

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5832-7]

Agency Information Collection Activities: Proposed Revision to Collection; Comment Request; Revision to Application for the National Pollutant Discharge Elimination System Discharge Permit (NPDES) and the Sewage Sludge Management Permit (Applications) Information Collection Request (ICR): Notice of Intent for Storm Water Discharges Associated With Industrial Activity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed revision of the Applications ICR to the Office of Management and Budget (OMB): [Applications for the National Pollutant Discharge Elimination System Discharge Permit (NPDES) and the Sewage Sludge Management Permit ICR, EPA ICR No. 0226, and OMB No. 2040-0086, expires August 31, 1998.] This notice accompanies the notice of Proposed Reissuance of NPDES General Permits for Storm Water Discharges from Construction Activities published elsewhere in today's **Federal Register** notice.

The Applications ICR calculates the burden and costs associated with permit applications for NPDES discharges and sewage sludge management activities. NPDES discharges include domestic wastewater, industrial wastewater, storm water, and other discharges. EPA is revising the portion of the ICR that applies to the Notice of Intent (NOI) form for storm water discharges from construction activities. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed revision to the information collection as described below.

DATES: Comments must be submitted on or before August 1, 1997. All public comments shall be submitted to: ATTN: CBGP—Comments, W-97-01, Water Docket MC-4101, U.S. EPA, Room 2616 Mall, 401 M Street SW., Washington, DC 20460.

Please submit the original and three copies of your comments and enclosures (including references). Comments must be received or post-marked by midnight no later than August 1, 1997.

Commenters who want EPA to acknowledge receipt of their comments should enclose a self-addressed stamped envelope. No facsimiles (faxes) will be accepted. Comments may also be submitted electronically to: ow-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and forms of encryption. Electronic comments must be identified by the docket number W-97-01. No Confidential Business Information (CBI) should be submitted through e-mail. Comments and data will also be accepted on disks in WordPerfect 5.1 format or ASCII file format. Electronic comments on this notice may be filed online at many Federal Depository Libraries. The record for this proposed ICR revision has been established under docket number W-97-01, and includes supporting documentation as well as printed, paper versions of electronic comments. It does not include any information claimed as CBI. The record is available for inspection from 9 am to 4 pm, Monday through Friday, excluding legal holidays, at the Water Docket, Room M2616, Washington, DC 20460. For access to the docket materials, please call (202) 260-3027 to schedule an appointment.

ADDRESSES: A copy of the ICR will be available at the Water Docket (W-97-01), Mail Code-4101, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460. Copies of the ICR can be obtained free of charge by writing to this address.

FOR FURTHER INFORMATION CONTACT: Angela Lee, Telephone: (202) 260-6814, E-mail: Lee.Angela@EPAMail.EPA.gov

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which have storm water discharges associated with construction activity (40 CFR 122.26(b)(14)(x)) to waters of the U.S.

Title: Revision to Applications ICR (OMB Control No. 2040-0086; EPA ICR No. 0226.) expiring 8/31/98.

Abstract: Section 402(p) of the Clean Water Act (CWA) clarifies that storm water discharges associated with industrial activity to waters of the United States must be authorized by an NPDES permit. NPDES general permits for storm water discharges associated with industrial activity require that dischargers submit a Notice of Intent (NOI) to be covered by the permit prior to the authorization of their discharges under such permit (see 40 CFR 122.28(b)(2), (April 2, 1992, (57 FR 11394)). The U.S. EPA is revising the

current NOI (Form 3510-6) by creating separate NOIs for discharges associated with construction activities and those associated with industrial activities. This discussion is limited to changes to the NOI for storm water discharges associated with construction activities (40 CFR 122.26(b)(14)(x)).

EPA is proposing certain changes to its existing NOI form for storm water discharges from construction activities. Information which is no longer being requested include (1) entries related to the quarter, section, township and range for the location of the site or facility, (2) if the facility is required to submit monitoring data, (3) the SIC or Designated Activity Code, (4) the MS4 operator name and the (5) storm water general permit number for those filing as co-permittees.

The new information which EPA proposes to request on the NOI form is described below:

1. If the Pollution Prevention Plan (PPP) has been developed, if it is implemented and the location for viewing. The information is being added to allow for a better understanding by the public of the storm water control efforts at the site.

2. Indication of the estimate of likelihood of discharge (unlikely, once per month, once per week, once per day, or continual). This information is being added to help identify the risk level associated with the site.

3. Utility companies that are applying for coverage that incorporate certain aspects of submissions of a principal operator are asked to certify that they understand that authorization to discharge is contingent upon a principal operator of the construction project being granted coverage under an NPDES permit. This was added to clarify requirements for adequate permit coverage for utilities.

4. Indication in a yes or no answer if there are endangered species in proximity to the discharges or best management practices.

5. Indication in a yes or no answer if there is a historic preservation agreement applicable to the site.

6. The certification statement has been modified so that applicants provide an Endangered Species Act certification.

7. The certification statement has been modified to require the applicant to provide a National Historic Preservation Act certification.

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.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The increased annual burden for the revisions to the

NOI form is expected to be 6,816 hours in labor and \$217,776 (in 1995 dollars) in labor cost. In 1997 dollars, this is equivalent to \$228,200. EPA estimates that the changes to the existing NOI form require an additional 30 minutes for respondents to complete the form. This estimate was derived by polling environmental professionals for their estimates of the time needed to complete the additional questions. The total number of respondents is 18,176 per year. Current data from the NOI processing center was used to determine relative percentages of construction versus industrial NOIs. This percentage was then applied to the 1995 Applications ICR which included totals for U.S. EPA NOIs, State NOIs, and group applicants for both industrial and construction activities (33,159). 1995 labor rates contained in the 1995 Applications ICR were used to calculate costs in 1995 dollars. Respondents will complete the NOI once per permit term (every five years). There are no capital costs such as equipment and operation

and maintenance associated with the NOI. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: May 22, 1997.

Michael B. Cook,

Director, Office of Wastewater Management.
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