

**Information Collection Request (ICR) Supporting Statement for
the 2022 National Pollutant Discharge Elimination System
General Permit for Stormwater Discharges from Construction
Activities**

OMB Control No. 2040-NEW EPA ICR No. 2686.01

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United States Environmental Protection Agency
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Part A

I. Identification

A. Title

Title: Proposed 2022 National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities
OMB Control Number: 2040-NEW
EPA ICR Number: 2686.01

B. Short Characterization/Abstract

This Information Collection Request (ICR) calculates the burden and costs associated with information collection and reporting activities from the proposed 2022 U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities, hereinafter referred to as the proposed 2022 Construction General Permit (CGP).

The burden and costs associated with the entire NPDES program, including the administration of the 2017 CGP, are accounted for in the 2017 NPDES Program ICR (EPA ICR number 0229.23 OMB control no. 2040-0004). Certain changes in the proposed 2022 CGP would require revisions to the NPDES Program ICR to reflect changes to the information collection requirements. Consistent with the past approach of changes to the NPDES Program, EPA is reflecting the paperwork burden and costs associated with the difference between the proposed 2022 CGP and the 2017 CGP in this ICR instead of revising the NPDES Program ICR. EPA will consolidate the burden and costs into the NPDES Program ICR (and discontinue this ICR) in 2022 when the NPDES Program ICR is reissued.

The information collection changes between the 2017 CGP and the proposed 2022 CGP are associated with the following:

- New notice of intent (NOI) questions
- New notice of termination (NOT) documentation
- Dewatering inspections
- Inspection training records

EPA is requesting public comment on potential turbidity monitoring requirements related to dewatering. EPA is considering requiring monitoring for sites discharging dewatering water to a sediment-impaired water or a water designated as a Tier 2, Tier 2.5, or Tier 3 water. For affected sites, permittees would be required to collect and analyze at least one turbidity sample from the discharge on any day in which dewatering discharges are occurring. EPA is considering using one of two monitoring approaches in this permit: a benchmark monitoring approach or an indicator monitoring approach. If included in the final permit, requirements for turbidity monitoring and reporting would add a new ICR reporting collection schedule and burden, because the 2017 CGP does not have any existing monitoring requirements. An estimate of potential labor and cost burdens for the proposed turbidity monitoring requirements can be found in the *Incremental Cost Impact Analysis for the Proposed 2022 CGP*. See Section IV.D.3.

This ICR estimates the incremental change in recordkeeping and reporting burden for the EPA-issued CGP, compared to the total burden presented in the NPDES Program ICR. This ICR estimates a decrease in annual labor burden of 47,067 hours for 2,600 respondents and a \$2,065,951 decrease in labor cost. The Agency incremental change is a decrease in labor burden of 4,666 hours annually and a \$178,735 decrease in labor cost. Error: Reference source not found summarizes the incremental change in recordkeeping and reporting burden estimate for the proposed 2022 CGP. For reference, Table 1 also presents the total recordkeeping and reporting burden for the proposed 2022 CGP, most of which is already accounted for in the NPDES Program ICR. The decrease in costs is primarily due to the significant reduction in the respondent population, which offsets any incremental increase in costs that may result from the proposed new dewatering inspection requirements.

Table 1 - Estimated Annual Burden for the Proposed 2022 CGP

Burden Category	NPDES Program ICR (2017) Burden for EPA CGP		Proposed 2022 CGP Incremental Change in Burden		Proposed 2022 CGP Total Burden	
	Labor Burden (hours)	Labor Cost (\$)	Labor Burden (hours)	Labor Cost (\$)	Labor Burden (hours)	Labor Cost (\$)
Total for Respondents	173,634	\$9,970,075	-47,067	-\$2,065,951	126,567	\$7,904,124
Total for Agency	12,158	\$520,595	-4,666	-\$178,735	7,492	\$341,860

This ICR does not include an estimate for burden hours or cost associated with dewatering turbidity monitoring and reporting, which EPA is requesting public comment on in the proposed 2022 CGP. If EPA includes dewatering turbidity monitoring requirements in the final 2022 CGP, then this ICR will be updated to reflect the associated burden hours, labor cost, and capital/operations and maintenance (O&M) costs. An estimate of potential labor and cost burdens for the proposed turbidity monitoring requirements can be found in the *Incremental Cost Impact Analysis for the Proposed 2022 CGP*. See Section IV.D.3.

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. 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 the Phase I regulations on November 16, 1990, establishing NPDES permit coverage requirements for discharges associated with industrial activity and from “large” and “medium” municipal separate storm sewer systems (MS4s) (CWA section 402(p)(2)). As part of that rulemaking, EPA interpreted stormwater “discharges associated with industrial activity” to include stormwater discharges associated with “construction activity” as defined at 40 CFR 122.26(b)(14)(x). As described in the Phase I regulations, dischargers must obtain authorization to discharge (or “permit coverage”), including discharges associated with construction activity, including clearing, grading, and excavation, if the construction activity:

- will result in the disturbance of five acres or greater; or
- will result in the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or greater.

Section 402(p)(5) and (6) establishes a process for EPA to evaluate potential sources of stormwater discharges not included in the Phase I regulations and to designate discharges for regulation to protect water quality. Section 402(p)(6) instructs EPA to “issue regulations...which designate stormwater discharges, other than those discharges described in [section 402(p)(2)], to be regulated to protect water quality and shall establish a comprehensive program to regulate such designated sources.” In 1999, pursuant to the broad discretion granted to the agency under section 402(p)(6), EPA promulgated the Phase II stormwater regulations that designated discharges associated with “small” construction activity and “small” MS4s. 64 FR 68722 (December 8, 1999). NPDES permit coverage is required for discharges associated with “small” construction activity, including clearing, grading, and excavation, if the construction activity:

- will result in land disturbance of equal to or greater than one acre and less than five acres; or
- will result in disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

While the regulations establish EPA’s authority and requirement to collect information under the CGP, 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 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 conditions.

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. Some of these data must be submitted to EPA, while much of the 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 to comply with the permit and is not available from other sources.

B. Public Notice Required Prior to ICR submission to Office of Management and Budget (OMB)

Announcement of the proposed ICR is published in the *Federal Register* and open to public comment. The notice includes a request for comments on the content and impact of these information collection requirements on the regulated community.

C. Consultations

Changes included as part of the proposed 2022 CGP reflect the significant amount of outreach EPA conducted with groups representing the construction industry, environmental interests, and state permitting authorities. As an initial step in the development of the proposed permit, EPA met multiple times with these outside stakeholders to help identify areas of the 2017 CGP that, in the view of these groups, require further clarification or modification to more effectively achieve the pollutant reduction objectives of the permit. The feedback obtained from these meetings directly informed the types of clarifications and other changes EPA is proposing, as well as the areas where the Agency is soliciting further feedback during the public comment period. EPA also consulted with tribal officials between August 13 and October 27, 2020 to gain an understanding of and, where necessary, to address the tribal implications of the proposed permit.

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 (or Notice of Intent (NOI) requirements for general permits), 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 is reflective of the minimum information that is necessary to adequately evaluate compliance.

E. General Guidelines

This information collection is consistent with Office of Management and Budget (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 may contain confidential business information (CBI). If this is the case, the respondent may request that such information receive confidential treatment. All information claimed as CBI will be handled in accordance with 40 CFR 122.7, 40 CFR Part 2, and other relevant laws or EPA policies or procedures. Any CBI claim must be asserted at the time of submission. However, CWA section 308(b) specifically states that effluent data may not be treated as confidential.

G. Sensitive Questions

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

IV. Respondents and Information Requested

A. Respondents/SIC Codes

1. Coverage under the proposed 2022 CGP is available to "operators" of construction activities 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 B of the proposed 2022 CGP. The majority of construction activities will be carried out by builders, local developers, and contractors. Relevant Standard Industrial Classification (SIC) codes include the following: 1531, 1541, 1542, 1611, 1622, 1623, and 1629.
- 2.
3. Based on 2020 CGP NOI data, EPA estimates that approximately 2,600 operators were covered by the 2017 CGP from January 1, 2020 to December 31, 2020, after excluding operators who submitted a low erosivity waiver and excluding operators with projects based in Idaho or Texas. Idaho was covered under the 2017 CGP, but will take over as the NPDES permitting authority for construction stormwater sites after the 2017 CGP expires (in February 2022). Under the 2017 CGP, Texas had NPDES permitting authority over most construction stormwater sites but EPA retained permitting authority for construction activities associated with oil and gas¹. However, Texas assumed NPDES authority for the oil and gas industry on January 15, 2021. Therefore, EPA estimates that approximately 2,600 operators will obtain permit coverage every year for the duration of the three-year ICR period. Based on analysis of the 2017 CGP NOI data, EPA found

¹ Activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.

that the median project duration in 2017 CGP population was 366 days. For the purpose of this ICR, EPA assumes that each permitted construction project is completed within one year and the number of notices of termination (NOT) submitted annually is equal to the number of NOIs submitted annually.

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 CGP include:

- NOI and NOT forms;
- Stormwater pollution prevention plan (SWPPP) development and maintenance;
- Inspection reports and corrective action documentation;
- Standard reporting; 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 2017 CGP is also included.

NOI Forms

There are minor changes to the requirements and estimated burden for this activity. Like the 2017 CGP, EPA's proposed 2022 CGP requires respondents to submit an electronic NOI via NeT-CGP to obtain coverage under the permit. The NOI requests basic operator and site information, as well discharge location(s), receiving water information, chemical treatment information, information about the SWPPP, a summary of threatened and endangered species eligibility information, historic preservation eligibility information, and other information. In addition, EPA is collecting new information as part of the proposed 2022 CGP. The NOI form was updated from the 2017 CGP to collect new information related to the following: dewatering practices, inspector training, other operators submitting NOIs for the same project, and minor clarifying details related to the endangered species criteria analysis.

Like the 2017 CGP, EPA's proposed 2022 CGP requires respondents to prepare and submit the following information as part of the NOI application:

- **Threatened and Endangered Species Protection**
There are no changes to the requirements or estimated burden for this activity. Like the 2017 CGP, EPA's proposed 2022 CGP requires respondents to confirm CGP eligibility with regard to the protection of threatened and endangered species and critical habitat. The proposed 2022 CGP requires respondents to indicate their criterion selection on the NOI form to EPA and include any associated documentation. The Eligibility Procedures Relating to Threatened and Endangered Species Protection are in Appendix D of the proposed 2022 CGP. The eligibility process requires an evaluation of the project'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 an informal or formal consultation with and receive concurrence from, the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

- **Historic Properties Preservation**

There are no changes to the requirements or estimated burden for this activity. Like the 2017 CGP, EPA's proposed 2022 CGP requires respondents to submit eligibility information concerning the possibility of impacts to historic properties. The proposed 2022 CGP requires respondents to indicate their historic properties criterion selection on the NOI form to EPA and include any associated documentation. The Historic Property Screening Process is in Appendix E of the proposed 2022 CGP. Respondents are required to contact the relevant State or Tribal Historic Preservation Office (SHPO/THPO) 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 project, the U.S. Geological Survey (USGS) map location of activities, and the site map with stormwater controls and associated and subsurface earth disturbances.

- **Cationic Chemical Treatment**

There are no changes to the requirements or estimated burden for this activity. Like the 2017 CGP, EPA's proposed 2022 CGP requires respondents to submit eligibility information with regard to the use of cationic treatment chemicals. The CGP requires respondents to indicate their cationic treatment authorization status on the NOI form to EPA and include any associated documentation. Respondents will be required to notify the EPA in advance of NOI submittal, and EPA provides a Suggested Format for Request for Chemical Treatment in Appendix L of the proposed 2022 CGP.

NOT Forms

There are minor changes to the requirements and estimated burden for this activity. As in the 2017 CGP, EPA's proposed 2022 CGP requires respondents to submit an electronic NOT via NeT-CGP to terminate coverage under the permit. The NOT requests basic operator and site information. An NOT form is submitted when applicable activities at the site are completed; the work area has been transferred to another permitted operator; or the site is covered under a different NPDES permit for the same discharges. The NOT form was updated because EPA is collecting new information as part of the proposed 2022 CGP requiring operators to submit photographs documenting site stabilization with the NOT form submittal.

SWPPPs

There are minor changes to the requirements for this activity but no change to the estimated burden. As in the 2017 CGP, EPA's proposed 2022 CGP requires all respondents to develop and maintain an updated SWPPP that includes the following elements:

- Site operators and areas of control;
- Stormwater pollution prevention team;
- Nature of construction activities;
- Site map;
- Identification of non-stormwater discharges;
- Description of stormwater controls;
- Description of inspection, maintenance, and correction action procedures;
- Documentation to support eligibility considerations under other federal laws;
- Signature requirements.

In addition, the proposed 2022 CGP includes a new SWPPP documentation requirement related to inspector training. The 2017 CGP required that the stormwater team understand the permit requirements and have sufficient training to perform the job duties; EPA's proposed 2022 CGP requires respondents to complete formal inspector training and maintain a record of completion along with the SWPPP documents.

Inspection Reports and Corrective Action Documentation

There are changes to the requirements and estimated burden for this activity. As in the 2017 CGP, EPA's proposed 2022 CGP requires respondents to conduct routine site inspections and prepare inspection reports that include the inspection date and time; the name, title, and signature of the inspector; weather information; a summary of findings; any maintenance or corrective actions; any areas that could not be safely inspected; and any incidents of noncompliance. EPA is including new inspection requirements as part of the proposed 2022 CGP. In addition to the routine site inspections, operators conducting dewatering activities must perform a daily inspection of all areas where construction dewatering is taking place, including stormwater controls to treat the dewatering discharge. As part of the inspection, operators must record the following information: dewatering discharge start and end times; estimated rate of discharge on the day of inspection (gallons per day); visual observations about the quality of the discharge; and photographs of the dewatering water before and after treatment, of the control method, and of the discharge point.

Other Information

- **Small Construction Waiver**

There are no changes to the requirements or estimated burden for this activity. As in the 2017 CGP, the proposed 2022 CGP permits respondents to request a waiver from CGP coverage requirements. The proposed 2022 CGP requires respondents to notify EPA in advance that they intend to request a waiver. Respondents have three ways to certify that they qualify for a waiver certification (rainfall erosivity waiver, total maximum daily load (TMDL) waiver, or equivalent analysis waiver). The Small Construction Waivers and Instructions is in Appendix C of the proposed 2022 CGP.

- **Standard/Additional Reporting**

There are no changes to the requirements or estimated burden for these activities. 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:

- **Planned changes:** Respondents must provide prompt notice of any planned physical alterations or additions to the permitted facility that qualify the facility as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged.
- **Anticipated noncompliance:** 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.
- **24-hour reporting (and 5-day follow-up reporting):** Respondents must report any noncompliance which may endanger human health or the environment. Noncompliance reporting includes unanticipated bypass or upset that exceeds effluent limitations, or a violation of maximum daily discharge limits for any numeric effluent limitation. Any information must be provided verbally within 24 hours from the time the operator is

aware of the circumstances. Unless waived by EPA, respondents must provide a written submission within 5 days from the time the operator is aware of the circumstances.

- o **Other noncompliance:** Respondents must report all instances of noncompliance not reported in the monitoring 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 previously submitted.

V. Agency Activities, Methods, and Information Management

A. Agency Activities

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

B. Collection Methodology and Management

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

C. Small Entity Flexibility

It is EPA's view that 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 construction stormwater facilities.

D. Collection Schedule

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

- **NOI Form**
There are no changes to the collection schedule for this activity. Based on experience implementing the permit and CGP NOI data, EPA assumes that all operators covered under the CGP will operate projects that conclude in one year or less. Thus, EPA assumes all respondents

will submit an NOI once per year. As part of the NOI form, respondents may also be required to prepare information related to threatened and endangered species protection, historic properties screening, and cationic treatment chemicals.

- **NOT Form**

There are no changes to the collection schedule for this activity. The NOT is submitted only when permit coverage is no longer needed. Based on experience implementing the permit and CGP NOI data, EPA assumes that all operators covered under the CGP will operate projects that conclude in one year or less. Therefore, EPA assumes respondents will submit NOTs once per year.

- **SWPPPs**

There are no changes to the collection schedule for this activity. Respondents must develop a SWPPP prior to submitting an NOI for permit coverage. The SWPPP must be updated within 7 days of any changes to operators, construction plans, stormwater controls, operational control areas, chemical treatment, local or tribal requirements, or other updates as needed to reflect site conditions or as required by EPA.

- **Inspection Reports and Corrective Action Documentation**

There is a change to the collection schedule for this activity. As in the 2017 CGP, the proposed 2022 CGP requires respondents to conduct inspections once every 7 calendar days, or once every 14 calendar days and within 24 hours of specified weather conditions. In addition, certain sites discharging to sensitive waters must inspect once every 7 calendar days. EPA also allows reduced inspection frequency for sites with stabilized or frozen conditions, and sites in arid, semi-arid, or drought-stricken areas during the seasonally dry period. Inspection reports must be completed within 24 hours of the site inspection and maintained on site. Corrective action requirements are primarily triggered by prohibited discharges, water quality exceedances, and other issues noted during inspections; as such there is no set schedule in the permit.

In addition, the proposed 2022 CGP includes new inspection requirements for dewatering activities. In the proposed 2022 CGP, EPA is requiring operators to inspect the dewatering discharge points once per day while dewatering activities are occurring. These inspections must be performed in addition to routine site inspections.

- **Other Information**

- **Small Construction Waiver**

There are no changes to the collection schedule for this activity. Small construction waiver request documentation is required in the process of determining permit coverage obligations. Information collection requirements related to this provision apply to new respondents. Once an operator has received a waiver, no further documentation is needed unless there have been changes that could impact eligibility.

- **Standard/Additional Reporting**

There are no changes to the collection schedule for these activities. 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.

E. Estimating Respondent Burden

The burdens and costs of the 2017 CGP were accounted for in the NPDES Program ICR, which was last renewed in 2017 (EPA ICR No. 0229.23, OMB Control No. 2040-0004). As part of this supporting statement, EPA has reviewed the estimated burden for each information request in the proposed 2022 CGP. Revisions were made to reflect changes in the requirements of the CGP.

- **NOI Forms**

There are minor changes to the requirements and estimated burden for this activity. Consistent with assumptions made in the NPDES Program ICR, EPA assumes that all respondents will submit one NOI and each project will last approximately one year (i.e., all respondents will submit an NOI to the EPA annually). EPA estimates that 63% of respondents will be small sites and 37% will be large sites. In the NPDES Program ICR, EPA estimated that small site respondents will each spend 3.7 hours preparing and submitting an NOI, which includes performing a threatened and endangered species protection evaluation and any resulting consultation. EPA estimated that 60% of large site respondents will spend 1.5 hours to prepare an NOI, which includes performing a threatened and endangered species protection evaluation and that indicates no consultation is necessary; 37.3% of large sites will spend 6 hours to prepare an NOI, which includes performing a threatened and endangered species protection evaluation and informal consultation with the USFWS or NMFS to determine if species or critical habitat may be present and if an adverse impact is likely to occur; and (based on information provided by USFWS) 2.7% of large sites will spend approximately 20 hours to prepare an NOI, which includes performing a threatened and endangered species protection evaluation and conducting a formal consultation with the services for actions that are likely to adversely affect species or critical habitat.

EPA is collecting new information as part of the proposed 2022 CGP. The NOI form was updated from the 2017 CGP to collect new information related to the following: dewatering practices, inspector training, other operators submitting NOIs for the same project, and minor clarifying details related to the endangered species criteria analysis. EPA estimates that each respondent will need an additional 10 minutes, or 0.1 hours, to answer the new NOI questions. See **Table 2** for a breakout of NOI burden by respondent category for the Proposed 2022 CGP. All of these NOI estimates include the burden to determine historic properties eligibility (including contacting the SHPO/THPO, if applicable) and the burden to notify the Regional EPA Office about cationic treatment chemical use, if applicable.

Table 2 – Proposed 2022 CGP NOI Burden Breakout

Activity	Hours Per Response
Small sites – Includes endangered species evaluation and any consultation	3.8
Large sites – Initial endangered species evaluation and no consultation (60% of large sites)	1.6
Large sites – Initial endangered species evaluation and informal consultation (37.3% of large sites)	6.1
Large sites – Initial endangered species evaluation and formal consultation (2.7% of large sites)	20.1

- **NOT Forms**

There are changes to the requirements and the estimated burden for this activity. Consistent with assumptions made in the NPDES Program ICR, EPA estimates that all respondents will spend 0.5 hours preparing and submitting an NOT, with no difference in hours between large and small sites.

In addition, EPA is collecting associated records as part of the proposed 2022 CGP. Along with the NOT form, operators must provide representative photographs documenting that the site is in compliance with the requirements for final vegetative or non-vegetative stabilization. EPA estimates that each respondent will need an additional 15 minutes, or 0.25 hours, to collect and attach photographs. Therefore, the proposed 2022 CGP adds an estimated incremental burden of 0.25 hours for this activity.

- **SWPPPs**

There are changes to the requirements for this activity but no changes to the estimated burden. All respondents are required to prepare a SWPPP prior to submitting an NOI. Consistent with assumptions made in the NPDES Program ICR, EPA estimates that small site respondents will spend an average of 22.7 hours and large site respondents will spend an average of 36.4 hours preparing and maintaining a SWPPP. This burden estimate includes the labor to maintain and update the SWPPP throughout the life of the construction project.

In addition, the proposed 2022 CGP includes a new SWPPP documentation requirement related to inspector training. The proposed 2022 CGP requires respondents maintain a record of inspector training completion along with the SWPPP documents. EPA estimates that respondents will not incur additional recordkeeping burden to comply with this new requirement because the previous CGPs (2012 and 2017) already required this documentation. Therefore, this proposed 2022 CGP ICR adds no incremental burden to this activity and the estimated burden for this activity is already accounted for in the 2017 NPDES Program ICR.

- **Inspection Reports and Corrective Actions**

There are changes to the requirements and estimated burden for this activity. Consistent with the 2017 NPDES Program ICR, for the purposes of this ICR, EPA assumes that respondents will conduct routine inspections biweekly, for a total of 26 times during the permit term. EPA

estimates that respondents at each large site will spend an average of 0.5 hours and respondents at each small site will spend an average of 0.25 hours to conduct routine bi-weekly site inspections, complete inspection reports, and complete corrective action documentation.

In addition, the proposed 2022 CGP includes new inspection requirements related to dewatering activities that adds incremental burden. In addition to the routine site inspections, operators conducting dewatering activities must perform a daily inspection of all areas where construction dewatering is taking place, including stormwater controls to treat the dewatering discharge. EPA estimates that complying with the new dewatering inspection requirements will take respondents approximately 0.25 hours per dewatering event. In addition, for the purpose of the ICR, EPA makes the following assumptions:

- All respondents will dewater accumulated stormwater or groundwater during their project.
- Each respondent has an average of one dewatering discharge point.
- Each respondent will have a total of 29 dewatering events per year.

This total number of dewatering events per year is based on the assumption that each respondent will dewater groundwater on 7 days over the project life (probably early on while foundations are excavated and set); and dewater accumulated stormwater on 22 days over the project life. The assumption of 22 days of stormwater dewatering is based on an analysis of NOAA climate data that reports an average of 1.8 days per month with rainfall greater than 0.5 inches.

- **Other Information**

- **Small Construction Waiver**

There are no changes to the requirements or estimated burden for this activity. EPA estimates that approximately 5% of operators will spend an average of 1 hour preparing and submitting a small construction waiver request in lieu of an NOI. The estimated burden for this activity is already accounted for in the 2017 NPDES Program ICR, so this proposed 2022 CGP ICR adds no incremental burden to this activity.

- **Standard Reporting**

There are no changes to the requirements or estimated burden for these activities. The following reports are part of the Standard NPDES Permit Conditions and would be submitted directly to the appropriate EPA Regional Office. For all of these reports, the estimated burden is already accounted for in NPDES Program ICR, and this proposed 2022 CGP ICR adds no incremental burden to this activity.

- **Planned changes:**

EPA estimates that 0.5% of respondents will spend an average of 4 hours to meet the planned changes standard permit condition throughout the permit term.

- **Anticipated noncompliance:**

EPA estimates that 0.1% of respondents will spend an average of 5 hours meeting the anticipated noncompliance standard permit condition throughout the permit term.

- **24-hour reporting (and 5-day follow-up reporting):**
EPA estimates that 0.1% of respondents will spend approximately 5 hours to complete bypass and upset verbal reporting, and that 75% of those respondents would spend 2 additional hours to complete a written report.

Additionally, EPA assumes that approximately 2% of respondents would spend 3 hours to do daily discharge violation verbal reporting and approximately 50% of those respondents would spend an additional 2 hours to complete a written report.

- **Other noncompliance reporting:**
EPA estimates that 1% of respondents will spend an average of 5 hours on reporting related to other noncompliance with NPDES standard permit conditions.
- **Other information:**
EPA estimates that 0.05% of operators will spend an average of 2 hours reporting previously provided inaccurate information.

- **Dewatering Turbidity Monitoring and Discharge Monitoring Report (DMR)**
In the proposed 2022 CGP, EPA requests public comment on requiring operators to conduct turbidity monitoring at sites dewatering to sediment-impaired waters and/or any waters designated as a Tier 2, Tier 2.5, or Tier 3 water. Turbidity monitoring is not included in the proposed 2022 CGP as a requirement, but EPA is considering including such a requirement in the final 2022 CGP. If finalized, EPA would require affected respondents to collect and analyze at least one turbidity sample from the discharge on any day in which dewatering is occurring and report the weekly average value on a quarterly discharge monitoring report (DMR). If EPA includes dewatering turbidity monitoring requirements in the final 2022 CGP, then the final ICR will reflect the incremental increase in reporting burden due to this new requirement. An estimate of potential labor and cost burdens for the proposed turbidity monitoring requirements can be found in the *Incremental Cost Impact Analysis for the Proposed 2022 CGP*. See Section IV.D.3.

F. Estimating Respondent Costs

With burden hour estimates included in Section VI.A, the next step is to estimate the labor cost per respondent and the capital costs required to complete each activity that would be required under the proposed 2022 CGP. The total cost for each respondent activity is composed of the following:

- Labor cost;
- O&M cost; and
- Capital/start-up cost.

1. Estimating Labor Costs

EPA determined the hourly employment cost of civilian employees using methodology established in previous ICRs. When calculating respondent labor costs, EPA assumes the average loaded hourly rate for private sector is \$62.45 (source: <https://www.bls.gov/bls/news-release/ecec.htm>, September 2020, Table 2, Total Compensation for "Management, professional, and related," accessed February 9, 2021).

This ICR estimates an incremental decrease of 47,067 hours per year, which equates to an incremental decrease of \$2,065,951 annually in labor costs associated with respondent burden. The decrease in costs is attributed to the significant reduction in the respondent population, which offsets any incremental increase in costs that may result from the proposed new requirements.

2. Estimating Capital and Operations and Maintenance (O&M) Costs

There are currently no capital or O&M costs associated with the proposed 2022 CGP. However, If EPA includes dewatering turbidity monitoring requirements in the final 2022 CGP, the ICR will be updated to include one-time capital/O&M costs for the affected respondents to purchase a turbidimeter.

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

There are currently no capital or O&M costs associated with the proposed 2022 CGP. However, If EPA includes dewatering turbidity monitoring requirements in the final 2022 CGP, the ICR will be updated to include one-time capital/O&M costs for the affected respondents to purchase a turbidimeter.

4. Annualizing Capital Costs

There are currently no capital costs associated with the proposed 2022 CGP. However, If EPA includes dewatering turbidity monitoring requirements in the final 2022 CGP, the ICR will be updated to include one-time capital/O&M costs for the affected respondents to purchase a turbidimeter.

G. 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.

- **NOI Forms**

There are no changes to the requirements or estimated burden for this activity. The estimated average time for EPA to process NOIs is 1 hour per NOI. The estimated burden for this activity is already accounted for in 2017 NPDES Program ICR, and this proposed 2022 CGP ICR adds no incremental burden to this activity.
- **NOT Forms**

There are no changes to the requirements or estimated burden for this activity. The estimated average time for EPA to process NOTs is 0.25 hour per NOT. The estimated burden for this activity is already accounted for in 2017 NPDES Program ICR, and this proposed 2022 CGP ICR adds no incremental burden to this activity.
- **SWPPPs**

There are no changes to the requirements or estimated burden for this activity. The estimated average time for EPA to review SWPPPs is 1 hour per SWPPP. The estimated burden for this activity is already accounted for in 2017 NPDES Program ICR, and this proposed 2022 CGP ICR adds no incremental burden to this activity.

- **Inspection Reports**

There are no changes to the requirements or estimated burden for this activity. Because inspection reports are not submitted to EPA, the Agency is not expecting any Agency burden associated with this requirement and therefore estimates 0 hours.

- **Other Information**

- **Small Construction Waiver**

There are no changes to the requirements or estimated burden for this activity. Based on EPA's experience with the 2017 CGP, EPA anticipates spending approximately 1 hour reviewing waiver requests. The estimated burden for this activity is already accounted for in the 2017 NPDES Program ICR, and this proposed 2022 CGP ICR adds no incremental burden to this activity.

- **Standard/Additional Reporting**

There are no changes to the requirements or estimated burden for this activity. The 2017 NPDES Program ICR estimates that EPA spends 4 to 20 hours of burden per response for this activity. This CGP ICR adds no incremental burden to this activity.

- **Dewatering Turbidity Monitoring DMR Review**

If EPA includes dewatering turbidity monitoring requirements in the final 2022 CGP, then the final ICR will reflect the incremental burden for EPA to process and follow-up on DMRs.

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 (2021-GS) (link: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS.pdf> accessed February 8, 2021), 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 3 - Estimated Agency Burden and Cost

Activity	Hours Per Response			Approximate 2017 NPDES Program Annual Burden (hrs)	2022 CGP Annual Burden (hrs)	Approximate 2017 NPDES Programmatic ICR Cost ¹	2022 CGP Annual Cost ²
	2017 NPDES Program ICR	Proposed 2022 CGP Incremental Change	Proposed 2022 CGP Total Hours per Response				
NOI review	1	0	1	4,227	2,600	\$181,000	\$118,638
NOT review	0.25	0	0.25	1,057	650	\$45,250	\$29,660
Waiver Certification review	1	0	1	211	130	\$9,035	\$5,932
SWPPP review	1	0	1	4,227	2,600	\$181,000	\$118,638
Standard/other reports	12	0	12	2,436	1,512	\$104,310	\$68,993
Total Agency Activities				12,158	7,492	\$520,595	\$341,860

¹ In the 2017 NPDES Programmatic ICR, EPA assumed that the fully loaded cost of employment for a federal employee is \$42.82.

² In the Proposed 2022 CGP ICR, EPA assumed that the fully loaded cost of employment for a federal employee is \$45.63.

H. 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 4 - Estimated Respondent Burden and Cost

Activity	Hours Per Response			Annual Hours Burden		Annual Cost Burden	
	2017 NPDES Program ICR ¹	Proposed 2022 CGP Increm'l Change	Proposed 2022 CGP Total	Approximate 2017 NPDES Program Annual Burden (hrs)	Proposed 2022 CGP Annual Burden (hrs)	Approximate 2017 NPDES Programmatic ICR Cost ²	Proposed 2022 CGP Total Annual Cost ³
Reporting Requirements							
<u>NOI for Large Sites</u>							
With ESA Evaluation & No Consultation	1.5	0.1	1.6	1,408	924	\$80,824	\$57,674
With ESA Evaluation & Informal Consultation	6	0.1	6.1	3,500	2,189	\$200,983	\$136,693
With ESA Evaluation & Formal Consultation	20	0.1	20.1	845	522	\$48,495	\$32,604
NOI - Small Sites (with ESA Evaluation & Consultations)	3.7	0.1	3.8	9,853	6,224	\$565,765	\$388,714
Appendix E - Historic Property Screening Step 5 (Contact SHPO/THPO)	Included in NOI burden			-	-	-	-
Appendix L - Cationic Treatment Chemicals Notification	Included in NOI burden			-	-	-	-
Appendix C - Small Construction Waiver	1	0	1	211	130	\$12,116	\$8,119
NOT	0.5	0.25	0.75	2,114	1,950	\$121,357	\$121,778
<u>Standard/Other Reporting</u>							
Planned Facility Changes	4	0	4	84	52	\$4,823	\$3,247
Anticipated Noncompliance	5	0	5	20	15	\$1,148	\$937
24hr reporting - Unanticipated Bypass or Upset (Verbal)	5	0	5	20	15	\$1,148	\$937
24hr reporting - Unanticipated Bypass or Upset (Written)	2	0	2	6	4	\$345	\$250

Table 4 - Estimated Respondent Burden and Cost

Activity	Hours Per Response			Annual Hours Burden		Annual Cost Burden	
	2017 NPDES Program ICR ¹	Proposed 2022 CGP Increm'l Change	Proposed 2022 CGP Total	Approximate 2017 NPDES Program Annual Burden (hrs)	Proposed 2022 CGP Annual Burden (hrs)	Approximate 2017 NPDES Programmatic ICR Cost ²	Proposed 2022 CGP Total Annual Cost ³
24hr reporting - Violation of Maximum Daily Discharge (Verbal)	3	0	3	255	156	\$14,642	\$9,742
24hr reporting - Violation of Maximum Daily Discharge (Written)	2	0	2	84	52	\$4,823	\$3,247
Other Noncompliance reporting	5	0	5	210	130	\$12,058	\$8,119
Other Info - Permittee Report of Inaccurate Previous Information	2	0	2	4	2	\$230	\$125
<i>Reporting Subtotal</i>				18,613	12,365	\$1,068,758	\$772,184
Recordkeeping Requirements							
Develop New SWPPP - Large Sites	36.4	0	36.4	56,930	35,017	\$3,268,898	\$2,186,799
Develop New SWPPP - Small Sites	22.7	0	22.7	60,450	37,183	\$3,471,045	\$2,322,053
Update SWPPP	Included in SWPPP development burden			-	-	-	-
Conduct Routine Inspections - Large Sites	0.5	0	0.5	20,332	12,506	\$1,167,463	\$781,000
Conduct Routine Inspections - Small Sites	0.25	0	0.25	17,310	10,647	\$993,911	\$664,905
Dewatering Inspections	NA	0.25	0.25	NA	18,850	NA	\$1,177,183
Corrective Action Records	Included in inspection burden			-	-	-	-
<i>Recordkeeping Subtotal</i>				155,021	114,202	\$8,901,317	\$7,131,940
Total Respondent Activities				173,634	126,567	\$9,970,075	\$7,904,124

¹ NA indicates that the 2017 NPDES Programmatic ICR did not account for this burden item.

² In the 2017 NPDES Programmatic ICR, EPA assumed that the fully loaded cost of employment for a private sector employee is \$57.42.

³ In the Proposed 2022 CGP ICR, EPA assumed that the fully loaded cost of employment for a private sector employee is \$62.45.

I. 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 Program ICR. When EPA renews the NPDES Program ICR in 2022, it will account for the total burden of the proposed 2022 CGP ICR (and the final 2022 CGP ICR), by adding the incremental burden associated with refining the estimated burdens and including new burdens associated with modifications to permit conditions from the 2017 CGP to the proposed (and final) 2022 CGP ICR. The below table provides a summary of the average annual number of respondents, total burden hours, and total costs.

Table 5 - Bottom line respondent annual burden hours and cost

	CGP burden from 2017 NPDES Program ICR	Proposed 2022 CGP ICR Total	Incremental Change
Unique Respondents (number)	4,227	2,600	-1,627
Responses (number)	122,997	151,056	28,059
Burden (hours)	173,634	126,567	-47,067
Costs (labor)	\$9,970,075	\$7,904,124	-\$2,065,951
Costs (capital)	None	None	None
Costs (O&M)	None	None	None
Total costs	\$9,970,075	\$7,901,124	-\$2,065,951

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 6 - Bottom line Agency annual burden hours and cost

	CGP burden from 2017 NPDES Program ICR	Proposed 2022 CGP ICR Total	Incremental Change
Responses (number)	13,095	8,056	-5,039
Burden (hours)	12,158	7,492	-4,666
Costs (labor)	\$520,595	\$341,860	-\$178,735
Costs (capital)	None	None	None
Costs (O&M)	None	None	None

Total costs	\$520,595	\$341,860	-\$178,735
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J. Reasons for Change in Burden

The change in burden is due to new requirements in the proposed 2022 CGP, reduction in the number of respondents, and changes to hourly rates. Changes to the number of respondents are the result of Idaho changing status to be a NPDES-authorized state and Texas expanding NPDES-authorization to include oil and gas; construction projects in Idaho and oil and gas construction projects in Texas will no longer be EPA-permitted.

K. 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-NEW). 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 CGP respondents and EPA. The proposed 2022 CGP has a total estimated annual labor burden of 126,567 hours for 2,600 respondents and a total labor cost of \$7,904,124. Compared to CGP-related aspects of the NPDES Program ICR, this reflects a decrease in annual respondent labor burden and labor cost of 47,067 hours and \$2,065,951. The proposed 2022 CGP has a total estimated Agency annual labor burden of 7,492 hours and \$341,860. Compared to the NPDES Program ICR, this reflects a decrease in annual labor burden of 4,666 hours and \$178,735. The total reporting and recordkeeping burden for this collection of information is estimated to average 48.68 hours per respondent (0.84 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
- Notice of Termination (NOT) Form
- Appendix L - Chemical Treatment Form