacturing sectors to answer questions regarding potential shortages in their supply chains. Respondents would be water utilities like PWSs of all sizes, Publicly-Owned Treatment Works (POTWs), and other entities that manufacture, produce, and/or supply products, equipment, and services used by PWSs and POTWs. As soon as the EPA receives an indication that a problem may exist, the Agency may request information about the chemicals, equipment, or other critical materials potentially in short supply and viable alternatives that can be used in their treatment process. Personnel shortages are another potential issue that could impact utilities' operations during the COVID-19 crisis. We would seek information to determine if there are potential or on-going shortages of certified operators or other trained personnel needed to keep Community Water Systems (CWS) and POTWs running safely. This includes contractors performing critical functions to maintain operations. Additionally, the EPA may also request information regarding financial impacts that drinking water, wastewater, and stormwater utilities are experiencing. These impacts may include revenue losses, cost increases, and other impacts to their cash flow due to the COVID-19 emergency. These impacts may adversely affect a utility's ability to maintain operations and compliance with SDWA and CWA requirements. Finally, the Office of Water may seek information on whether drinking water and wastewater systems are able to complete required sampling and laboratory analysis needed to operate their treatment systems and to determine compliance with National Primary Drinking Water Regulations or NPDES permits. Additionally, the information described above is necessary to ensure the water sector is prepared should there be a recurrence of COVID-19 later this year. The sample collection techniques will include telephone contacts and electronic web-based requests. The EPA would collect information from a representative sample of CWSs, POTWs and other entities. The sample design will be determined based upon the data quality objectives including the desired confidence interval.

Preparing these data will require respondents to project the normal operational resource needs in this COVID-19 emergency situation. The estimated costs include the time for utility plant personnel to compile the information requested. As shown in the table attached below, the range of CWS respondents is expected to be greater than the range of POTW respondents because there are approximately 148,000 PWSs in the U.S. compared to approximately 17,000 POTWs. The total public data collection and reporting burden over six months is estimated to be 21,000 hours. This equates to approximately \$735,000 in total labor costs. No operation and maintenance (O&M) or capital costs are anticipated. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency.

Thank you for your quick attention to this important matter. If you have any questions regarding this emergency ICR, please contact me at (202) 564-2453 or Macara Lousberg, Office of Water, at (202) 564-5576.

Attachment

cc: Macara Lousberg, Janita Aguirre, Sandy Evalenko, OW
Jennifer McLain, OGWDW
Andrew Sawyers, OWM
Vaughn Noga, Courtney Kerwin, Eric Schultz, OMS

Estimated Respondent Burden Hours and Cost for Emergency CWA and SDWA ICR

(June 2020 – November 2020)

	Number of Respondents Per 6 Months (A)	Number of Hours per Activity	Number of Activities Per 6 Months	Total Number of Hours per 6 Months	Total Labor Cost Per 6 Months \$(B)
Publicly Owned Treatment Works (POTWs)	200 – 1400 (800 average)	1-6 (3.5 average)	1-3 (2 average)	5,600	\$196,000.00
Community Water Systems (CWS)	400 – 4,000 (2,200 average)	1-6 (3.5 average)	1-3 (2 average)	15,400	\$539,000.00
Per respondent		3.5	2	7.0	\$245.00
Total	3,000	10,500	6,000	21,000	\$735,000.00

A. EPA anticipates a 40 percent non-response rate. The estimates above are for those systems that choose to respond.

B. Labor rates \$35/hr. Two sources:

- June 2019 National Primary Drinking Water Regulation: Perchlorate Proposed Rule. The EPA calculated a weighted average fully loaded hourly wage rate for water systems of \$34.71 <https://www.federalregister.gov/documents/2019/06/26/2019-12773/national-primary-drinking-water-regulations-perchlorate>.
- Draft Proposed National Pollutant Discharge Elimination System (NPDES) 2020 reissuance of the Multi-Sector General Permit for Industrial Stormwater Discharges ICR (March 2020): The average rate of private sector labor was \$34.49. [Bureau of Labor Statistics (BLS). (2019, March). EMPLOYER COSTS FOR EMPLOYEE COMPENSATION – MARCH 2019. Retrieved from <https://www.bls.gov/news.release/pdf/ecec.pdf>.]