



United States  
Environmental Protection  
Agency

# **Supporting Statement for the Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin Information Collection Request (Renewal)**

December 30, 2020

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## **PART A**

### **1. IDENTIFICATION**

#### **1(a) Title**

Supporting Statement for the Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin Information Collection Request (ICR) (Renewal)

#### **1(b) Short Characterization/Abstract**

A combined sewer system (CSS) collects rainwater runoff, snowmelt, domestic sewage, and industrial wastewater into one pipe. Under normal conditions, the CSS transports the wastewater it collects to a wastewater treatment plant and then discharges to a water body. The volume of wastewater collected can sometimes exceed the capacity of the CSS or treatment plant (e.g., during heavy rainfall events and/or snowmelt). When this occurs, untreated stormwater and wastewater discharge directly to nearby streams, rivers, and other water bodies. This event is referred to as a combined sewer overflow (CSO) discharge. CSO discharges are managed and operated mostly by municipalities that also operate the publicly owned treatment works (POTWs) to which the wastewater flows under normal conditions.

CSO discharges release wastewater containing untreated or partially treated human and industrial waste, toxic materials, and debris as well as stormwater to waterways. They are a priority human health and water pollution concern for the approximately 700 municipalities across the U.S. that have CSSs. CSO discharges can be detrimental to human health and the environment because they introduce pathogens, bacteria, and other pollutants to receiving waters, cause beach closures, contaminate drinking water supplies, and impair water quality. Depleted oxygen levels that can be caused by CSO discharges can also impact fish and other aquatic populations.

This ICR calculates the incremental increase in burden and costs associated with implementation of the CSO notification requirements for CSO permittees in the Great Lakes Basin. The original ICR developed to support the 2018 Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin rule (OMB Control No. 2040-NEW, EPA ICR No. 2562.01) covered years 1 through 3 after promulgation of the rule (2018 to 2020). The regulation requires that the following items be disclosed to the public, some of which are already covered partially under the existing ICR for the National Pollutant Discharge Elimination System (NPDES) Program (Renewal):

- A description of the permittee's signage program (partially accounted for in the ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040-0004)).
- Identification of municipal entities that may be impacted by the permittee's CSO discharges.
- Input from the health department (local or state) and other potentially affected entities.

- Protocols for the supplemental notice of the public (partially accounted for in the ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040–0004)).
- Method for determining volume and duration of CSO discharges (partially accounted for in the ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040–0004)).
- Protocols for making the annual notice available to the public.
- Significant modifications to the permittee’s public notification plan and a description of the availability of the plan to the public.
- A description of the location, treatment provided, and receiving water of each CSO discharge point (partially accounted for in the ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040–0004)).
- The date, location, duration, and volume of each wet weather CSO discharge (partially accounted for in the ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040–0004)).
- The date, location, duration, and volume of each dry weather CSO discharge (partially accounted for in ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040–0004)).
- A summary of available monitoring data (partially accounted for in the ICR for the NPDES Program (Renewal) (EPA ICR No. 0229.23, OMB Control No. 2040–0004)).
- A description of any public access areas impacted by CSO discharges.
- Representative precipitation data.
- Permittee contact information.

## **2. NEED FOR AND USE OF COLLECTION**

### ***2(a) Need/Authority for the Collection***

On January 8, 2018, the U.S. Environmental Protection Agency (EPA) finalized a rule to establish public notification requirements for combined sewer overflow (CSO) discharges to the Great Lakes, as required by Section 425 of the Consolidated Appropriations Act of 2016 (Pub. L. 114–113) (hereafter, referred to as “Section 425”). Section 425 requires EPA to work with the Great Lakes states to create these public notification requirements.

In response, EPA established public notification requirements for permittees authorized to discharge from a CSO to the Great Lakes Basin [82 FR 4233; 83 FR 712]. The regulation requirements address the following types of public notification: 1) signage; 2) notification to local public health department and other potentially affected public entities; 3) notification to

the public; and 4) annual notice. Permittees are also required to develop a public notification plan and to seek and consider input on these plans from local public health departments and other potentially affected public entities. The public notification plans also provide state permit writers with detailed information needed to write permit conditions.

Some permittees affected by the public notification regulation have implemented various public notification measures in response to NPDES permit requirements that were established before the 2018 rule was issued. The associated burdens with public notice requirements established before the 2018 rule are covered under the ICR for the National Pollutant Discharge Elimination System (NPDES) Program (Renewal) (EPA ICR No. 0229.21, OMB Control No. 2040-0004,) and are not accounted for in this ICR. The 2018 regulation also has a few additional requirements that are not already covered by the ICR for the NPDES Program (Renewal):

- More timely reporting of information already collected on CSO discharges.
- Annual CSO notice, made publicly available.
- Public notification plans that will provide system-specific details describing the discharger's public notification efforts (required to seek input from potentially affected public entities).

## **2(b) Practical Utility/Users of the Data**

The public notification requirements in this regulation are specific to CSO discharges in the Great Lakes Basin and are intended to alert the public, local public health departments, and other potentially affected public entities to the short- and long-term public health and environmental hazards associated with CSO discharges. Such notification will enable potentially affected parties to take action that may help prevent serious health effects that may otherwise occur if they were to remain unaware of the occurrence of CSO discharges.

This ICR covers information that must be provided by operators of CSSs (CSO permittees) that discharge within the watershed of the Great Lakes Basin. EPA has identified 161 NPDES CSO permits located in seven states<sup>1</sup> (Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin) that cover approximately 1,570 CSO discharge points. Each of these permits is the responsibility of a local government entity. A review of how the CSSs are managed indicated that, in some cases, one entity (e.g., a municipality or multi-jurisdictional wastewater authority) may be responsible for the operation and management of the CSSs associated with multiple individual permits. The 161 NPDES CSO permits are managed by a total of 157 CSO permittees, which are each considered as a separate respondent in this ICR.

One unique multi-jurisdictional entity is the Metropolitan Water Reclamation District of Greater Chicago (MWRD), which manages the Tunnel and Reservoir Plan (TARP), a storage system that includes a reservoir and four distinct tunnel systems designed to store combined wastewater for later treatment. Within the drainage area of the TARP, there are nearly 400

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<sup>1</sup> Even though Minnesota is considered a Great Lakes state, there are no CSO permittees discharging to the Great Lakes Basin in Minnesota. The only remaining CSO permittee in Minnesota is designed to discharge to the Mississippi River. Therefore, Minnesota is not considered within the scope of the regulation.

CSO discharge points and associated CSSs that receive capacity relief from the TARP system. The MWRD serves 39 CSO permittees. Because of engineering modifications to the local rivers, including the construction of canals, under normal conditions the receiving water for these CSO discharge points do not flow into Lake Michigan but rather to the Mississippi River along with water from Lake Michigan. Flow into and out of Lake Michigan is controlled by three control structures. During extreme wet weather conditions, flow in these receiving waters is reversed and they flow into Lake Michigan. Flow into Lake Michigan through these control structures has occurred 21 times since 2000.<sup>2</sup>

The MWRD, which manages four CSO permits, and the City of Chicago, which manages one CSO permit, have jointly developed a CSO discharge notification plan and alert system that encompasses many of the CSO discharge points and waterways within the drainage area of the TARP. The NPDES permits for the CSO permittees in the MWRD service area provide that public notification programs may be developed in conjunction with the MWRD. Given this arrangement, the other 37 CSO permittees that manage a single permit associated with the TARP system are considered to have a reduced burden requirement compared to similar sized CSO permittees in the other states because they can utilize the notification resources made available by the MWRD. In this ICR, the 37 CSO permittees that are within the TARP system but are not managed by the MWRD or the City of Chicago are referred to as “TARP CSO permittees.” All 37 TARP CSO permittees, MWRD, and the City of Chicago are subject the requirements of this public notification regulation.

The information covered in this ICR includes activities related to public notification of the occurrence of CSO discharges in the Great Lakes Basin plus the submission of related information (e.g., plans, annual reports) to NPDES permitting authorities (i.e., state agencies). These activities also include those associated with NPDES program oversight. All the Great Lakes states within the scope of this regulation are authorized to administer the NPDES program and thus, state agencies will perform all related NPDES program oversight activities.

### **3. NON-DUPLICATION, CONSULTATIONS, & OTHER COLLECTION CRITERIA**

#### **3(a) *Non-Duplication***

EPA identified several duplicative efforts during the rulemaking and has revised the associated sections to remove the duplication. No additional duplicative efforts have been identified for this ICR.

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

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register on September 2, 2020 (85 FR 54574) and provided a 60-day comment period. No significantly relevant comments were received.

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<sup>2</sup> MWRD’s Reversals to Lake Michigan (1985 – Present): <https://mwrld.org/reversals-lake-michigan-1985-present-revised-5-19-20>

### **3(c) Consultations**

In 2020, EPA initiated a consultation requesting feedback on the estimated reporting burden (both costs and hours) of this ICR with stakeholders that had been engaged in the rulemaking process for the CSO Public Notification to the Great Lakes between 2016 and 2018. These stakeholders included contacts representing very small CSO communities (Payne, Ohio and Wakarusa, Indiana), small CSO communities (the City of Avon Lake, Ohio; Valparaiso, Indiana; and Saginaw, Michigan), and large CSO communities (East Lansing, Michigan). The affected EPA regional offices (Region 2, 3, and 5) were also consulted. No substantial comments were received as a result of this consultation.

### **3(d) Effects of Less Frequent Collection**

CSO discharges in the Great Lakes Basin can be detrimental to human health and the environment because they introduce pathogens, bacteria, and other pollutants to receiving waters, causing beach closures, contaminating drinking water supplies, and impairing water quality. Timely notification to the public, public health departments, and other potentially affected public entities is important for protecting the public from potential serious public health consequences related to contact with receiving water contaminated by CSO discharges or consumption of potentially contaminated drinking water or aquatic organisms. Failure to provide wide-spread and timely notification of CSO discharges increases the risk of serious public health consequences for persons exposed to CSO contaminated water or who consume aquatic organisms.

### **3(e) General Guidelines**

This collection follows all guidelines established at 40 CFR 1320.5(d)(2) for information collections and does not ask respondents to:

- Report information to the Agency more often than quarterly;
- Prepare a written response to a collection of information in fewer than 30 days after receipt of a request;
- Submit more than an original and two copies of any document;
- Retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- Participate in a statistical survey that is not designed to produce data that can be generalized to the universe of the study;
- Utilize a statistical data classification that has not been reviewed and approved by OMB;
- Receive a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security



policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- Submit proprietary, trade secret, or other confidential information unless the Agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

### **3(f) Confidentiality**

Applications for an NPDES permit may contain confidential business information. However, EPA does not consider the specific information being requested by the regulation or the public nature of the CSO permittees themselves to be typical of confidential business or personal information. Any respondent that considers this information to be of a confidential nature 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.

### **3(g) Sensitive Questions**

No sensitive questions pertaining to private or personal information, such as sexual behavior or religious beliefs, are included in this information collection.

## **4. RESPONDENTS AND INFORMATION REQUESTED**

### **4(a) Respondents/SIC Codes**

SIC code 221320–Sewage Treatment Facilities–is best associated with CSO permittees covered under this ICR, which covers collection, treatment, and disposal of waste through a sewer system.

### **4(b) Information Requested**

#### **(i) Data Items, Including Record Keeping Requirements**

CSO permittees must provide public notification of the occurrence of CSO discharges in the Great Lakes Basin as well as an annual notice summarizing these occurrences.

Reporting Items:

- Public Notification Plan
- Initial Notice
- Supplemental notices as needed
- Annual Notice

Recordkeeping Items (none of which qualify as a customary and usual business practice):

- The location and receiving water for each CSO discharge point, and (if applicable) any treatment provided;
- The date, location, approximate duration, measured or estimated volume and cause of each wet weather CSO discharge that occurred during the past calendar year;
- The date, location, duration, volume and cause of each dry weather CSO discharge that occurred during the past calendar year;
- A summary of available monitoring data for CSO discharges from the past calendar year;
- A description of any public access areas potentially impacted by each CSO discharge; and
- If precipitation was the cause of a discharge (§122.38(b)(2)), the representative precipitation data in total inches, to the nearest tenth of an inch (0.1”) that resulted in a CSO discharge.

## **(ii) Respondent Activities**

### CSO Permittee Activities:

- Inspection and maintenance of signs
- Supplemental notifications through public alerts
- Initial and supplemental notifications to the local public health department and other potentially affected public entities
- Maintenance/management of alert system
- Preparation and release of annual notice
- Recordkeeping

### The State Agency activities:

- Revise CSO NPDES permit conditions
- Review annual notices

## **5. AGENCY ACTIVITIES, METHODS, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

Affected respondent CSO permittees are all located within seven Great Lakes states (Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin). These states are all

authorized to administer the NPDES program. Thus, the burden for the federal government is associated only with EPA's general CSO program oversight which is covered under a separate ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21). As such, EPA has concluded that there is no incremental increase in burden to the federal government.

### **5(b) Collection Methodology and Management**

Except for CSO discharge point and public access area signs, the public notifications themselves, as well as the plans and annual notices, will be managed predominantly through electronic media and automated processes. The regulation includes specific requirements for electronic reporting of any CSO discharge that occurred during the past calendar year that has not been previously reported pursuant to a permit requirement (40 CFR 122.38(c)) and for electronic reporting of all CSO discharges in a Discharge Monitoring Report (DMR) or a sewer overflow event report (40 CFR 122.42(f)).

### **5(c) Small Entity Flexibility**

The 157 CSO permittees potentially impacted by the regulation are all municipalities. Of these an estimated 122 have aggregate populations of less than 50,000 and are classified as small governmental jurisdictions and thus are small entities. EPA specifically performed separate calculations of the ICR burden for the subgroup of CSO permittees that would be classified as small entities. EPA then evaluated the impact of this regulation on these small entities in relation to available financial data and concluded that this information collection will not have a significant impact on a substantial number of small entities. A more detailed description of this evaluation and its conclusions can be found in the document titled, "Analysis of Costs and Executive Orders" (docket ID EPA-HQ-OW-2016-0376-0178).

### **5(d) Collection Schedule**

The regulation requires that by May 1 of each calendar year (or an alternative date specified by the state director or authorized representative), all permittees authorized to discharge a CSO to the Great Lakes Basin must make available to the public an annual notice that describes the CSO discharges from their CSO discharge point(s) that occurred in the previous year. The annual notices are required to contain information on each CSO discharge point, each CSO discharge, a summary of available monitoring data for each CSO discharge, a description of any public access areas potential impacted by CSO discharges, representative precipitation information, and a concise summary of implementation of the nine minimum controls and the long-term CSO control plan. The regulation alternatively allows for the state permitting authority to develop the annual notice and requires the CSO permittee to make publicly available the state-issued annual notice.

## **6. ESTIMATING BURDEN AND COST**

The ICR for the NPDES Program (OMB Control No. 2040-0004, EPA ICR No. 0229.22, expiration date March 31, 2022) includes specific electronic reporting requirements that were phased in on December 21, 2016, for DMR data (Phase 1) and are to be phased in by December 21, 2023 with extensions up to December 21, 2026, for all other NPDES program reports, including sewer overflow event reports (Phase 2) (Phase 2 deadline extended, OMB Control No. 2020-02889). Given that relevant electronic reporting requirements are already

being phased in, EPA has concluded that any incremental burden increase or decrease associated with electronic reporting requirements for Great Lakes CSO notification data is already accounted for in the referenced NPDES Electronic Reporting ICR and extension and thus no incremental burden adjustment is assigned to these requirements.

### 6(a) Respondent Burden

Respondent burden estimates are based on the size of the entity. Because it is a unique multi-jurisdictional entity, these values were estimated separately for TARP where appropriate. Table 6-1 presents the estimated burden for each activity for CSO permittees and state agencies.

**Table 6-1 Respondent Burden by Activity and Entity Size**

Activity <sup>3</sup>	Affected Respondent	Assumed Value	
	Entity Size <sup>4</sup>	Value	Units
Inspection and Maintenance of Signs	All	0.5	hours/sign
Initial and Supplemental Notification through Public Alerts	Very Small	2	hours/event
Initial and Supplemental Notification through Public Alerts	Small	2	hours/event
Initial and Supplemental Notification through Public Alerts	Large	2	hours/event
Initial and Supplemental Notification to Local Public Health Department and Other Potentially Affected Public Entities	All	0.25	hours/event
Maintenance/Management of Alert System	All	24	hours/year
Preparation and Release of Annual Notice	Very Small	8	hours/notice
Preparation and Release of Annual Notice	Small	16	hours/notice
Preparation and Release of Annual Notice	TARP	8	hours/notice
Preparation and Release of Annual Notice	Large	24	hours/notice
Recordkeeping	All	0.25	hours/event
Revision of CSO NPDES Permit Conditions	State	1	hours/permit
Review of Annual Notice	State	1	hours/notice

### 6(b) Estimating Respondent Cost

Respondent costs were estimated using two adjustment factors: one to calculate the proportion of respondents that are not already required to perform the given activity and thus will incur an incremental burden (Table A.1) and a second factor that adjusts the burden based on presumed numbers of outfalls and/or CSO events (Table A.2).

<sup>3</sup> Labor activities for CSO permittees includes: inspecting and replacing signs (31% of all respondents), public alert notifications (51% of all respondents), public health department notifications (41% of respondents), maintaining the alert system (40% of all respondents), preparing the annual notice (60% of all respondents), and recordkeeping (100% of respondents).

<sup>4</sup> Very small CSO permittees have a population less than 10,000, small CSO permittees have a population between 10,000 and 50,000, and large CSO permittees have a population greater than 50,000.

### (i) Estimating Labor Costs

The annual burden cost does not include contractor labor used by very small permittees. EPA categorizes contractor-led sign inspection, maintenance, and replacement as an annualized capital cost. These costs were summarized in Table 6-2. Section 2.2.1 of the document titled, “Analysis of Costs and Executive Orders” (docket ID EPA-HQ-OW-2016-0376-0178) describes the hourly labor rates assumed for the regulation, including contractor labor rates. The methodology used to derive the costs and detailed year-by-year estimates for each activity can be found in the document titled, “Analysis of Costs and Executive Orders” (docket ID EPA-HQ-OW-2016-0376-0178). Table 6-2 presents the costs per activity for a respondent by entity size, and the total number of respondents of that entity size that performs each activity.

**Table 6-2 Annual Labor Burden and Labor Costs per Respondent  
(Average of Three-Year Period)**

Activity	Entity Size <sup>5</sup>	Number of Respondents	Annual Labor Costs per Respondent
Inspection and Maintenance of Signs	Very Small	44	\$23
Inspection and Maintenance of Signs	Small	45	\$53
Inspection and Maintenance of Signs	Large	31	\$234
Initial and Supplemental Notification through Public Alerts	Very Small	44	\$1,566
Initial and Supplemental Notification through Public Alerts	Small	45	\$1,531
Initial and Supplemental Notification through Public Alerts	Large	31	\$1,546
Initial and Supplemental Notification to Local Public Health Department and Other Potentially Affected Public Entities	CSO Permittees	157	\$148
Maintenance/Management of Alert System	Very Small	44	\$448
Maintenance/Management of Alert System	Small	45	\$464
Maintenance/Management of Alert System	Large	31	\$449
Preparation and Release of Annual Notice	Very Small	44	\$228
Preparation and Release of Annual Notice	Small	45	\$464
Preparation and Release of Annual Notice	TARP <sup>6</sup>	37	\$292
Preparation and Release of Annual Notice	Large	31	\$673
Recordkeeping	Very Small	44	\$374
Recordkeeping	Small	45	\$664
Recordkeeping	Large	31	\$990

<sup>5</sup> This table includes information on very small CSO permittees (population less than 10,000), small CSO permittees (population between 10,000 and 50,000), large CSO permittees (population greater than 50,000), and state agencies, as well as a total for all CSO permittees and all respondents (i.e., CSO permittees and state agencies).

<sup>6</sup> The Metropolitan Water Reclamation District of Greater Chicago manages the Tunnel and Reservoir Plan (TARP), a storage system that includes a reservoir and four distinct tunnel systems designed to store combined wastewater for later treatment. Because of its unique characteristics, where appropriate burden and cost values were estimated specifically for TARP.

Activity	Entity Size	Number of Respondents	Annual Labor Costs per Respondent
Revision of CSO NPDES Permit Conditions	State	7	\$237
Review of Annual Notice	State	7	\$758
<b>Total CSO Permittees</b>		<b>157</b>	<b>\$2,635</b>
<b>Total State Agencies</b>		<b>7</b>	<b>\$996</b>

### (i) Estimating Capital Costs

There are no capital startup costs included in the burden for this proposed ICR as the startup period ended during the prior ICR<sup>7</sup>.

### (ii) Estimating Operations and Maintenance Costs

There are no average annual operation and maintenance costs because EPA categorized contractor-led sign inspection, maintenance, and replacement as an annualized capital cost.

### (iii) Annualizing Capital Costs

The annualized capital costs for CSO permittees consists exclusively of the non-contractor costs of replacing signs. State agencies will not replace signs, therefore have no annualized capital costs. The annualized capital costs are higher in these tables for very small and small CSO permittees because the non-labor capital costs include contractor labor, which EPA assumed is used by all very small and 50 percent of small CSO permittees in this burden estimate.

Table 6-3 provides the average annual number of respondents, capital, and operation and maintenance costs for CSO permittees and state agencies on a per respondent basis. Relatively speaking, the total annualized capital costs are higher in these tables for very small and small CSO permittees because they include contractor labor, which EPA assumed is used by all very small and 50 percent of small CSO permittees in this burden estimate.

**Table 6-3 Annual Non-Labor Costs per Respondent  
(Average of Three-Year Period)**

Activity	Entity Size <sup>8</sup>	Respondents	Annual Capital Costs per Respondent
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<sup>7</sup> Startup activities included installing signs, developing a data collection method, developing an alert system, developing, and submitting a public notification plan, and consultations with public health departments and municipalities.

<sup>8</sup> TARP permittees are not included in this table because they do not conduct this activity.

Inspection and Maintenance of Signs	Very Small	44	\$12
Inspection and Maintenance of Signs	Small	45	\$27
Inspection and Maintenance of Signs	Large	31	\$119
<b>Total Per Municipal Respondent</b>		<b>120</b>	<b>\$45</b>
<b>Total Per State Respondent</b>		<b>7</b>	<b>\$0</b>

### 6(c) *Estimating Agency Burden and Cost*

Affected respondent CSO permittees are all located within seven Great Lakes states (Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin). These states are all authorized to administer the NPDES program. Thus, the burden for the federal government is associated only with EPA's general CSO program oversight which is covered under a separate ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21). As such, EPA has concluded that there is no incremental increase in burden to the federal government.

### 6(d) *Estimating the Respondent Universe and Total Burden and Costs*

The total annual burden hours and cost by activity and number of respondents are summarized in Table 6-4.

**Table 6-4 Annual Labor Burden and Labor Costs  
(Average of Three-Year Period)**

Activity	Entity <sup>9</sup>	Respondents	Annual Labor Costs	Annual Capital Costs <sup>10</sup>
<b>Third-Party Disclosure</b>				
Inspection and Maintenance of Signs	Very Small	44	\$1,014	\$517
Inspection and Maintenance of Signs	Small	45	\$2,367	\$1,205
Inspection and Maintenance of Signs	Large	31	\$7,246	\$3,690
Initial and Supplemental Notification through Public Alerts	Very Small	44	\$68,884	\$0
Initial and Supplemental Notification through Public Alerts	Small	45	\$68,884	\$0
Initial and Supplemental Notification through Public Alerts	Large	31	\$47,919	\$0
Initial and Supplemental Notification to Local Public Health Department and Other Potentially Affected Public Entities	CSO Permittees	157	\$23,211	\$0
Maintenance/Management of Alert System	Very Small	44	\$19,709	\$0
Maintenance/Management of Alert System	Small	45	\$20,868	\$0
Maintenance/Management of Alert System	Large	31	\$13,912	\$0
Preparation and Release of Annual Notice	Very Small	44	\$10,048	\$0
Preparation and Release of Annual Notice	Small	45	\$20,868	\$0

<sup>9</sup> This table includes information on very small CSO permittees (population less than 10,000), small CSO permittees (population between 10,000 and 50,000), large CSO permittees (population greater than 50,000), and state agencies, as well as a total for all CSO permittees.

<sup>10</sup> See Table A-3 for Annual Capital Costs.

Activity	Entity	Respondents	Annual Labor Costs	Annual Capital Costs
Preparation and Release of Annual Notice	State	7	\$6,969	\$0
Review of Annual Notice	State	7	\$6,969	\$0
<b>Reporting</b>				
Preparation and Release of Annual Notice	TARP <sup>11</sup>	37	\$10,820	\$0
Revision of CSO NPDES Permit Conditions	State	7	\$1,662	\$0
<b>Recordkeeping</b>				
Recordkeeping	Very Small	44	\$16,472	\$0
Recordkeeping	Small	45	\$29,889	\$0
Recordkeeping	Large	31	\$30,698	\$0
<b>Totals</b>				
<b>Total CSO Permittees</b>		<b>157</b>	<b>\$413,678</b>	<b>\$5,412</b>
<b>Total State Agencies</b>		<b>7</b>	<b>\$6,969</b>	<b>\$0</b>

### 6(e) Bottom Line Burden Hours and Cost Tables

#### (i) Respondent Tally

Table 6-5 summarizes the total annualized costs for CSO permittees and state agencies.

**Table 6-5 Annual Labor Burden and Labor Costs  
(Average of Three-Year Period)**

Entity	Respondents	Annual Total Burden (hours)	Annual Total Labor Costs (2020\$)	Annual Total Capital Costs (2020\$)	Annual Total O&M Costs (2020\$)
CSO Permittees	157	8,564	\$413,678	\$5,412	\$0
State Agencies	7	130	\$6,969	\$0	\$0
<b>Total</b>	<b>164</b>	<b>8,694</b>	<b>\$420,647</b>	<b>\$5,412</b>	<b>\$0</b>

#### (ii) The Agency Tally

Affected respondent CSO permittees are all located within seven Great Lakes states (Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin). These states are all authorized to administer the NPDES program. Thus, the burden for the federal government is associated only with EPA's general CSO program oversight

<sup>11</sup> The Metropolitan Water Reclamation District of Greater Chicago manages the Tunnel and Reservoir Plan (TARP), a storage system that includes a reservoir and four distinct tunnel systems designed to store combined wastewater for later treatment. Because of its unique characteristics, where appropriate burden and cost values were estimated specifically for TARP.



which is covered under a separate ICR (OMB Control No. 2040-0004, EPA ICR No. 0229.21). As such, EPA has concluded that there is no incremental increase in burden to the federal government.

### **(iii) Variations in the Annual Bottom Line**

Significant variation (>25%) in the annual respondent reporting/recordkeeping burden or cost is not anticipated for this collection.

### **6(f) Reasons for Change in Burden**

There is an estimated net decrease of 1,607 burden hours since the prior approved ICR. The decrease in labor hours from the prior ICR is due to the completion of capital activities performed during startup (i.e., during the first two years of the prior ICR). Also, one permittee (Woodville, Ohio NPDES Permit No. OH0020591) separated the city's combined sewer system and therefore, is no longer within the scope of the regulation and this updated ICR.

There was an increase in labor costs (+\$31,841) due to a projected increase in labor base wages and total compensation (i.e., benefits).<sup>12</sup> There was a decrease in non-labor costs (-\$65,039) due to a decrease in capital costs after the initial startup period.

Overall, total burden hours decreased by 1,664 hours and total burden cost decreased by \$31,048 for the three-year period.

### **6(g) Burden Statement**

The annual average reporting and record keeping burden for the collection of information by CSO permittees that are subject to the notification requirements for CSO discharges in the Great Lakes Basin is estimated to be 8,564 hours of burden, which is equal to an average of 55 hours (\$2,600) per municipal respondent when divided among an anticipated annual average of 157 CSO permittees. The state agency reporting and record keeping burden for the review, oversight, and administration of the regulation is estimated to be an annual average of 130 hours, which is equal to an average 19 hours (\$1,000) per respondent when divided among seven states. The total annual average labor burden for municipal respondents and states combined is 8,694 hours (\$420,647). The frequency of responses varies between activities; some activities are conducted once or on an as needed basis, while others are conducted annually.

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. 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

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<sup>12</sup> Wages for municipal and state employees have been updated to March 2020 rates using Table 7: Employment Cost Index for total compensation from the Bureau of Labor Statistics. <http://www.bls.gov/web/eci/echistrynaics.pdf> Wages for private industry workers (contractors) were also updated using the March 2020 rates from Table 9 of the Employment Cost Index from the Bureau of Labor Statistics.

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

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA established a public docket for this ICR under Docket ID Number EPA-HQ-2020-0433, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov) or in person viewing at the Air and Radiation docket in the EPA Docket Center (EPA/DC), Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW, Washington, DC 20460. The EPA/DC 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 Air and Radiation Docket Center is 202-566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Comments may be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-2020-0433 and OMB Control Number 2040-0293 in any correspondence.

## PART B

### 1. INFORMATION COLLECTION INVOLVING STATISTICAL SAMPLING

Statistical methods are not used with this collection.

## APPENDIX A: BURDEN ASSUMPTIONS

**Table A-1. Incremental Burden Assumptions by Activity and Respondent**

Activity	Affected Respondent		Frequency	Burden Percentage <sup>13</sup>
	Type	Entity Size		
Inspection and Maintenance of Signs	CSO Permittee	All	Annual	31%
Initial and Supplemental Notification through Public Alerts	CSO Permittee	Very Small	As needed	52%
Initial and Supplemental Notification through Public Alerts	CSO Permittee	Small	As needed	51%

<sup>13</sup> This percentage represents the proportion of respondents that are not already required to perform the given activity and thus will incur an incremental burden.

Initial and Supplemental Notification through Public Alerts	CSO Permittee	Large	As needed	50%
Initial and Supplemental Notification to Local Public Health Department and Other Potentially Affected Public Entities	CSO Permittee	All	As needed	40%
Maintenance/Management of Alert System	CSO Permittee	All	Annual	40%
Preparation and Release of Annual Notice	CSO Permittee	Very Small	Annual	60%
Preparation and Release of Annual Notice	CSO Permittee	Small	Annual	59%
Preparation and Release of Annual Notice	CSO Permittee	TARP	Annual	75%
Preparation and Release of Annual Notice	CSO Permittee	Large	Annual	58%
Recordkeeping	CSO Permittee	All	Annual	100%
Revision of CSO NPDES Permit Conditions	State	N/A	1/5 year	100%
Review of Annual Notice	State	N/A	Annual	100%

**Table A-2. Assumed Number of Discharge Points and CSO Events by Entity Type**

Item	Affected Respondent		Count
	Type	Entity Size	
Average Number of CSO Discharge Points	CSO Permittee	Very Small	3
Average Number of CSO Discharge Points	CSO Permittee	Small	7
Average Number of CSO Discharge Points	CSO Permittee	TARP	4
Average Number of CSO Discharge Points	CSO Permittee	Large	30
Average Number of CSO Discharge Points	CSO Permittee	All	10
Annual CSO Events Per Permittee (Treated and Untreated)	CSO Permittee	Very Small	31
Annual CSO Events Per Permittee (Treated and Untreated)	CSO Permittee	Small	55
Annual CSO Events Per Permittee (Treated and Untreated)	CSO Permittee	Large	82



**Table A-3. Capital Burden Assumptions by Activity and Entity Type**

Activity	CSO Permittee Size	Total Number CSO Permittees	Incremental Burden Percentage	Adjusted Equivalent Number of Respondents	Number Discharge Points	Adjusted Equivalent Number of Responses	Cost (per Sign)	Annual Capital Costs
Inspection and Maintenance of Signs	Very Small	44	31%	14	3	42	\$ 12.30	\$517
	Small	45	30%	14	7	98	\$ 12.30	\$1,205
	Large	31	31%	10	30	300	\$ 12.30	\$3,690

**Table A-4. Labor Burden Assumptions by Activity and Entity Type**

Activity	CSO Permittee Size	Total Number CSO Permittees	Incremental Burden Percentage	Adjusted Equivalent Number of Respondents <sup>14</sup>	Number of Events	Adjusted Equivalent Number of Responses	Hours (per unit)	Annual Burden Hours	Annual Labor Costs (Based on labor rate)
Inspection and Maintenance of Signs	Very Small	44	31%	14	3	42	0.5 hours/sign	21	\$1,014
Inspection and Maintenance of Signs	Small	45	30%	14	7	98	0.5 hours/sign	49	\$2,367
Inspection and Maintenance of Signs	Large	31	31%	10	30	300	0.5 hours/sign	150	\$7,246
Initial and Supplemental Notification through Public Alerts	Very Small	44	52%	23	31	713	2 hours/event	1,426	\$68,884
Initial and Supplemental Notification through Public Alerts	Small	45	51%	23	55	713	2 hours/event	1,426	\$68,884
Initial and Supplemental Notification through Public Alerts	Large	31	50%	16	82	496	2 hours/event	992	\$47,919
Initial and Supplemental Notification to Local Public Health Department and Other Potentially Affected Public Entities	CSO Permittees	157	40%	63	31	1,922	0.25 hours/event	481	\$23,211
Maintenance/Management of Alert System	Very Small	44	40%	17	1	17	24 hours/year	408	\$19,709
Maintenance/Management of Alert System	Small	45	40%	18	1	18	24 hours/year	432	\$20,868
Maintenance/Management of Alert System	Large	31	40%	12	1	12	24 hours/year	288	\$13,912
Preparation and Release of Annual Notice	Very Small	44	60%	26	1	26	8 hours/notice	208	\$10,048
Preparation and Release of Annual Notice	Small	45	59%	27	1	27	16 hours/notice	432	\$20,868
Preparation and Release of Annual	TARP	37	75%	28	1	28	8 hours/notice	224	\$10,820

<sup>14</sup> Rounded value. Although all permittees need to complete some percentage of the activity, this value acts as a surrogate number of permittees that still need to perform the whole activity, as if summing the portions of incomplete activities from all permittees.

**Table A-4. Labor Burden Assumptions by Activity and Entity Type**

Activity	CSO Permittee Size	Total Number CSO Permittees	Incremental Burden Percentage	Adjusted Equivalent Number of Respondents	Number of Events	Adjusted Equivalent Number of Responses	Hours (per unit)	Annual Burden Hours	Annual Labor Costs (Based on labor rate)
Notice Preparation and Review of Annual Notice	Large	21	58%	18	1	18	24 hours/notice	432	\$20,868
Recordkeeping	Very Small	44	100%	44	31	1,364	0.25 hours/event	341	\$16,472
Recordkeeping	Small	45	100%	45	55	2,475	0.25 hours/event	619	\$29,889
Recordkeeping	Large	31	100%	31	82	2,542	0.25 hours/event	636	\$30,698
Revision of CSO NPDES Permit Conditions	State	7	100%	7	4	31	1 hours/permit	31	\$1,662
Review of Annual Notice	State	7	100%	7	14	99	1 hours/notice	99	\$5,307
<b>Total Municipal Respondent</b>		<b>157</b>				<b>10,811</b>		<b>8,564</b>	<b>\$413,678</b>
<b>Total State Respondent</b>		<b>7</b>				<b>130</b>		<b>130</b>	<b>\$6,969</b>