

# U.S. Environmental Protection Agency

## Information Collection Request

**Title:** Proposed National Pollutant Discharge Elimination System 2026 Multi-Sector General Permit for Industrial Stormwater Discharges

**OMB Control Number:** 2040-NEW

**EPA ICR Number:** 7801.01

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

The burden associated with the entire NPDES program, including the administration of the 2021 MSGP, are accounted for in the 2023 NPDES Program ICR (EPA ICR number 0229.25, OMB control no. 2040-0004). Consistent with the past approach of changes to an NPDES program, EPA is reflecting the paperwork burden associated with the difference between the 2021 MSGP and 2026 MSGP in this ICR. All references to assumptions used in the 2021 MSGP ICR in the burden calculations were previously approved and unchanged and have been consolidated into the 2023 NPDES programmatic ICR.

The information collection changes between the 2021 and proposed 2026 MSGP are associated with the following:

- New Notice of Intent (NOI) questions;
- New NeT reporting requirements related to Additional Implementation Measure (AIM) corrective action reporting and AIM Level 1 inspections for both benchmark monitoring and impaired waters monitoring;
- Sampling and Discharge Monitoring Reports (DMRs) changes related to new collection schedules for Polycyclic Aromatic Hydrocarbon (PAH) indicator monitoring, impaired waters monitoring, and benchmark monitoring;
- Changes in respondent population related to benchmark monitoring for new sectors, and impaired waters monitoring for expanded Total Maximum Daily Load (TMDL) requirements;
- New Sampling and DMRs for Per- and Polyfluoroalkyl Substances (PFAS) indicator monitoring requirement;
- Turbidity benchmark monitoring requirements for permittees covered by Sectors G, H, and J that discharge dewatering water into sensitive waters (to align with EPA's Construction General Permit (CGP));
- New dewatering inspection requirements; and
- Changes to Stormwater Pollution Prevention Plan (SWPPP) requirements for permittees covered by Sectors G, H, and J to align with EPA's CGP.

Table 1 summarizes the total recordkeeping and reporting burden estimate for the proposed 2026 MSGP. This ICR estimates a total annual incremental labor burden of 22,543 hours for respondents at a

total incremental annual total cost of \$1,014,989.56. The Agency incremental labor burden is 198 hours annually at an incremental annual labor cost of \$10,165.38. There are also capital and operations and maintenance (O&M) costs associated with this ICR.

Burden Category	Incremental Increase in Burden from the NPDES Programmatic ICR (2023) to 2026 MSGP	
	Labor Burden (hours)	Total Cost (\$)
Total for Respondents <sup>1</sup>	22,543	1,014,989.56
Total for Agency <sup>2</sup>	198	10,165.38

<sup>1</sup> The cost for Respondents includes labor, capital and operations and maintenance (O&M) costs.

<sup>2</sup> The cost for Agency includes labor only (no capital/O&M costs).

The total burden in this ICR is based on annual averages over the 5-year permit term. Because this ICR, once approved, would expire in three years (estimated as 2029), the total burden included in this ICR is based on annual averages, and years 1, 2, and 3 will be calculated based on those annual averages.

## **Supporting Statement**

### **1. NEED AND AUTHORITY FOR THE COLLECTION**

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

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

- To provide information supporting respondent eligibility to be covered by the permit;

- To provide information on pollutant discharge trends for performance measures;
- To provide information to EPA and states to prioritize permit activities;
- To determine whether respondents are in compliance with permit conditions; and
- To provide information to EPA to determine the need for and develop permit limits.

## **2. PRACTICAL UTILITY/USERS OF THE DATA**

This ICR includes information used primarily by permittees and EPA. EPA anticipates that other government agencies (both state and federal), as well as public interest groups, private companies, and individuals, will also use the data. Much of these data must be submitted electronically to EPA, while other information must be maintained on-site by the permittee.

## **3. USE OF TECHNOLOGY**

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

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

## **4. EFFORTS TO IDENTIFY DUPLICATION**

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

## **5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES**

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 respondent and EPA. General permit procedures reduce burden associated with the application process and information submittals for industrial stormwater facilities.

## **6. CONSEQUENCES OF LESS FREQUENT COLLECTION**

EPA recognizes the importance of balancing the need for data collection efforts against respondent burden and costs. From the inception of the NPDES program, cost has been one of the major factors considered in establishing application requirements, monitoring conditions, and report contents and frequencies. EPA regularly seeks new opportunities to reduce burden on the regulated community.

EPA and other stakeholders need current information about respondents and discharge characteristics to fulfill oversight responsibilities. The burden described in this ICR identifies the burden that EPA has determined is necessary. EPA has determined that the information currently required is the minimum that is necessary to adequately evaluate compliance.

## **7. GENERAL GUIDELINES**

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

## **8. PUBLIC COMMENT AND CONSULTATIONS**

### **8a. Public Comment**

The proposed rulemaking serves as the public notice for this ICR. Interested parties should submit comments referencing Docket ID No. EPA-HQ-OPPT-2020-0642 to the address listed at the end of this document. EPA will address any comments received from OMB or the public concerning the information collection activities contained in the rule, and the agency's response, when developing the final rule.

### **8b. Consultations**

EPA met with stakeholders and the regulated community during the development of the proposed permit to discuss the permit. EPA is planning to request public comment on the proposed changes to the permit and the burden estimates associated with those changes which are reflected in this ICR. EPA will consider all comments submitted on the draft permit and draft ICR prior to permit finalization.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

There are no payments or gifts awarded to respondents of the 2026 MSGP.

## **10. ASSURANCE OF CONFIDENTIALITY**

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

## **11. JUSTIFICATION FOR SENSITIVE QUESTIONS**

The requirements addressed in this ICR do not include sensitive questions.

## **12. RESPONDENT BURDEN HOURS & LABOR COSTS**

This section provides estimates of the hour burden of the collection of information for changes associated with the 2026 MSGP.

### **12a. Respondents/NAICS Codes**

Coverage under the 2026 MSGP is available to respondents of eligible facilities located in areas where EPA is the permitting authority and where the general permit is available for use. A list of eligible areas is included in Appendix C of the 2026 MSGP. Appendix N of the 2026 MSGP also includes Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes that fall within each regulated industrial sector.

EPA anticipates that approximately 2,076 existing respondents will initially be covered under this 2026 reissuance of the MSGP. The 2021 MSGP NOI data indicated that there is an average of 105 new

respondents per year and 50 terminations per year during representative 2021 MSGP years (2022 and 2023). EPA estimates that the respondent population under the 2026 MSGP will grow by roughly this same amount over the five-year permit term. At the time of this proposed 2026 MSGP ICR, there are 1,967 active respondents. Based on the 105 new respondents and 50 terminations per year, growth was calculated from 2024 (current day) to the end of the 2026 MSGP. Therefore, EPA anticipates that over the five-year MSGP period, there will be an average of approximately 2,240 respondents subject to the 2026 MSGP (see Table 2). This average number of respondents is used in this ICR to calculate burden for items that generally affect the population of active operators at any given time.

**Table 2 - Projected Number of Respondents**

<b>MSGP Year</b>	<b>Total NOIs (cumulative)</b>	<b>Existing respondents</b>	<b>New NOIs</b>	<b>Terminated</b>	<b>Total Respondents</b>
<b>2024</b>	--	1,967	105	50	2,022
<b>2025</b>	--	2,022	105	50	2,076
<b>2026</b>	2,076	2,076	105	50	2,131
<b>2027</b>	2,181	2,131	105	50	2,185
<b>2028</b>	2,285	2,185	105	50	2,240
<b>2029</b>	2,390	2,240	105	50	2,294
<b>2030</b>	2,494	2,294	105	50	2,349
<b>5 year, 2026 MSGP Average</b>					<b>2,240</b>

The permit provides coverage to eligible regulated stormwater discharges located in areas where EPA is the permitting authority that are associated with industrial activity from facilities in the 30 sectors shown below. The NOI data from the 2021 MSGP was utilized to determine population numbers for each sector:

- Sector A—Timber Products.
- Sector B—Paper and Allied Products Manufacturing.
- Sector C—Chemical and Allied Products Manufacturing.
- Sector D—Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers.
- Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
- Sector F—Primary Metals.
- Sector G—Metal Mining (Ore Mining and Dressing).
- Sector H—Coal Mines and Coal Mining-Related Facilities.
- Sector I—Oil and Gas Extraction.
- Sector J—Mineral Mining and Dressing.
- Sector K—Hazardous Waste Treatment Storage or Disposal.
- Sector L—Landfills and Land Application Sites.
- Sector M—Automobile Salvage Yards.
- Sector N—Scrap Recycling Facilities.
- Sector O—Steam Electric Generating Facilities.
- Sector P—Land Transportation.

Sector Q—Water Transportation.  
Sector R—Ship and Boat Building or Repairing Yards.  
Sector S—Air Transportation Facilities.  
Sector T—Treatment Works.  
Sector U—Food and Kindred Products.  
Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.  
Sector W—Furniture and Fixtures.  
Sector X—Printing and Publishing.  
Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.  
Sector Z—Leather Tanning and Finishing.  
Sector AA—Fabricated Metal Products.  
Sector AB—Transportation Equipment, Industrial or Commercial Machinery.  
Sector AC—Electronic, Electrical, Photographic and Optical Goods.  
Sector AD—Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.  
There are multiple respondent populations that would be affected by the proposed changes to the 2026 MSGP permit requirements, as follows:

- Sub-sectors AB1, AD1, E3, I1, L2, N2, O1, P1, R1, U3, and Y2 would move from indicator monitoring to benchmark monitoring,
- Sectors A, B, C, D, F, I, K, L, M, N, P, R, S, T, U, V, W, X, Y, Z, AA, AB, and AC would be required to perform indicator monitoring for PFAS,
- Dischargers in Region 1 that discharge to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites would need to notify the EPA Regional Office to determine if the discharger is implementing adequate controls and/or procedures to ensure the discharge will not lead to recontamination of aquatic media at the CERCLA site,
- All respondents who discharge into waters with EPA-approved and non-approved TMDLs would be required to perform more frequent impaired waters monitoring, and
- Permittees regulated under Sectors G, H, and J would be required to comply with updated CGP requirements located in Part 8 of the 2026 MSGP.

## **12b. Information Requested**

This section presents the data items, including record-keeping requirements, and required respondent activities involved in preparing and submitting those data items. Some items are changing in response to the 2026 MSGP relative to the 2021 MSGP while others are remaining the same.

The principal data items that would be revised in the proposed 2026 MSGP are:

- NOI forms;
- SWPPPs;
- DMRs;
- Corrective Action/ AIM Documentation;
- Annual Reports;
- Inspection Reports and DMRs Related to Construction General Permit Requirements for Mining Sectors; and
- Other Information.

For each item that is being revised, the below describes the changes and whether or not additional burden is anticipated.

### **NOI forms**

Like the 2021 MSGP, EPA's 2026 MSGP requires respondents to submit an electronic NOI to obtain coverage under the permit. The NOI requests basic respondent and facility information, as well as discharge location(s), receiving water information, whether the facility discharges to a federal CERCLA site listed in Appendix L of the permit (applies only to EPA Regions 1 and 10 respondents), information from the SWPPP, a summary of endangered species eligibility information, historic preservation eligibility information, and other information.

### **SWPPPs**

EPA's 2026 MSGP requires all respondents to develop and maintain an updated SWPPP, which is a requirement that remains unchanged from the 2021 MSGP. The population of permittees subject to certain requirements, and the collection schedule of certain information, has been updated for the 2026 MSGP. These changes impact the following SWPPP elements:

- Description of control measures: new benchmark monitoring sectors and operators discharging to impaired waters (described in 12.a) must now comply with this requirement;
- Schedules and procedures: respondents will need to update their SWPPP with new and additional monitoring requirements (described in 12.c); and
- Corrective action and AIM related documentation: new AIM reporting requirements for some respondents (described in 12.c),

### **DMRs**

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

The 2026 MSGP requires respondents to submit all monitoring data using EPA's electronic DMR system (NetDMR), unless granted a waiver. EPA made no change to the requirement to submit monitoring data to the DMR system. However, there is a change to the frequency at which respondents are required to do so. Refer to Sections 12.c and 12.d for more details.

### **Corrective Action/Additional Implementation Measures (AIM) Documentation**

The 2026 MSGP requires respondents to document AIM corrective action items in the SWPPP and summarize in their Annual Report the condition triggering the corrective action/AIM response, the date of the condition/AIM response, and actions taken. These documentation requirements are unchanged from the 2021 MSGP. However, the 2026 MSGP now requires reporting of these corrective actions, described in 12.c.

The 2026 MSGP also includes a requirement to apply for Natural Background Exceptions, supported by analytical results. The 2021 MSGP previously required submittal of Natural Background Exceptions and documenting supporting rationale in respondent's SWPPP. This change gives the respondent additional clarification on what and where to submit Natural Background Exceptions. Respondents are likely already doing this. The EPA expects there to be a negligible change in the reporting burden for this item, so the burden was not estimated in section 12.d, below.

The proposed 2026 MSGP also would require respondents to submit AIM response extension requests and exceptions through NeT-MSGP. This change could possibly decrease the burden for respondents because in the 2021 MSGP respondents have to email the agency for an extensions and exceptions. This

new change streamlines the extension and exception request process for benchmark monitoring. The decrease in burden is minor, so the respondent burden change is negligible.

### **Annual Reports**

Each respondent must submit an Annual Report electronically using the NPDES eReporting Tool (NeT-MSGP) to EPA by January 30th for each year of permit coverage, unless a waiver to use a paper form has been granted. The Annual Report must include a summary of routine facility inspection documentation, a summary of quarterly visual assessment documentation, and information about corrective actions and/or AIM responses. There are additional sectors that would be added to benchmark monitoring (see 12.a) with the proposed 2026 MSGP, which provide the opportunity to trigger AIM. Additional corrective action reporting for these sectors will be required in the Annual Report if AIM is triggered. EPA expects there to be a minor change to the burden associated with the Annual Report due to those new respondents performing benchmark monitoring. The estimated time required to fill out an Annual Report will not change, and all 2026 MSGP respondents would be required to submit an Annual Report, which is unchanged from the requirement under the 2021 MSGP. Therefore, the EPA expects there to be a negligible change in the reporting burden for this item, so it was not estimated below.

### **Construction General Permit Requirements for Mining Sectors**

- **Dewatering Inspection Reports and Corrective Action Documentation**  
The 2026 MSGP would include new dewatering inspection requirements for all mining sectors (Sectors G, H, and J; refer to Section 12.a of this ICR for sector descriptions). In addition to site inspections, operators conducting dewatering activities must perform a daily inspection of all areas where construction dewatering water is being discharged, including stormwater controls to treat the dewatering discharge.
- **Turbidity Benchmark Monitoring for Sites Discharging Dewatering Water to Protect the Water Quality of Sensitive Waters:** The 2026 MSGP would require operators discharging dewatering water to “sensitive waters” to conduct new turbidity benchmark monitoring.<sup>1</sup>

### **Other Changes to Information Requested**

- **Discharges to a Federal CERCLA Site:** The 2026 MSGP would require respondents that discharge to specified Federal CERCLA sites in EPA Regions 1 and 10 in Appendix L to notify the EPA Regional office to determine if the respondent is implementing adequate controls and/or procedures to ensure the discharge will not lead to recontamination of aquatic media at the CERCLA site such that the discharge will cause or contribute to an exceedance of a water quality standard. The documentation requirements did not change from the 2021 MSGP.
- **Exceedance Report for Numeric Effluent Limitations:** The 2026 MSGP would require respondents to submit an Exceedance Report if follow-up effluent limitations monitoring exceeds a limit. The report must include information about the facility, receiving water, monitoring data, an explanation of the situation, and a contact name and phone number. These documentation requirements remain unchanged from the 2021 MSGP. The 2026 MSGP would eliminate the requirement to submit a Change NOI if an exceedance has occurred. The EPA

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<sup>1</sup> “Sensitive waters” refer to receiving waters listed as impaired for sediment or a sediment-related parameter, or receiving waters designated as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.



expects there to be a negligible change in the reporting burden for this item, so this decreased burden was not estimated below.

- **New Discharges and New Sources to Water Quality-Impaired Waters:** The 2026 MSGP would require new dischargers/new sources that discharge to impaired waters to comply with one of three options to be eligible for the permit. Two of the options would require submittal of information directly to the appropriate EPA Regional Office to support a claim that the pollutants causing the impairment are not present at the site, or a conclusion that the discharge is expected to meet water quality standards. A respondent may choose to submit that information electronically in NeT-MSGP with the NOI submission package. These requirements remain unchanged from the 2021 MSGP. The proposed 2026 MSGP would include the new impaired waters population (refer to 12.a) of respondents that discharge into waters with an EPA-approved TMDL to the group of respondents subject to this requirement, however the burden is negligible and this MSGP ICR does not add an incremental burden.

### **12c. Respondent Activities**

The CWA limits NPDES permit terms to be no longer than 5 years, at which point permits must be renewed. Thus, permitted facilities must obtain coverage under the new or re-issued NPDES permits, and comply with any information collection requirements, upon permit reissuance generally every 5 years.

The following is a summary of the changes to the respondent activities and/or collection schedule for various data items under the 2026 proposed MSGP:

## NOI

The 2026 MSGP would add an NOI question about respondent's AIM status at the end of the 2021 MSGP (if applicable). EPA would also add three simple questions to the 2026 MSGP related to federal lands. In addition, EPA would include questions added specific to mining sectors related to dewatering and inspector training. These additions to the NOI will result in a small change in NOI reporting burden.

## SWPPP

The 2026 MSGP would move some sectors from indicator to benchmark monitoring (refer to Section 12.a), new PFAS indicator monitoring for some sectors (refer to Section 12.a), and would add impaired waters monitoring for respondents that discharge into impaired waters with an EPA-approved TMDL. Respondents that would be required to conduct new monitoring will have to update their SWPPP with appropriate monitoring schedules and pollutants. In addition, any AIM triggering events, responses taken, rationale for not implementing required control measures, or explanation for why controls cannot be implemented within the required timeframe must be documented in the SWPPP. Respondents that discharge into impaired waters and detect a pollutant causing an impairment in their discharge are now required to follow AIM Level 1 corrective actions and the associated SWPPP documentation requirements.

All respondents in mining sectors (Sectors G, H, and J; refer to Section 12.a for sector description) would also have new and modified requirements for site map notations and descriptions of stormwater controls, new requirements for respondents subject to turbidity benchmark monitoring requirements to document their procedures, including procedures to evaluate samples, report results, maintain records, and take corrective action under certain conditions.

## DMRs

The 2026 MSGP would include new and modified requirements for benchmark monitoring, indicator monitoring, and impaired waters monitoring. The effluent limitations monitoring requirements in the proposed 2026 MSGP would remain consistent with the 2021 MSGP.

- **Benchmark monitoring:** For respondents in sectors that have benchmark monitoring requirements, the proposed 2026 MSGP would change the monitoring schedule. In the 2021 MSGP, respondents are required to perform benchmark monitoring quarterly in years one and four of the permit term. If the four-quarter average is above the benchmark threshold, quarterly monitoring continues until a four-quarter average is below the threshold. The 2026 MSGP would require quarterly benchmark monitoring in the first three years of the permit term. If the four-quarter average from the third year of monitoring does not exceed a benchmark threshold, then monitoring can be discontinued for the remainder of the permit term. If the four-quarter average from year three exceeds a benchmark threshold (or fewer than four quarterly samples are collected, but a single sample or the sum of any sample results within the sampling year exceeds the benchmark threshold by more than four times for a parameter), then monitoring must continue on a quarterly basis until a four-quarter average is below the benchmark threshold.
- **pH, TSS, COD indicator monitoring:** The 2026 MSGP would move certain Sectors (refer to Section 12.a) from indicator monitoring to benchmark monitoring.
- **Indicator monitoring for polycyclic aromatic hydrocarbons (PAHs):** The 2021 MSGP requires PAH indicator monitoring for certain respondents. The monitoring is required for: (1) respondents in specific sectors and that conduct certain industrial activities, and (2) respondents in sectors with stormwater discharges from paved surfaces that will be initially sealed or re-

sealed with coal-tar sealcoat where industrial activities are located during coverage under this permit. Under the 2021 MSGP these respondents are required to conduct biannual (twice a year) indicator monitoring for PAHs in years one and four of the permit term. The 2026 MSGP would change this PAH indicator monitoring collection schedule to biannual (twice a year) for the first three years of the permit term, and then it can be discontinued for the remainder of the permit term.

- **Indicator monitoring for PFAS:** This is a new addition to the proposed 2026 MSGP that would require certain respondents (Refer to Section 12.a) to conduct quarterly indicator monitoring throughout the permit term for PFAS using EPA’s analytical method 1633. This monitoring would be “report-only” in nature to provide respondents and EPA with a baseline of industrial stormwater discharge quality, potential water quality problems, and stormwater control measure effectiveness for these respondents.
- **Impaired waters monitoring:** The 2026 MSGP would require respondents that discharge to impaired waters with or without an EPA-approved or established TMDL to conduct impaired waters monitoring (see 12.a). The 2021 MSGP requires impaired waters monitoring annually in years one and four. If a pollutant is detected, annual monitoring is required until the pollutant is no longer detected. The 2026 MSGP would require quarterly monitoring all years of the permit term. If there is a detection, AIM Level 1 is triggered. A few exceptions would be included in the 2026 MSGP.

#### **Corrective Action/Additional Implementation Measure Documentation**

The 2026 MSGP would require the reporting of any corrective action condition from all AIM responses within 30 days to MSGP-NeT. This applies to both benchmark monitoring and impaired waters monitoring. The AIM corrective action burden includes both recordkeeping and reporting burden. The recordkeeping burden includes documentation in the SWPPP which is described and captured above in the SWPPP section. EPA expects the reporting burden to increase because of the new requirement to report all corrective actions in MSGP-NeT.

The 2026 MSGP would also include a new inspection when AIM Level 1 is triggered. The results of this inspection are to be reported to EPA through MSGP-NeT. EPA expects there to be a change to the reporting burden associated with this new AIM Level 1 inspection item.

AIM Level 1 will be triggered by benchmark monitoring exceedances or impaired waters monitoring detections, as such there is no set schedule for when this reporting and documentation would occur under the permit.

#### **Construction General Permit Requirements for Mining Sectors**

The 2026 MSGP would include new requirements for mining sectors G, H, and J:

- **Dewatering Inspection Reports and Corrective Action Documentation.** As part of the inspection, operators would need to 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. Similar to site inspections, operators who observe a sediment plume, sheen, and/or other evidence of pollutants at the point of discharge to receiving waters or other drainage features would be required to take and document corrective actions as outlined in the permit. All inspection

reports may be prepared, signed, and kept electronically, rather than in paper form provided certain conditions are met.

- **Turbidity Benchmark Monitoring for Sites Discharging Dewatering Water to Protect the Water Quality of Sensitive Waters.** EPA would require operators to collect at least one sample per day while dewatering discharges occur and report the weekly average value on a quarterly basis via electronic reporting, unless granted a waiver to submit a paper form. Operators with weekly average results exceeding the standard 50 nephelometric turbidity unit (NTU) benchmark, or alternative benchmark when applicable, are required to take and document corrective actions as outlined in the permit.

#### **Discharges to a Federal CERCLA Site**

In the 2026 MSGP, EPA would require submissions to be made to NeT-MSGP for facilities that discharge to a CERCLA site in Regions 1 and 10. Applicable discharges in EPA Region 10 already had this requirement, but EPA would now also include applicable discharges in EPA Region 1. This CERCLA requirement in the 2026 MSGP would instruct respondents from Region 1 to notify EPA prior to applying for MSGP coverage if discharging to a CERCLA site. In the 2021 MSGP ICR, EPA assumed 10 respondents in EPA Region 10 would be subject to Federal CERCLA site discharge eligibility requirements. However there was only 1 facility in Region 10 that discharged to a CERCLA site during the 2021 MSGP permit term. EPA assumes there may be a similar ratio of facilities discharging to CERCLA sites in Region 1. There are currently 35 CERCLA sites in Region 1 (per Appendix L of the proposed 2026 MSGP), therefore EPA assumes that 3.5 facilities may discharge to a CERCLA site in Region 1. Ultimately, the Agency determined that the burden does not need to be added to this ICR because the burden was over-estimated in the 2021 MSGP ICR.

#### **12d. Respondent Burden Hours and Labor Costs**

##### **Key Assumptions:**

- **Not all proposed requirements apply to all respondents all of the time.** For example, certain sectors will have three applicable monitoring requirements (i.e., benchmark monitoring, impaired waters monitoring, and effluent limitations monitoring), while others may only have indicator monitoring. These nuances for each proposed 2026 MSGP requirement are not necessarily clear in an average information collection burden cost estimate.
- **Values for average discharge points per facility vary depending on the respondent population associated with a particular burden.** According to 2021 MSGP NOI data, respondents have a broad range of discharge points, from as few as 1 to as many as 37. Different data sets from the 2021 MSGP data were used to achieve the most accurate estimated number of discharge points per facility for the population affected by the particular burden item. For example, the PFAS indicator monitoring burden assumes an average of 2.06 discharge points per facility based on number of discharge points and known number of facilities that would be required to conduct PFAS monitoring under the proposed 2026 MSGP. The PAH indicator monitoring burden assumes an average of 2.13 discharge points per facility based on DMR data for PAH monitoring during the 2021 MSGP term.

With these assumptions in mind, this section presents the estimated respondent burden that would occur for each information request in response to the proposed 2026 MSGP relative to the 2021 MSGP.

## **NOI Forms**

The proposed 2026 MSGP includes changes to the NOI form in the 2026 MSGP. EPA estimates that the addition of several new questions on the NOI form (e.g., addition of Region 1 to CERCLA reporting, PFAS indicator monitoring applicability, AIM Level status for renewal respondents only, Exclusive Federal Jurisdiction clarification) would add approximately an average of 15 minutes of burden, or 0.25 hours, for all respondents who would submit a NOI. EPA estimates that there would be 2,494 total NOIs submitted by the end of the 2026 MSGP Permit term (see Table 2).

## **SWPPPs**

EPA estimates that all the changes described in 12.c will add one hour of additional burden for SWPPP updates for 2,240 permittees. This is the average number of respondents per year that would need to make SWPPP updates based on Table 2.

The proposed 2026 MSGP includes a new SWPPP documentation requirement related to turbidity benchmark monitoring during construction dewatering for mining sectors. Sites subject to dewatering turbidity benchmark monitoring requirements must document their monitoring procedures in the SWPPP and identify on the site map where samples will be taken. EPA estimates that applicable sites will need 4 hours to develop and maintain this documentation, multiplied by 23 respondents in mining sectors (described in the Construction General Permit Requirements section below).

The proposed 2026 MSGP requires certain additional populations (described in 12.a) to update their SWPPP when AIM is triggered. See Corrective Action section below for the burden calculations for these SWPPP updates.

## **DMRs Submittal**

The proposed 2026 MSGP would include modified monitoring requirements compared to the 2021 MSGP as described in 12.c. For the 2026 MSGP, to determine the data entry burden that comes with submitting a DMR, EPA used the same 2021 ICR assumption that it will take each respondent an average of 3.6 minutes (or 0.06 hours) to fill out the required data for each parameter in NetDMR. This burden estimate is an average of the “Batch” and “Hybrid” methods, as discussed in the September 2015 Economic Analysis of the National Pollutant Discharge Elimination System Electronic Reporting Final Rule (Page 4-14 Table 4-9, <https://www.epa.gov/sites/production/files/2015-09/documents/npdesea.pdf>). The total data entry burden for each type of monitoring is the product of 0.06 hours per parameter, the number of parameters that need to be reported on each DMR, and the number of discharge points that respondents have to submit DMRs for. Therefore, each type of monitoring has a different data entry burden due to the different number of applicable parameters and the different number of discharge points for each affected respondent population.

- **Sector-specific benchmark monitoring:** There are two respondent sub-populations affected by the changes to sector-specific benchmark monitoring. First, there is a change in burden for respondents in sectors that already have benchmark monitoring. Second, there is new burden for sectors that previously only had indicator monitoring requirements.
  - The incremental change in burden for respondents that already had benchmark monitoring is due to two factors: a change in the burden hours per response; and a change in the number of annual responses. The burden was calculated for these respondents by splitting the burden up into two separate calculations. The total number

of annual responses for sectors that previously required benchmark monitoring was determined to be 6,986 responses based on the following:

- Burden based on change in monitoring frequency: The change in the number of annual responses is due to changes between the proposed 2026 MSGP requirements and the 2021 MSGP requirements. The proposed 2026 MSGP would require more quarterly monitoring events for all sectors with benchmark monitoring, when compared to the 2021 MSGP (see discussion in 12.c for more details). Using the same assumption from the 2021 MSGP ICR that 40% of respondents would exceed a benchmark threshold annually and trigger additional monitoring requirements, EPA determined that each respondent would have an average of 6.03 reporting events per year. This is an increase from the assumption of 5.22 reporting events per year from the 2021 MSGP ICR. Thus, the incremental increase in annual reporting frequency of 0.81 responses per year (i.e., 6.03 minus 5.22) was used to calculate the incremental change in burden for sectors with existing benchmark monitoring requirements. The number of facilities per sector was multiplied by this 0.81 incremental frequency to calculate the incremental number of samples per sector for a total of 941 incremental annual responses.
- Burden based on change in hours per response: The change in the burden hours per response is due to EPA's use of 2021 MSGP NOI data to estimate the number of discharge points per facility. For this calculation, EPA used the average number of discharge points per facility (1.98) for facilities with benchmark limits, which is lower than what was used in the 2021 MSGP ICR (2.04), resulting in an overall decrease in burden for this sub-population. Following the same methodology used in the 2021 MSGP ICR (i.e., multiplying the average number of discharge points per facility by the average number of parameters per sector and the data entry burden of 0.06 hours/parameter), EPA determined the average burden for each DMR submittal to be 0.35 hours. This is a decrease from the previous determination of 0.36 hours per response made in the 2021 MSGP ICR. The incremental burden for this change in hours per response was calculated by determining the incremental annual responses for each facility with existing benchmark monitoring (i.e., multiplying the number of permittees per sector by 2021 assumption of 5.22 annual reporting events, described above, for a total of 6,045 responses).
- o Burden for respondents getting new benchmark monitoring requirements: This was determined using the same assumption of 1.98 discharge points per facility and 6.03 reporting events per year. Following the same methodology described above, the burden hours per response was determined to be 1.04 hours per response. This burden is higher than the 0.35 hours for sectors with existing benchmark requirements given the sectors that would have new benchmark monitoring requirements in general have more parameters than the existing sectors. Because these requirements are new to the proposed 2026 MSGP, this burden was not accounted for in the 2021 MSGP ICR.
- **pH, TSS, COD indicator monitoring:** Based on 2021 MSGP NOI data, EPA estimates that there are approximately 712 respondents that would move from indicator to benchmark monitoring (described in 12.a) under the proposed 2026 MSGP and would no longer need to perform quarterly indicator monitoring for these three parameters, for the entire 5-year permit term (i.e., 20 times total). Because of this, there is a reduction in burden for this activity. EPA calculated the reduction in burden for these respondents using the same assumption from the

2021 MSGP ICR, which was that each respondent will need 0.36 hours to complete each DMR for these parameters.

- **PAH indicator monitoring:** Based on 2021 MSGP NOI data, EPA estimates that a total of 727 respondents will perform PAH indicator monitoring. Each respondent would need to monitor for the 16 individual priority pollutant PAHs and has an average of 2.13 discharge points<sup>2</sup>, so EPA estimates that each respondent will need 2.04 hours per response. This is an increase of 0.12 hours per response from the 2021 MSGP ICR (which was 1.92 hours per response). This is a result of using the 2021 NOI data to calculate an accurate number of discharge points which was used to calculate the hours per response (i.e., 0.06 hours per element\*16 PAH pollutants\*2.13 discharge points). The change in collection schedule that would apply under the proposed 2026 MSGP would require respondents to perform PAH indicator monitoring twice a year in permit Years 1, 2, and 3 (i.e., 6 total events). This is an increase in the number of monitoring events compared to the 2021 MSGP, which required respondents to monitor twice a year in Years 1 and 4 (i.e., 4 total events). To account for the additional burden due to the incremental change in hours per response, the events from the 2021 MSGP were multiplied by the incremental burden (4 total events, or 0.8 annual events multiplied by 727 respondents, multiplied by 0.12 hours) for a total burden of 71 incremental hours. For the additional 2 incremental sampling events from the proposed 2026 MSGP ICR, EPA used the net increase of 2 reporting events over the permit term. EPA also calculated the number of occurrences per year of monitoring as 0.4 by dividing the 4 incremental reporting events by the 5-year permit term, and multiplying the annual number of responses by the proposed 2026 MSGP total of 2.04 hours per response for a total of 594 hours annually.
- **PFAS indicator monitoring:** Based on 2021 MSGP NOI data, EPA estimates that a total of 1,564 respondents would perform PFAS indicator monitoring quarterly for the duration of the proposed MSGP permit term. To estimate the total number of respondents, EPA used the 2021 MSGP NOI data and summed the number of respondents across the 23 sectors that would be required to perform PFAS indicator monitoring because their industrial activities have a high risk of generating PFAS contaminated stormwater. Consistent with the assumptions for similar activities in the NPDES Programmatic ICR, EPA estimates that each respondent will need 1 hour per response to complete DMR data entry per discharge point. EPA assumed that each respondent has an average of 2.06 discharge points because the 2021 MSGP NOI data indicated that these 1,564 respondents have 3,224 discharge points total. The number of responses per respondent per year is 4 because the respondents would be required to conduct quarterly monitoring.
- **Impaired waters monitoring:** Based on 2021 MSGP NOI data, EPA estimates that 824 respondents currently conduct impaired waters monitoring. Under the proposed 2026 MSGP, there will be an additional 164 new dischargers to water quality-impaired waters based on the population change described in 12.a. Based on the proposed 2026 MSGP, respondents would need to conduct quarterly impaired waters monitoring all 5 years of the permit term. Since there is wide variability in the number of pollutants respondents may be required to monitor, for the purpose of this ICR, EPA assumes that respondents would need to monitor for 3.7 impaired water pollutants at 1.98 discharge points.<sup>3</sup> The estimate of 3.7 pollutants was

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<sup>2</sup> The 2021 MSGP NOI data indicates that the 727 respondents subject to PAH indicator monitoring have a total of 1,546 discharge points with monitoring data. Therefore, for this burden item, EPA assumed that each respondent has an average of 2.13 discharge points.

<sup>3</sup> To streamline the analyses, EPA used a general average number of discharge points per facility, instead of a number specific to permittees discharging to impaired waters. To get 1.98, EPA divided the total number of discharge points that are not “substantially identical discharge points” by the total number of facilities, to account for discharge points for which respondent

determined by averaging the number of impairing pollutants at 890 facilities that discharge into impaired water monitoring (whether or not they currently require monitoring under the 2021 MSGP). Thus, EPA estimates each respondent will need 0.44 hours per response to complete DMR data entry by multiplying the time per element (0.06 hours) by the number of elements (3.7 pollutants) by the average number of discharge points (1.98 discharge points). The incremental increase in the number of total samples for the entire permit term was determined by calculating the total number of samples in the proposed 2026 MSGP (i.e., quarterly samples for five years= 20 total samples) and then subtracting the total number of samples required in the 2021 MSGP ICR (2.3 samples total) for 17.7 total number of responses, or 3.54 annual responses per respondent per year.

The burden calculation was then split into three separate analyses to account for the increase in hours per response, and the increase in frequency from the proposed 2026 MSGP (described in 12.a). The first two analyses calculate the burden for the current permittees requiring impaired waters monitoring:

- o Burden based on change in monitoring frequency: The incremental increase in annual samples required under the 2026 MSGP is 3.54 samples was multiplied by the existing number of permittees requiring impaired waters sampling (824 respondents), and then by the proposed 2026 MSGP total hours per response (0.44 hours) for a total incremental annual burden of 1271 hours annually.
- o Burden based on change in hours per response: The total number of annual responses in the 2021 MSGP was 0.46 responses (i.e., 2.3 total responses over 5 years of the permit term), and that was multiplied by the existing number of respondents requiring impaired waters sampling (824 respondents), and then multiplied by the proposed incremental hours per response of 0.32 hours for a total incremental annual burden of 120 hours annually.

The third analysis calculated the burden for the new dischargers requiring impaired waters monitoring (discussed in 12.a):

- o Burden based on new dischargers: The annual number of responses used is 4 responses (20 total responses divided by the 5-year permit term). That was multiplied by the total number of new dischargers (164 respondents) and then multiplied by 0.44 hours per response for a total of 286 hours annually.

### **Corrective Action/Additional Implementation Measure Reporting**

The proposed 2026 MSGP includes a new requirement that would require respondents to submit a corrective action report anytime an AIM level is triggered. Respondents must submit the report within 30 days to MSGP-NeT. This requirement applies to both benchmark monitoring and impaired waters monitoring because both could trigger AIM.

- For benchmark monitoring, EPA used data from EPA's AIM data and DMR monitoring data to estimate how many facilities moved between AIM levels in a single year: from baseline to AIM Level 1 (211 facilities), AIM Level 1 to AIM Level 2 (146 facilities), and AIM Level 2 to AIM Level 3 (106 facilities). EPA assumes there would be approximately 463 corrective action reports per year for benchmark monitoring.



- For impaired waters monitoring, the proposed 2026 MSGP would require a respondent to trigger AIM Level 1 if they detect an impaired pollutant. Therefore, to estimate the number of corrective action reports each year for impaired waters monitoring, EPA multiplied the total number of estimated respondents (890 from the previously described analysis) by the “worst case scenario” multiplier used in the 2021 MSGP ICR for respondents who would detect an impairment (19.5%), and then divided by the 5-year permit term, resulting in 35 corrective action reports per year.

Therefore, EPA estimates the total number of corrective action reports per year is 498 (i.e., the sum of 463 and 35). EPA assumes that respondents would need 30 minutes (or 0.5 hours) to complete each report.

The proposed 2026 MSGP would also require an AIM Level 1 inspection report to be submitted when a benchmark or an impaired water monitoring result triggers AIM Level 1. Using the same assumptions above, EPA estimates there would be approximately 211 annual AIM Level 1 inspections required for benchmark monitoring, and approximately 35 annual AIM Level 1 inspections required for impaired waters monitoring, or a total of 246 annual AIM Level 1 inspections. EPA assumes each inspection report submittal would take approximately 0.5 hours.

As described in Section 12.c, the SWPPP requires corrective action documentation when AIM is triggered. It was estimated that it would take approximately 1 hour to update the SWPPP with corrective action documentation. The same number of respondents (495) would spend 1 hour updating their SWPPP with corrective action documentation.

### **Construction General Permit Requirements**

EPA used assumptions that align with the 2022 CGP ICR to calculate the new respondent burden for mining sectors (Sectors G, H, and J) that would have their construction stormwater discharges covered under the proposed 2026 MSGP (refer to Section 12.a).

- **Dewatering Inspection Reports and Corrective Actions:** The proposed 2026 MSGP would include new dewatering inspection requirements. Operators conducting dewatering activities in mining sectors must perform a daily inspection of all areas where they discharge construction dewatering water, including stormwater controls to treat the dewatering discharges. EPA estimates that complying with the new dewatering inspection and recordkeeping requirements will take 234 respondents approximately 0.25 hours per dewatering event. The 2026 MSGP also requires respondents to take corrective actions and generate corrective action records if an inspector observes evidence of a sediment plume, sheen, and/or other evidence of pollutants during dewatering inspections. EPA makes the following assumptions for this ICR:
  - All respondents in Sectors G, H, and J will dewater accumulated stormwater or groundwater during their project (234 respondents).
  - Each respondent in Sectors G, H, and J has an average of one dewatering discharge point.
  - Each respondent in Sectors G, H, and J will have a total of 29 dewatering events per year.<sup>4</sup>

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<sup>4</sup> The total number of dewatering events per year assumes that each respondent will dewater groundwater for 7 days over the project life 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.

EPA included the time to document corrective actions in the overall burden estimate for this activity.

- **Dewatering Turbidity Benchmark Monitoring - Sample Collection, Reporting, and Corrective Actions:** The proposed 2026 MSGP would add a new turbidity benchmark monitoring requirement with associated reporting and corrective action requirements, only applicable to respondents in Sectors G, H, and J who discharge dewatering water to sensitive waters. EPA reviewed 2026 MSGP NOI data from 2021 through 2024 and found that 23 entities in Sectors G, H, and J discharge to sensitive waters. Therefore, EPA estimates that 23 respondents will be required to comply with turbidity benchmark monitoring.

These respondents would be required to conduct turbidity monitoring from the dewatering discharge point. On each day when there is dewatering water discharged, EPA requires these respondents to collect and analyze at least one turbidity sample from the dewatering water discharge and report the weekly average value on a quarterly turbidity monitoring report.

EPA makes the following assumptions for this ICR:

- All respondents in Sectors G, H, and J will dewater accumulated stormwater or groundwater during their project.
- Each respondent in Sectors G, H, and J has an average of one dewatering discharge point.
- Each respondent has a total of 29 dewatering events per year.

These assumptions are consistent with those described above for dewatering inspections.

Based on EPA's experience administering other stormwater permits with sampling requirements, EPA estimates respondents will need 0.5 hours per sampling event to conduct sampling, including required calibration checks. EPA also estimates that respondents will need 0.75 hours to complete and submit each quarterly turbidity monitoring report. The turbidity monitoring report has 13 data elements and EPA assumes it takes 3.6 minutes to fill each data element. Each respondent is required to fill out all 13 data elements for each report (i.e., for each quarterly report, there are up to 13 separate turbidity values that must be reported for each week). Respondents either input the weekly average turbidity value or indicate that no dewatering activities occurred.

If the weekly average of a respondent's turbidity monitoring results exceeds the 50 NTU benchmark, or alternate benchmark approved by EPA, the respondent must take corrective action. The time to document corrective actions is included in the overall burden estimate for this activity.

With burden hour estimates included in this section, 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 2026 MSGP. The total cost for each respondent activity is composed of the following:

- Labor cost;
- Operating and maintenance (O&M) cost; and
- Capital/start-up cost.

When calculating respondent labor costs, EPA assumes the average loaded hourly rate in the private sector is \$43.94 (source: <https://www.bls.gov/news.release/pdf/ecec.pdf> accessed November 12, 2024).

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 2023 NPDES Programmatic ICR. When EPA renews the NPDES Programmatic ICR, it will account for the total burden of the 2026 MSGP, by adding the incremental burden associated with refining the estimated burdens and including new burdens associated with modifications to permit conditions from the 2021 MSGP to the 2026 MSGP. Table 3 below provides a summary of the average total annual labor burden hours and total annual labor costs.

	<b>Proposed 2026 MSGP Incremental Change</b>
Burden (hours)	22,543 hours
Costs - Total (dollars)	\$1,014,989.56

### 13. RESPONDENT CAPITAL AND O&M Costs

No O&M costs are anticipated for this ICR. There is a capital/startup cost for a subset of respondents to purchase turbidity monitoring equipment for those respondents who must conduct dewatering turbidity benchmark monitoring.

	<b>Proposed 2026 MSGP Incremental Change</b>
Costs - Capital (dollars)	\$24,472.00
Costs - O&M (dollars)	\$0
Total Capital and O&M Costs (dollars)	\$24,472.00

### 14. AGENCY COSTS

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.

#### 14a. Agency Activities

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

#### 14b. Agency Burden and Labor Costs

##### DMRs

As previously described and based on the changes to the proposed 2026 MSGP, EPA would require certain permittees to submit additional DMRs. This could result in additional DMR reviews by the Agency. However, the 2021 MSGP ICR conservatively assumed that respondents would submit a DMR on a quarterly basis (20 times total over the permit term) because the sample collection and reporting frequency for each respondent can vary greatly due to the overlapping frequencies for various

monitoring requirements. Due to this complexity, the conservative assumption of DMR submittal frequency used in the 2021 ICR is also used in this proposed 2026 MSGP ICR because EPA assumes it adequately captures the number of additional reports submitted for processing.

### **Corrective Action/Additional Implementation Measure Documentation**

The 2026 MSGP has multiple AIM corrective action changes listed below:

- Corrective actions for all AIM levels are required to be submitted through NeT-MSGP within 30 days. The 2021 MSGP required submittal of this information in summary form on the Annual report. Estimated time for EPA to process and review Corrective Action Reports is 0.16 hours per report plus 0.5 hours for follow-up on 20% of submissions. This would be a new activity in the proposed 2026 MSGP and effectively adds approximately 74 hours of agency burden to processing Corrective Action Reports, and 46 hours of agency burden for follow-up.
- Submittal of an AIM Level 1 inspection to NeT would be required in the 2026 MSGP for facilities that trigger AIM Level 1 for benchmark monitoring or impaired waters monitoring. The estimated time for EPA to process and review AIM Level 1 inspection reports is 0.16 hours per inspection report plus 0.5 hours for follow-up of 20 percent of submissions. This would be a new activity in the 2026 MSGP and effectively adds approximately 34 hours of agency burden to processing inspection reports, and 21 hours of agency burden for follow-up.
- Submittal of Natural Background Exception requests in NeT for benchmark monitoring would be required in the 2026 MSGP. The Agency anticipates no additional burden for this item because this review and approval process is already happening without these electronic submittal requests. Respondents are also required to submit analytical results to support the request. This process could decrease the Agency burden because the request process is streamlined, and analytical results will help the Agency make a quicker decision. The decrease in burden is minor, so the Agency burden change is negligible.
- Respondents would be required to submit AIM response extension requests and exceptions through NeT-MSGP in the proposed 2026 MSGP. This change could possibly decrease burden for the agency because in the 2021 MSGP respondents had to email the agency for an extensions and exceptions. This new change streamlines the extension and exception request process for benchmark monitoring. The decrease in burden is minor, so the Agency burden change is negligible.

### **Dewatering Turbidity Monitoring Report Review**

The 2026 MSGP would require respondents in three mining sectors (Sectors G, H, and J; refer to Section 12.a for sector description) to submit quarterly turbidity monitoring reports if the respondent indicated on their NOI that they anticipate conducting construction dewatering activities during the permit term. EPA estimates the Agency will spend 0.16 hours reviewing each turbidity monitoring report submitted by applicable respondents. Of those reports, EPA estimates the Agency will need to follow up on 20% of submitted reports and spend 0.5 hours performing the follow-up. These assumptions are consistent with the 2022 CGP ICR and the NPDES Program ICR estimation for agency review of DMRs for stormwater industrial permits.

### **Other Information:**

- **New Discharges and New Sources to Water Quality-Impaired Waters:** Based on EPA's experience with the 2021 MSGP, EPA anticipates spending approximately 1 hour assisting the small subset of the 164 respondents that would be subject to proposed 2026 MSGP

requirements for new discharges and new sources to water quality-impaired waters. The time would not change from the 2021 MSGP (1 hour per respondent), however facilities discharging into impaired waters with approved TMDLs would now be subject to impaired waters requirements based on the new 2026 MSGP requirements. The population of responses increases.

- **Discharges to a Federal CERCLA Site:** Based on EPA’s experience with the 2015 and 2021 MSGP, EPA anticipated spending approximately 2 hours assisting the small subset of respondents. The 2021 MSGP ICR estimated 10 respondents that may be subject to Federal CERCLA site discharge eligibility requirements, however there was only 1 facility in Region 10 that discharged into a CERCLA site during the 2021 MSGP permit term. Under the proposed 2026 MSGP, discharges in Region 1 would now have CERCLA site discharge requirements, however the Agency determined that the burden would remain unchanged due to the over-estimation in the 2021 MSGP ICR and the incorporation of that overestimation into the NPDES Program ICR.

**14c. Agency Non-Labor Costs**

There are no anticipated non-labor costs for the Agency.

**14d. Agency Total Costs**

EPA determined the hourly employment cost of federal employees using methodology established in previous ICRs. According to the U.S. Office of Personnel Management, 2024 General Schedule (2024-GS) (link: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/GS.pdf> accessed July 9, 2024), the average annual salary of a government employee at the GS-9, Step 10 level is \$66,731. At 2,080 hours per year, the hourly wage is \$32.08. Assuming overhead costs of 60%, or \$19.25 per hour, the fully loaded cost of employment for a federal employee is \$51.33.

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. Table 5 below provides a summary of the average annual Agency burden hours and costs.

	<b>Proposed 2026 MSGP Incremental Change</b>
Burden (hours)	198 hours
Costs - Labor (dollars)	\$10,165.38
Costs - Capital (dollars)	\$0
Costs - O&M (dollars)	\$0
Total Costs (dollars)	\$10,165.38

**15. REASONS FOR CHANGE IN BURDEN**

The change in burden is primarily due to new requirements in the proposed 2026 MSGP, including new AIM corrective action reporting requirements, a new collection schedule for DMRs and a new subset of respondents required to submit DMRs, new PFAS indicator monitoring requirements, and new requirements for mining sectors. In addition, assumptions and burden estimates have been refined

based on the most recent MSGP NOI data and DMR data. Compared to the 2021 MSGP ICR, there is an increase to the projected number of respondents. In most cases, using updated NOI and DMR data has increased the incremental burden in this proposed 2026 MSGP. Last, hourly labor rates were updated for both the private sector and agency. These labor rates are higher than in the 2021 MSGP ICR due to inflation.

## **16. PUBLICATION OF DATA**

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

## **17. DISPLAY OF EXPIRATION DATE**

This section is not applicable to this ICR that provides estimates for the proposed permit.

## **18. CERTIFICATION STATEMENT**

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

## **19. BURDEN STATEMENT**

Responses to this collection of information are mandatory (40 CFR 122.26). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The calculations made for this ICR cover the estimated burden and costs for both EPA and MSGP permittees. The annual respondent labor burden associated with the incremental changes proposed in the 2026 MSGP is 22,543 hours and \$1,014,989.56. The estimated incremental increase in Agency labor burden is 198 hours annually at a labor cost of \$10,165.38. The incremental burden for the proposed 2026 MSGP is estimated to average 0.75 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.