

Final National Pollutant Discharge Elimination System Multi-Sector General Permit for Industrial Stormwater Discharges

OMB Control No. 2040-0300 EPA ICR No. 2612.02

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United States Environmental Protection Agency
Office of Wastewater Management
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Part A

I. Identification

A. Title

Title: Final National Pollutant Discharge Elimination System Multi-Sector General Permit for Industrial Stormwater Discharges

OMB Control Number: 2040-0300

EPA ICR Number: 2612.02

B. Short Characterization/Abstract

This Information Collection Request (ICR) calculates the burden and costs associated with information collection and reporting activities from the U.S. Environmental Protection Agency (EPA) National Pollutant Discharge 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, including the administration of the 2015 MSGP, are accounted for in the NPDES Program ICR (EPA ICR number 0229.23, OMB control no. 2040-0004). EPA is reflecting the paperwork burden and costs associated with the 2021 MSGP in this ICR instead of revising the NPDES Program ICR and will consolidate the burden and costs into the NPDES Program ICR in 2022 when that ICR is reissued.

The information collection changes between the 2015 and 2021 MSGP are associated with the following:

- Notice of Intent (NOI)
- Stormwater Pollution Prevention Plans (SWPPPs);
- Sampling and Discharge Monitoring Reports (DMRs);
- Corrective Action/Additional Implementation Measure (AIM) Documentation; and
- Other Information.

Table 1 summarizes the ICR burden estimate for the 2021 MSGP. This ICR estimates a total annual labor burden of 68,460 hours for 2,508 respondents at a total annual labor cost of \$2,461,922. The Agency total labor burden is 3,114 hours annually at a total annual labor cost of \$142,108. There are no capital and operations and maintenance (O&M) costs associated with this ICR.

EPA also estimated the change in burden associated with new or changed requirements in the 2021 MSGP compared to the NPDES Programmatic ICR (2017). For comparison purposes, EPA assumes the NPDES Programmatic ICR accounts for 2,400 respondents under the EPA's MSGP. The incremental change in burden is due to an increase in the number of respondents and change in burden for various reporting and recordkeeping activities because of updated permit requirements. The 2021 MSGP has an estimated increase in annual labor burden of 38,210 hours at a labor cost of \$724,853. The estimated increase in Agency labor burden is 1,920 hours annually at a labor cost of \$90,981.

Table 1 - Estimated Annual Burden for the 2021 MSGP

Burden Category	Total MSGP Burden Estimate		Incremental Increase in Burden from the NPDES Programmatic ICR (2017) to 2021 MSGP	
	Labor Burden (hours)	Labor Cost (\$)	Labor Burden (hours)	Labor Cost (\$)
Total for Respondents	68,460	2,461,922	38,210	724,853
Total for Agency	3,114	142,108	1,920	90,981

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). 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 EPA or NPDES-authorized state or tribal agencies. Since 1972, 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, 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). 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. 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). EPA issues the MSGP under this statutory and regulatory authority.

While the regulations establish EPA's authority and requirement to collect information under the MSGP, EPA has specific needs for collecting the data, which include:

- To provide information supporting operator eligibility to be covered by the permit;
- To provide information on pollutant discharge trends for performance measures;
- To provide information to EPA and states to prioritize permit activities;
- To determine whether operators are in compliance with permit conditions; and

- To provide information to EPA to determine the need for and develop permit limits.

B. Practical Utility/Users of the Data

This ICR includes information used primarily by respondents and EPA. 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 EPA, while other information must be maintained on-site by the operator.

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 the proposed ICR was published in the *Federal Register* (85 FR 12288) on March 2, 2020, and open to public comment. The notice included a request for comments on the content and impact of these information collection requirements on the regulated community. EPA did not receive any comments directly on the ICR burden. EPA received general comments about the burden of the MSGP on the regulated community and considered these comments when finalizing the permit provisions. The changes made to the permit in response to these comments affected the burden estimates in this ICR. EPA addressed all comments received in the 2021 MSGP Response to Comments documentation (See Docket ID No. EPA-HQ-OW-2019-0372).

C. Consultations

The most significant 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 EPA Multi-Sector General Permit for Industrial Stormwater Discharges*, which was delivered in February 2019. EPA met with the regulated community and environmental group stakeholders during the development of the proposed permit to discuss these proposed changes. Additionally, EPA engaged with stakeholders after the proposal of the permit before permit finalization by holding informational webcasts on March 10 and April 9, 2020 and receiving public comments via a public notice process.

D. Effects of Less Frequent Collection

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. EPA regularly seeks new opportunities to reduce burden on the regulated community.

EPA and other stakeholders need current information about respondents and discharge characteristics to fulfill oversight responsibilities. The burden described in this ICR identifies the burden that EPA has determined is necessary. EPA has determined that the information currently required is the minimum that is necessary to adequately evaluate 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 2021 MSGP is available to operators of eligible facilities located in areas where 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 2021 MSGP. Appendix N of the 2021 MSGP also includes Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes that fall within each regulated industrial sector.
- 2.
3. EPA anticipates that approximately 2,270 existing operators will initially be covered under this 2021 reissuance of the MSGP. The 2015 MSGP NOI data indicated that 28% of the total operator population over the five-year permit term were new operators. EPA estimates that the operator population under the 2021 MSGP will grow by roughly this same amount over the five-year permit term, which equates to approximately 5% each year. Therefore, EPA anticipates over the three-year ICR period, there will be an average of approximately 2,506 respondents subject to the recordkeeping and reporting requirements described in this ICR (see Table 2). In addition, EPA estimates that there will be an average of 121 new operators each year, for a total of 363

new operators during the three years covered by this ICR and 605 new operators over the five-year permit term.

- 4.
- 5.
- 6.

Table 2 - Projected Number of Respondents

ICR Year	Existing Respondents at Start of ICR Year	New Respondents Added During ICR Year	Total Respondents
1	2,270	115	2,385
2	2,385	121	2,506
3	2,506	127	2,632
Average	2,387	121	2,508

- 7.
- 8.

9. The permit regulates stormwater discharges located in areas where EPA is the permitting authority that are associated with industrial activity from facilities in the 30 sectors shown below:

10. Sector A—Timber Products.
11. Sector B—Paper and Allied Products Manufacturing.
12. Sector C—Chemical and Allied Products Manufacturing.
13. Sector D—Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers.
14. Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
15. Sector F—Primary Metals.
16. Sector G—Metal Mining (Ore Mining and Dressing).
17. Sector H—Coal Mines and Coal Mining-Related Facilities.
18. Sector I—Oil and Gas Extraction.
19. Sector J—Mineral Mining and Dressing.
20. Sector K—Hazardous Waste Treatment Storage or Disposal.
21. Sector L—Landfills and Land Application Sites.
22. Sector M—Automobile Salvage Yards.
23. Sector N—Scrap Recycling Facilities.
24. Sector O—Steam Electric Generating Facilities.
25. Sector P—Land Transportation.
26. Sector Q—Water Transportation.
27. Sector R—Ship and Boat Building or Repairing Yards.
28. Sector S—Air Transportation Facilities.
29. Sector T—Treatment Works.
30. Sector U—Food and Kindred Products.
31. Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.
32. Sector W—Furniture and Fixtures.
33. Sector X—Printing and Publishing.
34. Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
35. Sector Z—Leather Tanning and Finishing.
36. Sector AA—Fabricated Metal Products.

- 37. Sector AB—Transportation Equipment, Industrial or Commercial Machinery.
- 38. Sector AC—Electronic, Electrical, Photographic and Optical Goods.
- 39. 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:

- NOI and Notice of Termination (NOT) forms;
- SWPPPs;
- DMRs;
- Inspection Reports;
- AIM Documentation;
- Annual Reports;
- No Exposure Certifications; and
- Other Information.

Each of these, including respondent activities, are summarized below. An indication of whether EPA is changing the data item from what was required in the 2015 MSGP is also included.

NOI forms [Changes to the information collection burden]

Like the 2015 MSGP, EPA's 2021 MSGP requires respondents to submit an electronic NOI to obtain coverage under the permit. The NOI requests basic operator 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 (applies only to EPA Region 10 respondents), information from the SWPPP, a summary of endangered species eligibility information, historic preservation eligibility information, and other information.

NOT forms [No changes to the information collection burden]

EPA's 2015 MSGP NOT form is identical to the form in the 2021 MSGP. A NOT form must 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.

SWPPPs [Changes to the information collection burden]

EPA's 2021 MSGP requires all respondents 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;
- Corrective action and AIM related documentation; and
- Signature requirements.

DMRs [Changes to the information collection burden]

A DMR is used to report the results of applicable monitoring under the permit, including benchmark monitoring, indicator monitoring, impaired waters monitoring, and effluent limitations monitoring. It also is used to indicate any applicable exceptions for benchmark exceedances.

The 2021 MSGP requires respondents to submit all monitoring data using EPA's electronic DMR system (NetDMR), unless granted a waiver.

Inspection Reports [No changes to the information collection burden]

Inspection reports must 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.

AIM Documentation [Changes to the information collection burden]

The 2021 MSGP requires 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 EPA, except in summary form on the Annual Report.

Annual Reports [No changes to the information collection burden]

Each operator must submit an Annual Report electronically using the NPDES eReporting Tool (NeT-MSGP) to EPA by January 30th for each year of permit coverage, unless a waiver to use a paper form has been granted. The Annual Report must include a summary of routine facility inspection documentation, a summary of quarterly visual assessment documentation, and information about corrective actions and/or AIM responses.

No Exposure Certifications [No 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-MSGP (unless a waiver to use a paper form has been granted) that certifies the entire facility meets a condition of no exposure.

Other Information

- **Protection of Endangered Species Act (ESA) Species and Critical Habitat** [Changes to the information collection burden]

The 2021 MSGP requires respondents to complete the Criterion Selection Worksheet and, if applicable, the Criterion C Eligibility Form in NeT-MSGP 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 EPA via NeT-MSGP for review by EPA, the National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS).

- **Historic Properties Preservation** [Changes to the information collection burden]

The 2021 MSGP requires respondents to submit eligibility information via NeT-MSGP with regard to the protection of historic properties. The permit does not require any separate information to be submitted to EPA besides indicating their criterion selection on the NOI form to EPA. There would be a requirement for respondents 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** [Changes to the information collection burden]

The 2021 MSGP requires 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** [Changes to the information collection burden]

The 2021 MSGP requires respondents that discharge to specified Federal CERCLA sites in EPA Region 10 in Appendix P to notify the EPA Regional office to determine if the operator 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 changes to the information collection burden]

The 2021 MSGP requires respondents to submit an Exceedance Report if follow-up effluent limitations 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 changes to the information collection burden]

The following reports are part of the Standard NPDES Permit Conditions that, if applicable, are required to be submitted directly to the EPA Regional office:

- o **24-hour reporting:** Respondents must report any noncompliance which may endanger human health or the environment. Any information must be provided verbally within 24 hours from the time the operator is aware of the circumstances.
- o **5-day follow-up reporting to the 24-hour reporting:** Respondents must provide a written submission within 5 days from the time the operator is aware of the circumstances.
- o **Reportable quantity spills:** Respondents must 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.
- o **Planned changes:** Respondents must 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.
- o **Anticipated noncompliance:** Respondents must give advance notice to EPA of any planned changes in the permitted facility or activity which is anticipated to result in noncompliance with permit requirements.
- o **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 must be submitted no later than 14 days following each schedule date.
- o **Other noncompliance:** Respondents must 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.
- o **Other information:** Respondents must 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

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

EPA collects most information generated under the MSGP through the Integrated Compliance Information System (ICIS-NPDES) database via NeT-MSGP. 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 EPA tool Enforcement and Compliance History Online (ECHO) and through the E-Enterprise Permit Lookup.

C. Small Entity Flexibility

EPA believes the reporting requirements discussed in this ICR do not place an unreasonable burden on small business. EPA and states have made extensive use of general permits to streamline the permitting process for both the operator and EPA. The majority of stormwater operators, which compose more than three quarters of all NPDES permittees, are covered under general permits. General permit procedures reduce burden 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 5 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 5 years.

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

- **NOI form** [No changes to the collection schedule]
The NOI is submitted once each permit term. Deadlines vary based on the category of operator, but for most operators 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.
- **NOT form** [No changes to the collection schedule]
The NOT is submitted only when permit coverage is no longer needed; because most respondents are long-term, existing operators, NOTs are not expected to be submitted frequently under this permit.
- **SWPPPs** [No changes to the collection schedule]
An initial SWPPP must be developed prior to submitting an NOI for permit coverage. This ICR assumes that every 5 years, operators who had previous permit coverage under the 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.

- **DMRs** [Changes to the collection schedule]

The 2021 MSGP includes new or modified requirements for benchmark monitoring, indicator monitoring, and impaired waters monitoring. The effluent limitations monitoring requirements in the 2021 MSGP are consistent with the 2015 MSGP.

- **Benchmark monitoring:** For respondents in sectors that have benchmark monitoring requirements, the 2021 MSGP requires quarterly benchmark monitoring in the first year and fourth year of the permit term. If the four-quarter annual average from the first year of monitoring does not exceed a benchmark threshold, then monitoring can be discontinued until the fourth year of the permit term. If the four-quarter annual average from the first year exceeds a benchmark threshold (or fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter), then monitoring must continue on a quarterly basis until a four-quarter annual average is below the benchmark threshold. In the fourth year of permit coverage, respondents would again perform quarterly benchmark monitoring and if the four-quarter annual average does not exceed benchmark thresholds, then monitoring can be discontinued for the rest of the permit term.
- **Indicator monitoring for pH, total suspended solids (TSS), and chemical oxygen demand (COD):** The 2021 MSGP requires respondents in sectors that do not have benchmark monitoring to conduct quarterly indicator monitoring throughout the permit term for three indicator parameters: pH, TSS, and COD. This monitoring would be “report-only” in nature to provide respondents and EPA with a baseline of industrial stormwater discharge quality, potential water quality problems, and stormwater control measure effectiveness for these operators.
- **Indicator monitoring for polycyclic aromatic hydrocarbons (PAHs):** The 2021 MSGP requires respondents in specific sectors and that conduct certain industrial activities to conduct biannual (twice a year) indicator monitoring for PAHs in Years 1 and 4. It also requires respondents in all sectors with stormwater discharges from paved surfaces that will be initially sealed or re-sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit to conduct biannual (twice a year) indicator monitoring.
- **Impaired waters monitoring:** For respondents who discharge to impaired waters without an EPA-approved or established TMDL, annual monitoring is required for all pollutants causing impairments in the first year of the permit term. If the pollutants are not detected, then monitoring can be discontinued until the fourth year of the permit term. If pollutants are detected, then annual monitoring must continue until pollutants are no longer detected. In the fourth year of permit coverage, respondents would again perform monitoring for pollutants causing impairments and that are associated with the industrial activity or that are benchmark parameters. If no pollutants are detected in the fourth year, monitoring can be discontinued for the remainder of the permit term.
- **Effluent limitations monitoring:** Effluent limitations monitoring applies to a small subset of respondents that are subject to an effluent limitation guideline. Effluent limitations monitoring is required once 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 changes to the collection schedule]
Inspection reports and quarterly visual assessment documentation must be completed once each quarter throughout the permit term.
- **Corrective Action/Additional Implementation Measure Documentation** [No changes to the collection schedule]
Corrective action/AIM documentation requirements are primarily triggered by benchmark monitoring exceedances; as such there is no set schedule in the permit.
- **Annual Reports** [No changes to the collection schedule]
Annual Reports must be submitted by January 30th of each year of permit coverage.
- **No Exposure Certifications** [No changes to the collection schedule]
No Exposure Certifications must be submitted once every 5 years.
- **Other Information**
 - **Protection of ESA Species and Critical Habitat** [No changes to the collection schedule]

Protection of ESA Species and Critical Habitat documentation is required in the process of determining permit eligibility. Most information collection requirements related to this provision apply to new respondents, and much of the information required in the eligibility process is also required as part of the SWPPP development.
 - **Historic Properties Preservation** [No changes to the collection schedule]

Historic properties documentation is required in the process of determining permit eligibility. Information collection requirements related to this provision apply to new respondents. Once an operator 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 changes to the collection schedule]

Documentation required for new discharges and new sources to water quality-impaired waters is only required once. Once an operator is an existing discharger, these documentation requirements no longer apply.
 - **Discharges to a Federal CERCLA Site** [No changes to the collection schedule]

Respondents in Region 10 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.

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

Numeric effluent limitation exceedance report requirements are triggered by exceedances; as such, there is no set schedule in the permit.

- o **Additional Reporting** [No changes to the collection schedule]

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

The burdens and costs of the 2015 MSGP were accounted for in the NPDES Programmatic ICR, which was renewed in 2017 (EPA ICR No. 0229.23, OMB Control No. 2040-0004). As part of this supporting statement, EPA has reviewed and where appropriate, revised the estimated burden for each information request in the 2021 MSGP. Revisions were made to either improve the accuracy of the estimated burden or to reflect changes in the requirements of the MSGP.

Key Assumptions:

Not all requirements apply to all respondents all of the time. For example, certain sectors will have three applicable monitoring requirements (i.e., benchmark monitoring, impaired waters monitoring, and effluent limitations monitoring), while others may only have indicator monitoring. These nuances for each 2021 MSGP requirement are not necessarily clear in an average information collection burden cost estimate.

The number of discharge points and pollutants varies greatly between respondents. EPA assumes an average of 2.04 discharge points per facility based on analysis of 2015 MSGP NOI data, noting that currently permitted respondents have a broad range of discharge points, from as few as 1 to as many as 37.

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

- **NOI Forms** [Changes to the information collection burden]

EPA estimates that 2,508 respondents will spend 4.1 hours preparing and submitting an NOI once each permit term. This MSGP ICR adds an incremental burden of 0.2 hours to the existing burden accounted for in the NPDES programmatic ICR (3.9 hours).

Basis: There have been changes made to the NOI form in the 2021 MSGP. Some of the changes being made will have a negligible impact on the information collection burden. EPA estimates

that the addition of several new questions on the NOI form (e.g., pending enforcement actions for new dischargers only, PAH indicator monitoring applicability, and flow regime of the receiving water(s) for Subsector K1 and G2 only) will add approximately 5 minutes of burden, or 0.1 hours, for all respondents. In addition, EPA is adding a new question for operators in New Mexico about whether the operator anticipates discharging groundwater or spring water from their facility. If the operator answers yes, then there are a series of follow-up questions. EPA estimates these questions will add about 30 minutes of burden each for approximately 500 operators in New Mexico. To account for this burden, EPA is adding another 0.1 hours of burden to the total NOI burden.¹ This increases the total burden to approximately 4.1 hours per response. The estimate of how many respondents will submit an NOI is a projection based on 2015 MSGP data. See Section IV.A for further details on how the total number of respondents was calculated.

- **NOT Forms** [No changes to the information collection burden]

EPA estimates that approximately 15% of all respondents, or approximately 380 respondents, will spend 0.5 hours submitting an NOT once each permit term. The estimated burden for this activity is already accounted for in the NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity.

Basis: The estimate of how many respondents will submit an NOT is based on the number of NOTs submitted during the 2015 MSGP cycle.

- **SWPPPs** [Changes to the information collection burden]

EPA estimates that approximately 604 respondents will be new operators and will spend 80 hours preparing a new SWPPP once during each permit term. The estimated burden for this activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR adds 80 hours to this activity. EPA estimates that all respondents will spend 8 hours throughout the permit term to update an existing SWPPP. The estimated burden for this activity is already accounted for in the 2017 NPDES Program ICR, so this MSGP ICR adds no incremental burden to this activity.

Basis: There have been changes made to the SWPPP requirements in the 2021 MSGP permit, resulting from the new AIM requirements. Respondents must document in their SWPPP any AIM triggering events, responses taken, rationale for not implementing required control measures, or explanation for why controls cannot be implemented within the required timeframe. However, this type of required documentation is substantially similar to what was required in the 2015 MSGP for benchmark exceedance corrective actions. Therefore, no incremental burden has been added.

- **Sampling Collection** [Changes to the information collection burden]

¹ The 0.1 hours of additional burden was calculated by distributing the estimated burden across all respondents. The estimated 500 operators in New Mexico will incur a total of approximately 250 hours of burden to respond to these new questions. 250 hours distributed across 2,508 respondents is approximately 0.1 hours, or 6 minutes, of burden per response per respondent. $[(500 \text{ NM respondents} \times 0.5 \text{ hours per response}) / 2,508 \text{ total respondents} = 0.1 \text{ hours}]$.

EPA assumes that each respondent needs 2.25 hours to prepare for and conduct sample collection at all outfalls (assuming each respondent has an average of 2.04 discharge points). The estimated burden for this activity is already accounted for in the NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity. EPA assumes all 2,508 operators will need to conduct sampling four times per year throughout the permit term (20 sampling events total).

Basis: EPA's assumption that all operators will perform quarterly sampling (20 total sampling events) is a conservative estimate, because the number of sample collection events over the course of a permit term can vary widely among respondents depending on multiple factors such as the overlapping frequencies for various monitoring requirements, sample collection preferences and potential issues (e.g., the need to re-sample a discharge point). Although some respondents may be subject to four kinds of monitoring requirements under the permit (i.e., benchmark, indicator, impaired waters, effluent limitations), EPA assumes that each quarterly sample can be used to analyze for all applicable monitoring requirements.

The NPDES Program ICR also assumes that each respondent needs 1.5 hours to perform laboratory analysis, but this labor burden item is not included in the 2021 MSGP ICR because EPA assumes that most respondents do not perform laboratory analysis in-house, but instead send their samples to outside laboratories for analysis. The cost of laboratory analysis is accounted for in the 2021 MSGP cost impact analysis.

- **DMRs Submittal** [Changes to the information collection burden]

Due to the changed monitoring requirements in the 2021 MSGP, the DMR burden estimated in this 2021 MSGP ICR is distinctly different than how the NPDES Program ICR accounts for DMR burden. For the 2021 MSGP, EPA estimates that it will take each respondent an average of 3.6 minutes to fill out the required data for each parameter in NetDMR. This burden estimate is an average of the "Batch" and "Hybrid" methods, as discussed in the September 2015 Economic Analysis of the National Pollutant Discharge Elimination System Electronic Reporting Final Rule (Page 4-14 Table 4-9, <https://www.epa.gov/sites/production/files/2015-09/documents/npdesea.pdf>). Using this assumption, each type of monitoring has a different data entry burden due to the different number of applicable parameters and affected respondent population:

- **Benchmark monitoring:** There are approximately 1,231 respondents across 18 sectors that have benchmark monitoring requirements. Based on benchmark exceedance data from 2015 MSGP DMR data, EPA estimates that 40% of respondents with benchmark monitoring will exceed a benchmark threshold each year and will therefore need to perform quarterly monitoring 20 times throughout the permit term. The other 60% of respondents will only need to perform the quarterly monitoring eight times, in Year 1 and Year 4. EPA used this assumption to determine that respondents will have an average annual reporting frequency of 5.22 times. EPA used this annual reporting frequency, the number of benchmark parameters, and number of respondents for each sector to calculate an annual burden per sector, and then summed the burden for all sectors to calculate the total annual burden for benchmark monitoring. EPA assumed that all respondents have an average of 2.04 discharge points.

- o **pH, TSS, COD indicator monitoring:** Based on 2015 MSGP data, EPA estimates that there are approximately 844 respondents across 22 sectors that must perform quarterly indicator monitoring 20 times throughout the permit term for these three parameters (four times per year). EPA estimates that each respondent will need 0.36 hours per response to complete DMR data entry for these three parameters for 2.04 discharge points.
- o **PAH indicator monitoring:** Based on 2015 MSGP data, EPA estimates that a total of 1,022 respondents will perform PAH indicator monitoring twice a year in permit Years 1 and 4. To estimate the total number of operators, EPA assumed 645 respondents across 12 sectors need to perform PAH indicator monitoring because their industry activities have the highest risk of generating PAH contaminated stormwater. The remaining 377 operators was calculated by assuming half of all operators on the east coast use coal-tar sealcoat. EPA assumed this because they observed that coal-tar sealcoat is more widely used on the east coast and EPA assumed that only 50% of east coast respondents would use coal-tar sealcoat due to other available alternatives (e.g., asphalt-based sealant or acrylic sealant). Each respondent would need to monitor for the 16 individual priority pollutant PAHs, so EPA estimates that each respondent will need 1.92 hours per response to complete DMR data entry for 2.04 discharge points.
- o **Impaired waters monitoring:** Based on 2015 MSGP data, EPA estimates that 806 respondents will conduct impaired waters monitoring. EPA assumes that approximately 90% of the 806 respondents will only need to conduct annual impaired waters monitoring in permit Years 1 and 4. The remaining 10% of respondents will need to conduct annual impaired waters monitoring throughout the permit term. Since there is wide variability in the number of pollutants respondents may be required to monitor, for the purpose of this ICR, EPA assumes that respondents need to monitor for one impaired water pollutant at 2.04 discharge points. Thus, EPA estimates each respondent will need 0.12 hours per response to complete DMR data entry.
- o **Effluent limitations monitoring:** There are no changes to the effluent limitations monitoring requirements in the 2021 MSGP. Based on 2015 MSGP data, EPA estimates that 260 respondents across nine sectors will conduct annual numeric ELG monitoring. EPA assumes that all 260 respondents will perform effluent limitations monitoring five times throughout the permit term. Based on 2015 MSGP data, EPA determined the number of parameters with numeric effluent limitations and the number of respondents for each sector to calculate an annual burden per sector. EPA then summed the burden for all sectors to calculate the total annual burden for effluent limitations monitoring. EPA assumed that all respondents have an average of 2.04 discharge points.

The baseline burden for preparing and submitting a DMR, as recorded in the 2017 NPDES Program ICR, is 2 hours per respondent. The 2021 MSGP requires several types of monitoring and estimates that the burden to prepare and submit a DMR ranges between approximately 0.25 hours to 2.25 hours per respondent. In addition, this MSGP ICR is updating the number of respondents required to submit DMRs. The 2017 NPDES Program ICR estimates that 25% of

respondents submit DMRs four times every 5 years and the other 75% of respondents would submit DMRs eight times every 5 years. The 2021 MSGP ICR uses NOI data from the 2015 MSGP to estimate a specific respondent population and annual response frequency for each type of monitoring (see [Table 3](#)).

Table 3 -DMR Submittal Burden by Monitoring Activity

Activity	Hours Per Response	Number of Respondents	Number of Occurrences Per Year
DMR submittal - PAH indicator monitoring	1.92	1022	0.8
DMR submittal - pH, TSS, COD Indicator Monitoring	0.36	844	4
DMR submittal - Impaired Waters	0.12	806	0.46
DMR submittal - Sector Specific Benchmarks	0.36	Varies by sector	
DMR submittal - ELGs	0.26	Varies by sector	

- **Inspection Reports** [No changes to the information collection burden]

EPA estimates that 2,508 respondents will spend an average of 1 hour conducting quarterly site inspections and completing inspection reports 20 times throughout the permit term (once per quarter). EPA estimates that 2,508 respondents will spend an average of 1 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 EPA, except in summary form in the Annual Report. For these two inspection activities, the MSGP ICR collectively adds an incremental burden of 4 hours to the burden accounted for in the NPDES programmatic ICR (4 hours). The NPDES Programmatic ICR assumes 4 hours for one annual inspection equating to a total of 20 hours.

Basis: The estimate that 2,508 respondents will be conducting inspections and quarterly visual assessments is based on the requirement that all respondents will at a minimum be conducting quarterly inspections and quarterly visual assessments throughout the permit term. EPA assumes each quarterly inspection and visual assessment will take approximately 1 hour.

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

EPA estimates that approximately 40 percent of respondents, or 1,000 respondents, will need to document corrective actions and/or AIM related information each year of permit coverage. EPA assumes that the 1,000 respondents who have corrective action and/or AIM documentation will each spend an average of 1 hour documenting their corrective actions/AIM responses each year of the permit. This documentation is not required to be submitted to EPA, except in summary form on the Annual Report. Although documenting corrective actions is not a new activity under the MSGP, this activity is not currently accounted for in the NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1 hour.

Basis: There have been changes made to the corrective action documentation requirements in the 2021 MSGP permit, resulting from the new AIM requirements. The 2021 MSGP requires 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. However, the corrective action documentation required in the 2015 MSGP is substantially similar to the required AIM documentation. Thus, EPA assumes the previously estimated 1 hour for corrective action documentation is sufficient. EPA's estimate that 40 percent of respondents will have corrective action and/or AIM documentation is based on an analysis of benchmark exceedances from 2015 MSGP DMR data.

- **Annual Reports** [No changes to the information collection burden]

EPA estimates that 2,508 respondents would spend an average of 1 hour completing and submitting the Annual Report five times throughout the permit term. This MSGP ICR adds an incremental burden of 0.75 hours to the existing burden accounted for in the NPDES programmatic ICR (0.25 hours).

Basis: The estimate that 2,508 respondents will be filling out Annual Reports is based on the requirement that all respondents conduct an Annual Report once a year. The estimate that it will take 1 hour to complete and submit the Annual Report form is based on EPA's experience administering the MSGP; EPA expects that because the Annual Report summarizes information already documented by the operator, it should not take very long to fill out the form and submit it electronically.

- **No Exposure Certifications (NEC) (formerly known as NOE)** [No changes to the information collection burden]

EPA estimates that 1,000 industrial facility operators will spend an average of 0.75 hours submitting an NEC every 5 years. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 0.75 hours.

Basis: The estimate that 1,000 operators will be filing an NEC once every 5 years is based on EPA's current estimate of operators that have filed an NEC for the 2015 MSGP. The burden estimate of 0.75 hours is the estimate from the previous MSGP ICR.

- **Other Information**

- **Protection of ESA Species and Critical Habitat** [Changes to the information collection burden]

For the 2021 MSGP, EPA is integrating the MSGP's instructions and procedures for determining ESA eligibility criterion into Net-MSGP through a series of "smart" questions that are based on Appendix E, but would be presented in a dynamic way that helps the operator narrow down their correct criterion selection. This change will streamline the application process and reduce the number of documents and processes operators need to consult. EPA estimates that this will reduce the burden to determine endangered species eligibility criterion by 0.5 hours for each form.

EPA estimates that all 2,508 respondents will spend an average of 0.5 hours to complete the Criterion Selection Worksheet in the NOI once each permit term. EPA estimates that 250 respondents will have potential adverse effects to species and/or critical habitat

and will spend an average of 2.5 hours completing and submitting the Criterion C form content into the NOI once each permit term. This activity is not accounted for separately in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 2.5 for the Criterion C Eligibility Form and 0.5 hours for the Criterion Selection Worksheet.

Basis: The estimate that 250 respondents will complete and submit Criterion C forms is based on the number of new respondents that submitted Criterion C eligibility information under the 2015 MSGP. The estimate that it will take these respondents 2.5 hours to complete and submit the Criterion C Eligibility Form via the NeT-MSGP form is based on EPA's judgement. The estimate that all 2,508 respondents will complete the Criterion Selection Worksheet is based on the assumption that all respondents will have to fill out the worksheet as part of establishing their eligibility under the new permit. However, since existing respondents 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, EPA assumes conservatively it will take on average 0.5 hours for them to complete the worksheet.

o Historic Properties Preservation [Changes to the information collection burden]

The 2021 MSGP requires respondents to follow the eligibility procedures in Appendix F with regard to the protection of historic properties. Similar to the procedures for Endangered Species, EPA is also integrating the MSGP's instructions and procedures for historic properties into NeT-MSGP through a series of "smart" questions that are based on Appendix F, but would be presented in a dynamic way that helps the operator narrow down their correct criterion selection, just as with the endangered species selection process. EPA estimates that this will reduce the burden to determine Historic Properties Preservation eligibility by 0.5 hours per form.

EPA estimates that 3% or 60 respondents will spend an average of 4.5 hours contacting the relevant State or Tribal Historic Preservation Office (SHPO/THPO) in writing once each permit term. This activity is not currently accounted for in the NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 4.5 hours.

Basis: The estimate that 60 respondents will be required to contact the SHPO/THPO in writing is based on the number of respondents who had to do this during the 2015 MSGP term. EPA estimates that this will continue to be a rare occurrence under the new permit as the vast majority of respondents under the MSGP are existing respondents 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 [Changes to the information collection burden]

The 2021 MSGP requires 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. To reduce burden, for the 2021 MSGP, an operator may now choose to submit that information electronically in NeT-MSGP with the NOI submission package. EPA estimates that this will reduce the burden by 0.5 hours per form.

EPA estimates that 45 respondents, will spend an average of 1.5 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 activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1.5 hours.

Basis: The estimate that 45 respondents will be required to comply with this activity is based on the number of respondents who had to do this during the 2015 MSGP term. EPA estimates that approximately 7%, or 180 respondents, will be both new dischargers and discharged to impaired waters. Because the vast majority of respondents under the MSGP are existing respondents, and because there is another option for meeting this eligibility requirement that does not require submittals to EPA (i.e., by preventing all exposure to stormwater of the pollutant(s) for which the waterbody is impaired), EPA anticipates the burden on this requirement to be minimal. EPA anticipates that only 25 percent of these respondents, or 45 respondents, will choose the option that requires information to be submitted to the applicable EPA Regional Office; the other 75 percent are anticipated to meet the requirement by preventing exposure.

o Discharges to a Federal CERCLA Site [Changes to the information collection burden]

The 2021 MSGP requires respondents in EPA Region 10 that discharge to specified Federal CERCLA sites in Appendix P to notify the EPA Regional Office to determine if the operator 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. To reduce burden, for the 2021 MSGP, an operator may now choose to submit that information electronically in NeT-MSGP with the NOI submission package. EPA estimates that this will reduce the burden by 0.5 hour per form.

EPA estimates that 10 industrial facility respondents will spend an average of 1.5 hours meeting the notification requirements applicable to new discharges to federal CERCLA sites once each permit term. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1.5 hours.

Basis: The Federal CERCLA site eligibility requirements only applies to EPA Region 10. Based on 2015 MSGP data, 10 respondents in EPA Region 10 are subject to the existing requirement. The estimate that these respondents will each spend 1.5 hours meeting the notification requirements is based on EPA's experience implementing this provision in EPA Region 10 under the 2015 MSGP.

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

EPA estimates that 20 industrial facility respondents will spend an average of 1 hour to meet the numeric effluent limit exceedance report submittal requirements one time throughout the permit term. Respondents would submit this information directly to the applicable EPA Regional Office. This activity is not currently accounted for in the NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1 hour.

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

- o **Additional Reporting** [No 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:**

EPA estimates that 25 respondents will spend an average of 4 hours to meet the planned changes standard permit condition throughout the permit term. The estimated burden for this activity is already accounted for in NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity.

Basis: These estimates are based on estimates from a previous ICR, which assumed this requirement would apply to 1 percent of respondents.

- **Anticipated noncompliance:**

EPA estimates that three respondents will spend an average of 5 hours meeting the anticipated noncompliance standard permit condition throughout the permit term. The estimated burden for this activity is already accounted for in NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity.

Basis: These estimates are based on estimates from a previous ICR, which assumed this requirement would apply to 0.1 percent of respondents.

- **Other information:**

EPA estimates that one operator will spend an average of 2 hours reporting previously provided inaccurate information. The estimated burden for this activity is already accounted for in NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity.

Basis: These estimates are based on estimates from a previous ICR, which assumed this requirement would apply to 0.05 percent of respondents.

- **Other Additional Reporting:**

EPA estimates that 180 respondents will spend an average of 20 hours on reporting related to other NPDES standard permit conditions. This activity is not

currently accounted for in the NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 20 hours.

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 respondents.

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 2021 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, EPA assumes the average loaded hourly rate in the private sector is \$35.96 (source: <https://www.bls.gov/news.release/pdf/eccec.pdf> accessed November 23, 2020).

At 68,460 hours per year, this equates to \$2,461,813 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.

- **NOT forms** [No changes to the Agency burden]
The estimated average time for EPA to process NOIs is 0.25 hours per NOI. The estimated burden for this activity is already accounted for in NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity. The estimated time to process NOTs is negligible due to

the electronic processing of these forms. The NPDES Program ICR accounted for 0.25 hours for NOT processing, so this MSGP ICR reduces the burden by 0.25.

- **SWPPPs** [No 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 NMFS and USFWS). EPA estimates, based on its experience administering the MSGP, that each of the approximately 25 percent of submitted SWPPPs will require 1 hour of EPA review. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1 hour.
- **DMRs** [Changes to the Agency burden]
Based on the previous ICR, the estimated time for EPA to process DMRs is 0.16 hours per DMR plus 0.5 hours for follow-up of 20 percent of submissions. The estimated burden for this activity is already accounted for in NPDES Program ICR, and this MSGP ICR adds no incremental burden to this activity. The major change will be the number of DMRs requiring EPA review, follow-up, and processing. The sample collection and reporting frequency for each respondent can vary greatly due to the overlapping frequencies for various monitoring requirements. Due to this complexity, EPA is conservatively assuming that operators will submit a DMR on a quarterly basis (20 times total over the permit term), which aligns with EPA's assumption that permittees will conduct sample collection on a quarterly basis.
- **Inspection Reports** [No changes to the Agency burden]
Because inspection reports are not submitted to 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** [No changes to the Agency burden]
Because corrective action/AIM documentation is not submitted to 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 changes to the Agency burden]
Because Annual Reports are submitted electronically, EPA does not anticipate significant Agency burden associated with submittals. Based on its experience administering the 2015 MSGP, EPA estimates that approximately 5 percent of Annual Reports will require 1 hour of EPA follow-up. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1 hour.
- **No Exposure Certifications (NECs)** [No changes to the Agency burden]
Because NECs are submitted electronically, EPA does not anticipate significant Agency burden associated with their submittal. EPA estimates 0 hours of Agency burden.
- **Other Information**

- o Protection of ESA Species and Critical Habitat** [No changes to the Agency burden]
 Based on 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. EPA estimates spending an additional 0.5 hour resolving ESA issues for 5 percent of respondents throughout the permit term. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds incremental burdens of 0.25 and 0.5 hours.
- o Historic Properties Preservation** [No changes to the Agency burden]
 Based on EPA's experience with the 2015 MSGP, EPA anticipates spending approximately 1 hour assisting the small subset of estimated 60 respondents that have to contact the SHPO/THPO with regard to historic properties eligibility. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1 hour.
- o New Discharges and New Sources to Water Quality-Impaired Waters** [No changes to the Agency burden]
 Based on EPA's experience with the 2015 MSGP, EPA anticipates spending approximately 1 hour assisting the small subset of the estimated 45 respondents that are subject to the new discharges and new sources to water quality-impaired waters. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 1 hour.
- o Discharges to a Federal CERCLA Site** [Changes to the Agency burden]
 Based on EPA's experience with the 2015 MSGP, EPA anticipates spending approximately 2 hours assisting the small subset of the estimated 10 respondents that may be subject to Federal CERCLA site discharge eligibility requirements. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 2 hours.
- o Exceedance Report for Numeric Effluent Limitations** [No changes to the Agency burden]
 Based on EPA's experience with the 2015 MSGP, EPA anticipates spending approximately 2 hours assisting the small subset of estimated 20 respondents that may be required to submit Numeric Effluent Limit exceedance reports. This activity is not separately accounted for in the 2017 NPDES Program ICR, so this MSGP ICR effectively adds an incremental burden of 2 hours.
- o Additional Reporting** [No changes to the Agency burden]
 Based on EPA's experience with the 2015 MSGP, EPA anticipates spending approximately 2 hours on the small subset of estimated 180 additional reports. The NPDES Program ICR accounts for 4 to 20 hours of burden for this activity, which covers the estimated burden for this activity under the 2021 MSGP, thus this MSGP ICR adds no incremental burden to this activity.

EPA determined the hourly employment cost of federal employees using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2020 General Schedule (2020-GS) (link: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS.pdf> accessed December 2, 2020), the average annual salary of a government employee at the GS-9, Step 10 level is \$59,316. At 2,080 hours per year, the hourly wage is \$28.52. Assuming overhead costs of 60 percent, or \$17.11 per hour, the fully loaded cost of employment for a federal employee is \$45.63.

Table 4 - Estimated Agency Burden and Cost¹

Activity	2017 NPDES Program ICR Burden ²	2021 MSGP Incremental Change	Total Hours per Response	No. Annual Responses	Total Annual Burden (hrs)	Total Annual Cost
	(A)	(B)	(C = A + B)	(D)	(E = C x D)	(F = E x \$45.63)
NOI form review	0.25	0	0.25	502	125	\$5,721
SWPPP review	NA	1	1	125	125	\$5,721
NOT Form Review	0.25	-0.25	0	--	--	--
DMR submittal	0.16	0	0.16	10,031	1605	\$73,231
DMR follow-up	0.5	0	0.5	2,006	1003	\$45,769
Annual Report	NA	1	1	125	125	\$5,721
ESA Criteria C form review	NA	0.25	0.25	50	13	\$570
Other ESA issues	NA	0.5	0.5	3	1	\$57
Historic Properties Eligibility	NA	1	1	12	12	\$548
New Dischargers/Sources to Impaired Waters Eligibility	NA	1	1	9	9	\$411
Discharges to a Federal CERCLA Site Eligibility	NA	2	2	2	4	\$183
Exceedance Report for Numeric Effluent Limitations	NA	2	2	4	8	\$365
Additional Reporting:	4 to 20	0	2	36	72	\$3,285
Total Agency Activities				12,904	3,114	\$142,108

¹ The numbers in this table have been rounded. Unrounded values used for calculations in this table can be found in the 2021 MSGP ICR analysis spreadsheet.

² NA indicates that the 2017 NPDES Program ICR did not separately account for this burden item.

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 5 - Estimated Respondent Burden and Cost¹

Activity	2017 NPDES Program ICR ²	2021 MSGP Incremental Change	Total Hours per Response	No. Annual Occurrences	Total Annual Burden (hrs)	Total Annual Cost
	(A)	(B)	(C = A + B)	(D)	(E = C x D)	(F = E x \$35.96)
Reporting Requirements						
NOI form	3.9	0.2	4.1	502	2,056	\$73,943
NOT form	0.5	0	0.5	76	38	\$1,366
Sampling - All Sectors	2.25	0	2.25	10,031	22,569	\$811,568
DMR Submittal	2	--	--	--	--	--
DMR submittal - PAH indicator monitoring	NA	--	1.92	818	1,572	\$56,539
DMR submittal - pH, TSS, COD Indicator Monitoring	NA	--	0.36	3,376	1,217	\$43,774
DMR submittal - Impaired Waters	NA	--	0.12	371	45	\$1,602
DMR submittal - Sector Specific Benchmarks	NA	--	0.36	6,429	2,314	\$83,221
DMR submittal - ELGs	NA	--	0.26	236	60	\$2,170
Annual Report	0.25	0.75	1	2,508	2,508	\$90,174
NEC form	NA	0.75	0.75	200	150	\$5,394
Endangered Species Protection - Criterion C3 Eligibility Form	NA	2.5	2.5	50	125	\$4,495
Historic Properties Eligibility	NA	4.5	4.5	12	54	\$1,942
New Dischargers/Sources to Impaired Waters Eligibility	NA	1.5	1.5	9	14	\$485
Discharges to a Federal CERCLA Site Eligibility	NA	1.5	1.5	2	3	\$108

Activity	2017 NPDES Program ICR ²	2021 MSGP Incremental Change	Total Hours per Response	No. Annual Occurrences	Total Annual Burden (hrs)	Total Annual Cost
	(A)	(B)	(C = A + B)	(D)	(E = C x D)	(F = E x \$35.96)
Exceedance Report for Numeric Effluent Limitations	NA	1	1	4	4	\$144
Additional Reporting:						
Planned changes	4	0	4	5	20	\$721
Anticipated noncompliance	5	0	5	1	3	\$90
Other information	2	0	2	0	1	\$18
Other Additional Reporting	NA	20	20	36	720	\$25,891
Reporting Subtotal					33,472	\$1,203,646
Recordkeeping Requirements						
Develop New SWPPP	0	80	80	121	9,664	\$347,517
Update SWPPP	8	0	8	502	4,012	\$144,279
Quarterly Site Inspection and Quarterly Visual Inspection	1	1	2	10,031	20,061	\$721,394
Corrective Action/AIM Documentation	NA	1	1	1,000	1,000	\$35,960
ESA Criteria Selection Worksheet	NA	0.5	0.5	502	251	\$9,017
Recordkeeping Subtotal					34,988	\$1,258,167
Total Respondent Activities				36,818	68,460	\$2,461,813

¹ The numbers in this table have been rounded. Unrounded values used for calculations in this table can be found in the 2021 MSGP ICR analysis spreadsheet.

² NA indicates that the 2017 NPDES Program ICR did not separately account for this burden item.

E. Bottom Line Burden Hours and Cost Tables

1. Respondent Tally

The bottom-line burden hours and costs for respondents are the average annual hours and costs collectively incurred for all activities during the period covered by this ICR. A portion of this burden was accounted for in the 2017 NPDES Programmatic ICR. When EPA renews the NPDES Programmatic ICR, it will account for the total burden of the 2021 MSGP, by adding the incremental burden associated with refining the estimated burdens and including new burdens associated with modifications to permit conditions from the 2015 MSGP to the 2021 MSGP. The below table provides a summary of the average annual number of respondents, total burden hours, and total costs.

Table 6 - Bottom line respondent burden hours and cost

Unique Respondents (number)	2,508
Responses (number)	36,818
Burden (hours)	68,460
Costs (labor)	\$2,461,813
Costs (capital)	\$0
Costs (O&M)	\$0
Total costs	\$2,461,813

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 3-year period covered by this ICR. The below table provides a summary of the average annual Agency burden hours and costs.

Table 7 - Bottom line Agency burden hours and cost

Responses (number)	12,904
Burden (hours)	3,114
Costs (labor)	\$142,108
Costs (capital)	\$0
Costs (O&M)	\$0
Total costs	\$142,108

F. Reasons for Change in Burden

The new burden is based on new requirements in the 2021 MSGP and updated costing methodology in the 2017 NPDES Programmatic ICR and includes any changes to hourly rates.

G. Burden Statement

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2040-0300). Responses to this collection of information are mandatory (40 CFR 122.26). 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 calculations made for this ICR cover the estimated burden and costs for both EPA and MSGP respondents. The 2021 MSGP has an estimated increase in annual labor burden of 38,210 hours at a labor cost of \$724,853. The estimated increase in Agency labor burden is 1,920 hours annually at a labor cost of \$90,981. For respondents, this ICR estimates a burden of 68,460 hours annually for 2,508 respondents (operators) at a cost of \$2,461,813. The public reporting and recordkeeping burden for this collection of information is estimated to average 27.3 hours per response (1.86 hours per response). Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

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.

Attachments:

- Notice of Intent (NOI) Form
- Endangered Species Protection - Criterion C3 Eligibility Form
- Notice of Termination (NOT) Form
- Discharge Monitoring Report (DMR) Form
- Annual Report Form
- No Exposure Certification (NEC) for Exclusion from MSGP