

made in response to OMB suggestions or recommendations will be documented in the public record.

B. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040-0250.

The information collection requirements affect operations that are defined or designated as CAFOs under the final rule and, therefore, are subject to the record keeping, data collection, and reporting requirements associated with applying for and complying with an NPDES permit. They also affect the 43 States with approved NPDES programs that administer NPDES permits for CAFOs ("approved States"). EPA and approved States use the information routinely collected through NPDES permit applications and compliance evaluations in the following ways: to issue NPDES permits with appropriate limitations and conditions that comply with the Clean Water Act; to update information in EPA's databases that permitting authorities use to determine permit conditions; to calculate national permit issuance, backlog, and compliance statistics; to evaluate national water quality; to assist

EPA in program management and other activities that ensure national consistency in permitting; to assist EPA in prioritizing permit issuance activities; to assist EPA in policy development and budgeting; to assist EPA in responding to Congressional and public inquiries; and to ensure compliance with the terms and conditions of the permit.

The responses to the information collection requirements are mandatory for CAFOs. CAFOs are defined as point sources under the NPDES program (33 U.S.C. 1362). Under 33 U.S.C. 1311 and 1342, a CAFO must obtain an NPDES permit and comply with the terms of that permit, which include appropriate record keeping and reporting requirements. Furthermore, 33 U.S.C. 1318 provides authority for information collection (*i.e.*, record keeping, reporting, monitoring, sampling, and other information as needed), which applies to point sources. Approved States will also incur burden for record keeping, data collection, and reporting requirements when they revise and implement any program changes necessitated by the final rule. Under 40 CFR 123.62(e), State NPDES programs must at all times be in compliance with federal regulations.

CAFOs must develop their nutrient management plans, retain them onsite, and make them available to the

permitting authority on request. These plans may contain confidential business information. When this is the case, the respondent can 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 (40 CFR 2.201 *et seq.*), and EPA's Security Manual Part III, Chapter 9, dated August 9, 1976.

EPA estimates that the average annual public burden for this rule making will be 1.9 million hours. This estimate includes 0.3 million hours for State respondents and 1.6 million hours for CAFO respondents. It includes the time required to review instructions, search existing data sources, gather and maintain all necessary data, and complete and review the information collection. Table 10.1 provides the breakdown of these estimates by type of response. Average annual capital and O&M costs will total \$5.9 million. This estimate includes \$1.3 million in CAFO capital costs to purchase sampling equipment, install depth markers, and purchase services for the engineering portion of the nutrient management plan. Average annual CAFO O&M costs of \$2.9 million include laboratory analyses of soil and manure samples, tractor rental, and record keeping costs. Average annual State O&M costs of \$1.7 million pay for public notifications.

TABLE 10.1.—BURDEN ESTIMATES PER RESPONSE

Activities	Response frequency	Average annual burden (hours)	Average annual responses ¹	Labor cost (\$ millions)
CAFO Respondents				
Start-up Activities	One time	14,493	4,831	\$0.32
Permit Application Activities and NOIs	Every 5 years	43,479	4,831	0.95
ELG and NPDES Data Collection and Record Keeping Activities:				
Visual inspections	Annual	152,260	11,712	1.67
Equipment inspection	Annual	32,238	8,060	0.35
Manure sampling	Annual	26,088	11,712	0.29
Soil sampling	Every 5 years	31,057	3,613	0.34
ELG and NPDES record keeping	Annual	936,982	11,712	10.31
Additional NPDES Record Keeping and Reporting Activities:				
Nutrient management plan	Every 5 years	250,168	4,831	9.06
Manure transfer record keeping	Annual	102,858	7,347	1.13
Annual report	Annual	11,712	11,712	0.26
Compliance inspections	Per inspection	9,370	2,342	0.20
State Respondents				
NPDES Program Modification Activities	One time	3,583	14	0.11
General Permit Activities	Annual	31,598	3,277	0.94
Individual Permit Activities	Annual	174,143	1,573	5.19
Compliance Evaluation:				
Inspections	Annual	36,317	2,270	1.08
Annual Reports	Annual	45,397	11,349	1.35

¹For CAFOs, the number of respondents for each type of response equals the number of responses. For approved States, these estimates differ. There are 43 approved States responding to the information collection requirements, but the number of responses for some activities can be greater because the estimate depends on the number of CAFOs submitting information or undergoing inspections. EPA is the permitting authority for some CAFOs, so the response estimates for CAFOs and States will differ.