

Creek). EPA identified one facility that discharges to Whiskey Creek. However, just prior to EPA publishing this final rule, KDHE provided EPA with an updated inventory identifying a total of 183 potentially affected facilities. The smaller number of facilities reflects the narrowed scope of this final rule relative to EPA's July 2000 proposal. Thus, EPA's economic analysis described in this section likely overstates the potential economic impact of this action in two respects: First, because EPA estimated the cost of controls based on

the universe of 416 facilities identified as part of the proposed rule; and second, because EPA assumed that all of these facilities discharge to waters protected for primary contact recreation, when in fact many waters included in this final rule are being designated for secondary contact recreation.

B. Evaluating Sample Facilities

In its comments on the proposed rule, KDHE included an analysis of costs for all 416 facilities it identified. For one subgroup of these facilities (283 conventional lagoons), KDHE provided

effluent data for 20. Thus, EPA used the data for the 20 facilities to review and evaluate KDHE's analysis of costs for this subgroup. For another subgroup (133 mechanical treatment plants), effluent data is available for five facilities in EPA's Permit Compliance System. Thus, EPA used the data for these five facilities to review and evaluate KDHE's analysis of costs for this subgroup. The number of facilities identified and the number of facilities for which EPA evaluated data are presented in Table 2.

TABLE 2.—NUMBER OF FACILITIES POTENTIALLY AFFECTED AND EVALUATED

Provision	Potentially affected facilities ¹			Evaluated facilities		
	Majors	Minors	Total	Majors	Minors	Total
Primary or Secondary Contact Recreation ²	14	402	416	3	22	25
Aquatic Life ³	1	0	1	1	0	1

¹ **Source:** KDHE comments on proposed rule (Kansas Department of Health & Environment, Comments on EPA Proposed Water Quality Standards Promulgation, October 16, 2000). However, just prior to EPA publishing this final rule, KDHE provided EPA with an updated inventory of 183 potentially affected facilities reflecting the narrowed scope of this final rule. Thus, EPA analysis likely overstates the potential economic impact of this action.

² Facilities discharging to water bodies for which EPA is promulgating primary or secondary contact recreation use designations.

³ Includes facility discharging to water body for which EPA is promulgating an existing aquatic life use designation.

C. Method for Estimating Potential Compliance Costs

For facilities discharging to waters with a new primary contact recreation use designation, EPA assumed that a sample facility would have a reasonable potential to exceed water quality criteria for fecal coliforms (and require a permit limit) if the maximum effluent concentration exceeds the most stringent water quality criterion (the monthly average of 200 colonies per 100 ml). EPA also assumed a facility would have a reasonable potential if it currently has a limit for fecal coliforms, or if it discharges treated domestic sewage that has not been disinfected. For facilities with a reasonable potential, EPA assumed that projected effluent limits would be the same as the State's existing water quality criteria for fecal coliforms (a monthly geometric mean of 200 colonies per 100 ml and a weekly geometric mean of 400 colonies per 100 ml) because EPA guidance recommends this approach (Memo from Jeffrey G. Miller, Deputy Assistant Administrator, Water Enforcement to Regional Enforcement Directors, Regional Permit Branch Chiefs, and NPDES State Directors, February 1977).

For facilities with a reasonable potential to exceed water quality criteria for fecal coliforms, EPA assumed that a sample facility would incur costs if its maximum effluent concentration (or existing permit limit, whichever is smaller) exceeds the most stringent

criterion. EPA also assumed that facilities discharging domestic sewage without a disinfection system currently in place would incur costs. EPA assumed that ultraviolet (UV) light disinfection would be installed at facilities with effluents containing domestic sewage that do not have a disinfection system in place. Where EPA determined that facilities with existing disinfection systems would not be likely to meet the projected effluent limits, EPA assumed that treatment process optimization will be necessary.

One facility discharges to a stream for which EPA is promulgating an existing aquatic life use designation. However, because effluent data are not available for this facility, EPA estimated at the time of proposal that it does not have reasonable potential to cause exceedences of chronic aquatic criteria. Consequently, EPA anticipates no cost for this provision. Commenters on the proposed rule did not disagree with EPA's identification of this facility or its conclusions regarding its reasonable potential to cause exceedences of chronic aquatic life criteria.

D. Results

EPA estimated the potential costs associated with its decision to designate water bodies for (1) primary and secondary contact recreation uses, and (2) an aquatic life use. For waters designated for either a primary or a secondary contact recreation use, there

are 416 potentially affected facilities. EPA estimated costs based on data for 25 of these facilities, and extrapolated the results to all potentially affected facilities.

EPA estimated that the potential total statewide annual cost associated with designating all of the affected water bodies for primary contact recreation would be approximately \$1.8 million. Nearly all of the affected facilities would be minor dischargers, and the majority of those are conventional lagoons that would probably need UV disinfection to reduce fecal coliforms. As previously noted, EPA's economic analysis likely overstates the potential economic impact of this action because EPA based its projected effluent limitations and the subsequent cost of controls for potentially affected entities on meeting the fecal coliform criterion associated with the primary contact recreation use. The potential cost to facilities discharging to waters designated for secondary contact recreation will likely be less.

EPA estimated that the potential cost associated with promulgating an existing aquatic life use on the affected water body is zero. This estimate is based on the one affected facility that EPA identified.

E. Total Statewide Costs

Table 3 summarizes the total estimated potential statewide costs of today's rule. As described earlier, much