

U.S. Environmental Protection Agency

Information Collection Request

Title: 2022 National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities (Renewal)

OMB Control Number: 2040-0305

EPA ICR Number: 2686.03

Abstract: This Information Collection Request (ICR) calculates the burden and costs associated with information collection and reporting activities from the 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 2022 Construction General Permit (“2022 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), which was approved by OMB on February 28, 2022; however, the changes made in the 2022 CGP have not yet been included into this consolidated ICR. Therefore, this ICR continues to reflect the paperwork burden and costs associated with the difference between the 2022 CGP and the 2017 CGP. The NPDES Program ICR expires in July of 2026, therefore, it is likely that EPA will consolidate the burden and costs of this ICR into the NPDES Program ICR (and discontinue this ICR) at that time.

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

- New notice of intent (NOI) questions;
- New notice of termination (NOT) documentation requirements;
- New dewatering inspection requirements;
- New turbidity benchmark monitoring requirements for sites discharging dewatering water to sensitive waters; and
- Changes to Stormwater Pollution Prevention Plan (SWPPP) requirements, related to new and modified permit requirements.

This ICR estimates the incremental change in recordkeeping and reporting burden for the 2022 CGP, compared to the total EPA CGP burden accounted for in the 2017 NPDES Program ICR. For respondents, the 2022 CGP resulted in an incremental increase in annual labor burden of 45,367 hours and an incremental increase in total cost of \$4,221,554 for 3,631 respondents. The incremental increase in cost consists of \$3,333,114 in labor cost, and \$888,440 in capital cost. The incremental change in annual agency burden is an increase in labor burden of 217 hours and an increase in labor cost of \$11,105. Error: Reference source not found summarizes the total and incremental change in the

recordkeeping and reporting burden for the 2022 CGP. The incremental increase in burden is due to new and modified permit requirements, primarily the new dewatering inspection and turbidity benchmark monitoring requirements.

Table 1 - Total and Incremental Change in Annual Burden for the 2022 CGP

Burden Category	Incremental Change in Burden		Total Burden	
	Labor (hours)	Cost (\$)	Labor (hours)	Cost (\$)
Respondents ¹	45,367	\$4,221,554	200,383	\$15,610,581
Agency ²	217	\$11,105	10,680	\$546,275

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

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

Supporting Statement A

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. 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
- 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
- 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 provide information on the quality of dewatering discharges to sensitive waters;
- 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.

2. 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.

3. USE OF TECHNOLOGY

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

4. EFFORTS TO IDENTIFY DUPLICATION

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

5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

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.

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 (or NOI requirements for general permits), monitoring conditions, and report content 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. The burden described in this ICR is reflective of the minimum information that is necessary to adequately evaluate compliance.

7. 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.

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

In compliance with the Paperwork Reduction Act, EPA is soliciting public comments on this ICR through a notice in the Federal Register. No substantive comments were received.

8b. Consultations

Changes included as part of the 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 included in the final 2022 CGP. 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. EPA engaged with stakeholders after the proposal of the permit and before permit finalization by holding two informational webcasts on June 17 and June 24, 2021. In addition, EPA received public comments via a public notice process. Public commenters expressed concern that EPA underestimated the burden to take and submit photographs for the NOT. In response, EPA increased the estimated burden for submitting NOT documentation. In addition, commenters expressed concern that the burden of turbidity benchmark monitoring was not included in the Proposed 2022 CGP ICR. EPA did not include this burden item in the Proposed 2022 CGP ICR because the Agency had not yet decided whether to include a turbidity monitoring requirement in the permit, or, if so, which type of monitoring approach to use, choosing instead to seek public comment on these issues as part of its decision-making process. Now that EPA has finalized the turbidity monitoring requirement, EPA added burden for turbidity benchmark monitoring in this Final 2022 CGP ICR.

During the development of this ICR renewal, EPA met with many of the same groups to gauge whether they had any issues or concerns with the agency's renewal of the 2022 CGP ICR. These groups understood the need for the renewal and did not express any immediate concerns. EPA also explained that the proposed renewal would be published in the Federal Register and that they were welcome to submit any comments during the 60-day public comment period.

9. PAYMENTS OR GIFTS TO RESPONDENTS

The Agency does not intend to provide payments or gifts to respondents as part of this collection.

10. ASSURANCE OF 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.

11. JUSTIFICATION FOR 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.

12. RESPONDENT BURDEN HOURS & LABOR COSTS

This section provides estimates of the hour burden of the collection of information for changes associated with the 2022 CGP.

12a. Respondents/NAICS Codes

Coverage under the 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 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.

This ICR has been updated with years one and two of the 2022 CGP NOI data. An analysis of NOI data in EPA’s NeT system shows that approximately 3,880 eligible operators were covered in year 1, and 3,382 eligible operators were covered in year 2. This two-year range starts on February 17, 2022 and ends on February 16, 2023. EPA averaged these two numbers together to estimate that approximately 3,631 operators will obtain permit coverage every year for the duration of the three-year ICR period.

Based on analysis of 2022 CGP NOI data between 2022 and 2023, EPA makes the following assumptions:

1. EPA estimates that 55% of respondents are small sites (1-5 acres) and 45% of respondents are large sites (> 5 acres).
2. EPA found that the median project duration 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 NOTs submitted annually is equal to the number of NOIs submitted annually.
3. For the purpose of this ICR, based on NOI data from years 1 and 2 of the permit, EPA assumes there is one operator per site.

EPA expects that individual sites may be shown to have multiple operators in the future. The permit specifies that all operators associated with a project must obtain permit coverage, and the permit defines “operator” as any party with (1) operational control over construction plans and specifications; or (2) has day-to-day operational control of the activities at a project necessary to ensure compliance with the permit. While this is the same permit definition as was included in the 2017 CGP, EPA revised the 2022 CGP to emphasize this definition and expects that individual sites may be shown to have multiple operators in the future. EPA will review future permit data and adjust the assumption of one operator per site in the ICR renewal as appropriate.

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. Data items related to the CGP include:

- NOI and NOT forms;

- SWPPP development and updates;
- Inspection reports and corrective action documentation;
- Turbidity benchmark monitoring reports for sites discharging dewatering water to sensitive waters;
- Standard reporting; and
- Other information.

Each of these, including respondent activities, are summarized below. An indication of whether EPA changes the data item from what was required in the 2017 CGP is also included.

NOI Forms Like the 2017 CGP, EPA's 2022 CGP requires respondents to submit an electronic NOI via EPA's NeT-CGP to obtain coverage under the permit. If a permittee is granted a waiver from e-reporting, permittees can submit Appendix H, which is the hard-copy NOI form. The NOI requests basic operator and site information, as well as 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. There are new NOI questions described in 12.c.

NOT Forms

As in the 2017 CGP, EPA's 2022 CGP requires respondents to submit an electronic NOT via NeT-CGP to terminate coverage under the permit. If a permittee is granted a waiver from e-reporting, permittees would submit Appendix I, which is the hard-copy NOT form. 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. There is a new addition to the 2022 CCP described in 12.c.

SWPPPs

As in the 2017 CGP, EPA's 2022 CGP requires all respondents to develop and maintain an updated SWPPP. There are changes to the following required SWPPP elements (described in Section 12.c):

- Site Maps
- New monitoring requirements

Site Inspection Reports and Corrective Action Documentation

As in the 2017 CGP, EPA's 2022 CGP requires respondents to conduct 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 also clarified in the 2022 CGP that all inspection

reports may be prepared, signed, and kept electronically, rather than in paper form provided certain conditions are met. There are no changes to the documentation requirements for this activity but rather clarified elements from the 2017 CGP. There is no incremental change in burden associated with this item.

Dewatering Inspection Reports and Corrective Action Documentation

New information collection requirement

In the 2022 CGP, EPA included new dewatering inspection requirements. 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

New information collection requirement

In the 2022 CGP, EPA requires operators discharging dewatering water to “sensitive waters” to conduct turbidity benchmark monitoring.¹

12c. Respondent Activities

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

- **NOI Form** [No changes to the collection schedule]
EPA is collecting the following new information for the 2022 CGP: whether the operator will be discharging dewatering water and whether the dewatering discharge is from a location that is a current or former federal or state remediation site; information on other operators that are submitting NOIs for the same project; and confirmation that the operator has completed the required inspector training. There are no changes to the collection schedule for this activity. Based on experience implementing the permit and 2017 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.

o Threatened and Endangered Species Protection

EPA’s 2022 CGP requires respondents to confirm CGP eligibility with regards to the protection of threatened and endangered species and critical habitat. The 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 2022 CGP. The eligibility determination process is integrated into the electronic NOI submission through NeT-CGP. If a

¹ “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.

permittee is granted a waiver from e-reporting, Appendix D would be submitted with the hard-copy NOI. 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). The burden for this activity is included in the overall NOI burden estimate.

o **Historic Properties Preservation**

EPA's 2022 CGP requires respondents to submit eligibility information concerning the possibility of impacts to historic properties. The 2022 CGP requires respondents to indicate their historic properties criterion selection on the NOI form to EPA and include any associated documentation. The procedures for the Historic Property Screening Process are in Appendix E of the 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 that may impact such properties. 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. The burden for this activity is included in the overall NOI burden estimate.

o **Request for Chemical Treatment**

EPA's 2022 CGP requires respondents to submit eligibility information with regards 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 J of the 2022 CGP. The burden for this activity is included in the overall NOI burden estimate.

- **NOT Form** [No changes to the collection schedule]

In the 2022 CGP, operators are now required to submit photographs documenting site stabilization with their NOT submittal. 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** [No changes to the collection schedule]

Changes to the SWPPP requirements in the 2022 CGP included modified requirements for site map notations and descriptions of stormwater controls, and new requirements for respondents subject to the turbidity benchmark monitoring requirements to document

their procedures, including procedures to collect and evaluate samples, report results, maintain records, and take corrective action. 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.

- **Dewatering Inspections Reports and Corrective Action Documentation** [New collection schedule]
The 2022 CGP includes new inspection requirements for dewatering discharge activities. 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. 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 are 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. EPA is requiring operators to inspect the dewatering operation and discharge once per day while dewatering water is being discharged and record specific information during each inspection. These inspections must be performed in addition to site inspections. The 2022 CGP 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.
- **Turbidity Benchmark Monitoring and Corrective Action Documentation** [New collection schedule]
The 2022 CGP includes new turbidity benchmark monitoring requirements for operators discharging dewatering water to sensitive waters. EPA requires operators to collect and analyze at least one turbidity sample per day while dewatering discharges occur and report the weekly average value on a quarterly basis via NeT-CGP, 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. EPA requires affected respondents to collect and analyze at least one turbidity sample from the discharge on each day in which dewatering water is being discharged and report the weekly average turbidity value on a quarterly monitoring report. If the weekly average of a respondent's turbidity monitoring results exceeds the 50 NTU benchmark, or alternate benchmark if approved by EPA, the respondent must take and document corrective action.

12d. Respondent Burden Hours and Labor Costs

As part of this supporting statement, EPA has reviewed the estimated burden for each information request in the 2022 CGP. Revisions were made to reflect changes in the requirements of the CGP.

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

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). Using the first two years of the 2022 CGP NOI data, EPA estimated that 55% of respondents will correspond to small sites and 45% will correspond to large sites. Based on information provided by USFWS, 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.
- 60% of large site respondents will spend 1.5 hours to prepare an NOI, which includes performing a threatened and endangered species protection evaluation 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.
- 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.

For the 2022 CGP, EPA integrated the CGP's instructions and procedures for determining ESA eligibility criterion into NeT-CGP through a series of "smart" questions that are based on Appendix D and presented in a dynamic way that helps the operator narrow down their correct criterion selection. This change streamlines the NOI process and reduce the number of documents and processes operators need to consult. EPA estimates that this reduces the burden to determine endangered species eligibility criterion by 0.5 hours for each NOI.

In addition, EPA is collecting new information as part of the 2022 CGP NOI. The NOI form was updated to collect new information related to the following: whether the operator will be discharging dewatering water and whether the dewatering discharge is from a location that is a current or former federal or state remediation site; whether there are other operators submitting NOIs for the same project; and confirmation that the operator completed the required inspector training. 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 summary of NOI burden by respondent category for the 2022 CGP. All of these NOI estimates include the burden to determine eligibility procedures relating to threatened and endangered species protection, 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 - 2022 CGP NOI Burden Summary

Activity	Hours Per Response		
	2017 NPDES Program ICR	2022 CGP Incremental Change ¹	2022 CGP Total
Small sites – Includes endangered species evaluation and any consultation	3.7	-0.4	3.3
Large sites – Initial endangered species evaluation and no consultation (60% of large sites)	1.5	-0.4	1.1
Large sites – Initial endangered species evaluation and informal consultation (37.3% of large sites)	6	-0.4	5.6
Large sites – Initial endangered species evaluation and formal consultation (2.7% of large sites)	20	-0.4	19.6

¹ Decrease by 0.5 hours due to NeT-CGP streamlining plus increase by 0.1 hours due to new NOI questions.
[-0.5 hours + 0.1 hours = -0.4 hours]

- **NOT Forms** [Changes to the information collection burden]

There are changes in the 2022 CGP to the requirements and the estimated burden for this activity. EPA assumes that all respondents will submit one NOT and each project will last approximately one year. EPA estimated that all respondents will spend 0.5 hours preparing and submitting an NOT, with no difference in hours between large and small sites.

For the 2022 CGP, EPA is requiring that respondents submit new documentation with the NOT. 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. Photographs must capture areas disturbed during construction and not covered by permanent structures, taken both before and after the site has met the final stabilization criteria. EPA estimates that each respondent from small sites will need an additional 0.5 hours, to collect and attach photographs. EPA estimates that larger sites will need a total of 1 hour to collect and attach photographs. Assuming that 55% of respondents will be small sites and 45% will be large sites, the average incremental change in burden for each respondent is 0.7 hours².

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

² (0.5 hours x 0.55) + (1 hour x 0.45) = 0.7 hours (rounded)

There are changes in the 2022 CGP to the requirements and estimated burden for this activity. All respondents are required to prepare a SWPPP prior to submitting an NOI. 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.

The 2022 CGP includes a new SWPPP documentation requirement related to turbidity benchmark monitoring. 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. There are a few other minor changes to the SWPPP document requirements, including requirements for site map notations and stormwater control descriptions, for which EPA estimates no change in burden. Therefore, there is an incremental change in burden of 4 hours for this activity.

- **Dewatering Inspection Reports and Corrective Actions** [New information collection burden]

The 2022 CGP includes new dewatering inspection requirements. 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. EPA estimates that complying with the new dewatering inspection and recordkeeping requirements will take respondents approximately 0.25 hours per dewatering event. The 2022 CGP 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. For the purpose of the ICR, EPA makes the following assumptions:

- The entire respondent population 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.
- The time to document corrective actions is included in the overall burden estimate for this activity.

This total number of dewatering events per year is based on the assumption that each respondent will dewater groundwater for 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.

- **Dewatering Turbidity Benchmark Monitoring: Sample Collection, Reporting, and Corrective Actions** [New information collection burden as applicable for certain respondents]

The 2022 CGP adds a new turbidity benchmark monitoring requirement with associated reporting and corrective action requirements, only applicable to respondents discharging dewatering water to sensitive waters. Based on an analysis of the first two years of the 2022

CGP NOI data, EPA estimates that 25% of respondents are discharging to sensitive waters and will be required to comply with turbidity benchmark monitoring.

The affected operator is required to conduct turbidity monitoring from the dewatering discharge point. EPA requires affected respondents to collect and analyze at least one turbidity sample from the discharge on each day in which dewatering water is being discharged and report the weekly average value on a quarterly turbidity monitoring report. EPA assumes that all affected respondents will dewater accumulated stormwater or groundwater during their project, each respondent has an average of one dewatering discharge point, and each respondent will have 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 burden for turbidity monitoring reporting is consistent with assumptions made in the ICR for EPA's 2021 Multi-Sector General Permit for electronic DMR reporting. EPA estimates that it will take each respondent an average of 3.6 minutes to fill out the required data for each parameter. 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 turbidity monitoring report has 13 data elements, so using this assumption, it will take 0.75 hours to complete each report. All respondents are required to fill out the 13 data elements (i.e., for each quarter, there are potentially 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 if 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 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 2022 CGP. The total cost for each respondent activity is composed of the following:

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

EPA determined the hourly employment cost of employees using methodology established in previous ICRs. When calculating respondent labor costs, EPA assumes the average loaded hourly rate for private sector is \$73.47 (source: <https://www.bls.gov/bls/news-release/ecec.htm>, June 2024, Table 2, Total Compensation for "Management, professional, and related," September 23, 2024).

This ICR estimates an incremental increase of 45,367 hours per year, which equates to an incremental increase of \$3,333,114 annually in labor costs associated with respondent burden. The increase in costs is primarily attributed to the new dewatering inspections and turbidity benchmark monitoring requirements.

13. RESPONDENT CAPITAL AND O&M COSTS

There are new capital costs associated with the 2022 CGP turbidity benchmark monitoring requirement for sites discharging dewatering water to sensitive waters. EPA estimates the activity will require a one-time capital cost to purchase a turbidity meter. EPA assumes the only associated O&M costs are labor costs to conduct daily calibration verifications prior to using the meter, consistent with the manufacturer’s instructions. Labor burden estimates are addressed elsewhere in this ICR.

EPA estimates that respondents will purchase a turbidity meter at the beginning of each project and then conduct daily calibration verifications, consistent with the manufacturer’s instructions. EPA notes that this requirement only applies to a subset of those respondents that conduct dewatering at their site and that discharge dewatering water into sensitive waters. EPA surveyed publicly available price information from a variety of analytical instrument retailers for prices and instrument information. Of the instruments with publicly available prices that were advertised as able to comply with EPA analytical method standards for turbidity, prices ranged from \$970 - \$1,870 with a median price of \$1,064. Further information on this survey can be found in Section IV.D.2 of the *Incremental Cost Impact Analysis for the 2022 CGP*.

Respondents will need to keep the turbidity meter calibrated. However, EPA assumes that calibration standards are included with the purchase of a turbidity meter and are thus accounted for in the estimate for capital cost. In addition, the labor cost to calibrate the meter is already accounted for in the labor burden estimates for turbidity benchmark monitoring. Thus, there are no estimated O&M costs associated with the dewatering turbidity benchmark monitoring requirement.

Table 3 - Turbidity Meter Capital and O&M Costs

Monitoring Device	Capital/ Startup Cost for One Respondent ¹	Number of Respondents	Total Capital/ Startup Cost	Annual O&M Costs for One Respondent ²	Number of Respondents with O&M	Total O&M ³
Turbidity Meter	\$1,064	835	\$888,440	\$0	835	\$0

¹ EPA surveyed publicly available price information from a variety of analytical instrument retailers for prices and instrument information. Of the instruments with publicly available prices that were advertised as able to comply with EPA analytical method standards for turbidity, prices ranged from \$970 - \$1,870 with a median price of \$1,043. Further information on this survey can be found in the Incremental Cost Impact Analysis for the 2022 CGP.

² EPA assumes that calibration standards are included with the purchase of a turbidity meter, and thus the O&M cost of purchasing calibration standards is included in the capital cost estimate.

³The labor cost to calibrate the meter is accounted for in the labor burden estimate.

EPA assumes that each permitted construction project is completed within one year, and that respondents will need to purchase a new turbidity meter at the beginning of the project. Thus, the total capital/startup costs are estimated to be \$888,440 per year.

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, it will account for the total burden of the 2022 CGP ICR, by adding the incremental burden associated with new or modified permit requirements from the 2017 CGP to the 2022 CGP ICR. The below table provides a summary of the total and incremental change in annual burden hours and costs.

TABLE 4 - BOTTOM LINE AVERAGE ANNUAL RESPONDENT BURDEN HOURS AND COST

	2022 CGP ICR Total	Incremental Change
Burden (hours)	200,383	73,816
Costs - Labor (dollars)	\$14,722,141	\$3,333,114
Costs - Capital (dollars)	\$888,440	\$888,440
Costs - O&M (dollars)	None	None
Total Costs (dollars)	\$15,610,581	\$4,221,554

14. AGENCY COSTS

14a. 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.

As discussed previously under the *Use of Technology Section*, EPA collects most information generated under the CGP through the Integrated Compliance Information System (ICIS-NPDES) database via EPA's NeT-CGP. 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.

14b. Agency Labor Cost

This section presents the estimated agency burden for each new or changed information request associated with the 2022 CGP and the associated agency cost. A summary of the burden and cost is provided at the end of this section.

- **Dewatering Turbidity Monitoring Report Review** [New Agency burden item]

The 2022 CGP requires respondents to submit quarterly turbidity monitoring reports. 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 NPDES Program ICR estimation for agency review of DMRs for stormwater industrial permits.

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 September 23, 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 \$31.97. Assuming overhead costs of 60 percent, or \$19.18. per hour, the fully loaded cost of employment for a federal employee is \$51.15.

14c. Agency Non-Labor Costs

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

14d. Agency Total Costs

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 total and incremental change in annual Agency burden hours and costs.

TABLE 5 - BOTTOM LINE AVERAGE ANNUAL AGENCY BURDEN HOURS AND COST

	2022 CGP ICR	Incremental
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	Total	Change
Burden (hours)	10,680	217
Costs - Labor (dollars)	\$546,275	\$11,105
Costs - Capital (dollars)	None	None
Costs - O&M (dollars)	None	None
Total Costs (dollars)	\$546,275	\$11,105

15) REASONS FOR CHANGE IN BURDEN

The change in estimated burden between the current and renewal ICRs are attributable to the change in the number of respondents from 2,600 to 3,631 operators per year, which is based on the more accurate information EPA now has on the number of permitted operators from the first two years of the 2022 CGP. The change in the number of estimated respondents led to an increase in burden hours of 73,816 hours per year. Additionally, the labor rates used to calculate the estimated costs increased from \$62.77 per hour from the current ICR to \$73.47 per hour for the renewal ICR, which, combined with the increase in number of respondents, is the reason for the increase in total estimated cost of \$5,973,563 per year.³

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

The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18) CERTIFICATION STATEMENT

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.

19) 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

³ The increase of \$5,973,563 in estimated total cost is the difference between the estimated total cost of this renewal ICR (\$15,610,581) and the current ICR (\$9,637,018).

estimated burden and costs for both CGP respondents and EPA. The 2022 CGP has a total estimated annual labor burden of 200,383 hours for 3,631 respondents, a total labor cost of \$14,722,141 and a total capital cost of \$888,440. Compared to EPA CGP-related aspects of the NPDES Program ICR, this reflects an increase in annual respondent labor burden and labor cost of 45,367 hours and \$3,333,114. The 2022 CGP has a total estimated Agency annual labor burden of 10,680 hours and \$546,275. Compared to the NPDES Program ICR, this reflects an increase in annual labor burden of 217 hours and \$11,105. The total reporting and recordkeeping burden for this collection of information is estimated to average 58 hours per respondent (0.84 hours per response).

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
- Request for Chemical Treatment Form
- Turbidity Monitoring Reporting Form
- Threatened and Endangered Species Protection Form