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ACRONYMS

BLS	Bureau of Labor Statistics
CCR	Consumer Confidence Report
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
CWS	Community Water System
DBPR	Disinfectants and Disinfection Byproducts Rule
DDBP/Chem/Rads	Disinfectants and Disinfection Byproducts, Chemical, and Radionuclides
DWIG TSA	Drinking Water Infrastructure Grant Tribal Set Aside
DWSRF	Drinking Water State Revolving Fund
EPA	Environmental Protection Agency
FBRR	Filter Backwash Recycling Rule
FOIA	Freedom of Information Act
FR	Federal Register
FTE	Full Time Equivalent
FY	Fiscal Year
GWR	Ground Water Rule
ICR	Information Collection Request
ICW	Information Correction Worksheet
IOC	Inorganic Chemical
IESWTR	Interim Enhanced Surface Water Treatment Rule
LCR	Lead and Copper Rule
LT1ESWTR	Long Term 1 Enhanced Surface Water Treatment Rule
LT2ESWTR	Long Term 2 Enhanced Surface Water Treatment Rule
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MRDL	Maximum Residual Disinfection Level
MRDLG	Maximum Residual Disinfection Level Goal
NAICS	North American Industry Classification System
NAWA	Native American Water Association
NCWS	Noncommunity Water System
NDWAC	National Drinking Water Advisory Council
NPDWR	National Primary Drinking Water Regulation
NTEC	National Tribal Environmental Council
NTNCWS	Nontransient Noncommunity Water System
O&M	Operation and Maintenance
OGWDW	Office of Ground Water and Drinking Water
OMB	Office of Management and Budget
PC&B	Personnel Compensation and Benefits
PN	Public Notification
PRA	Paperwork Reduction Act
PWS	Public Water System
PWSS	Public Water System Supervision
SBREFA	Small Business Regulatory Enforcement Fairness Act
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System

SIC	Standard Industrial Classification
SNC	Significant Noncompliance
SOC	Synthetic Organic Chemical
SWAP	Source Water Assessment Program
SWTR	Surface Water Treatment Rule
TCR	Total Coliform Rule
TNCWS	Transient Noncommunity Water System
TTHM	Total Trihalomethane
VOC	Volatile Organic Chemical
UIC	Underground Injection Program
UCMR	Unregulated Contaminant Monitoring Rule
V/E	Variance and Exemption

1 IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Title: Public Water System Supervision Program

OMB Control Number: 2040-0090

EPA Tracking Number: 0270.42

1(b) Short Characterization

The Office of Ground Water and Drinking Water (OGWDW) in the Office of Water at the United States Environmental Protection Agency (EPA or the Agency) is responsible for managing the Public Water System Supervision (PWSS) Program, a national program mandated by the Safe Drinking Water Act (SDWA). Section 1412 of the SDWA requires EPA to establish National Primary Drinking Water Regulations (NPDWRs) for contaminants that may adversely impact human health. The Act further requires EPA to monitor and enforce these regulations to ensure that the nation's drinking water dependably complies with the maximum contaminant levels (MCLs) stipulated in the Code of Federal Regulations (CFR), 40 CFR Part 141, Subpart B.

Section 1445 of the SDWA stipulates that every drinking water supplier must conduct monitoring, maintain records, and provide such information as is needed for EPA to implement its monitoring and enforcement responsibilities with respect to the Act. State¹ governments—in those states that have assumed primary enforcement responsibility (primacy) for public water systems (PWSs) under SDWA Section 1413—ensure that PWSs are complying with these monitoring requirements. As part of the PWSS Program, the OGWDW uses the Safe Drinking Water Information System (SDWIS)² to record some of the data collected as a result of NPDWR

¹ Throughout this document, the terms “state” or “states” are used to refer to all types of primacy agencies. There are currently 57 primacy entities, including the 50 states, the District of Columbia, U.S. territories (Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and Northern Marianas), and the Navajo Nation. Though Wyoming and the District of Columbia do not have primacy, the EPA burden for these activities is counted as primacy agency burden.

² SDWIS replaced the Federal Reporting Data System as the national drinking water database of record on August 15, 1995.

requirements. SDWIS is a database management system that assists EPA in tracking and interpreting monitoring data and other program-related data. These data assist EPA in fulfilling its SDWA obligations.

This Information Collection Request (ICR) was prepared in accordance with the February 1999 version of *EPA's Guide to Writing Information Collection Requests Under the Paperwork Reduction Act (PRA) of 1995* (or "ICR Handbook") prepared by EPA's Office of Environmental Information, Office of Information Collection, Collection Strategies Division. The ICR Handbook provides the most current instructions for ICR preparation to ensure compliance with the 1995 PRA amendments and Office of Management and Budget's (OMB's) implementing guidelines.

Many information collection requirements associated with the SDWA and its implementing regulations are associated with rulemakings that address specific contaminants or groups of contaminants. This ICR examines PWS, primacy agency, and EPA burden and costs for "cross-cutting" recordkeeping and reporting requirements (i.e., the burden and costs for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings). These activities include the following—

- 1) Consumer Confidence Reports (CCRs)
- 2) Primacy Regulation Activities
- 3) Variance and Exemption Rule (V/E Rule)
- 4) Capacity Development Program
- 5) General State Primacy Activities
- 6) Public Notification (PN)
- 7) Operator Certification and Expense Reimbursement Grants Program
- 8) Tribal Operator Certification Program
- 9) Constructed Conveyances

This ICR updates the burden and cost estimates provided in the 2001 PWSS Program ICR (dated November 28, 2001), which expires on November 30, 2004. The ICR estimates costs for years 2005, 2006, and 2007.

The total annual respondent burden associated with this ICR is estimated to be approximately 3.22 million hours per year. The total annual respondent costs associated with this ICR is estimated to be approximately \$116.5 million. The distribution of annual burden between PWSs and primacy agencies is approximately 2.00 million hours and 1.23 million hours, respectively. The distribution of annual costs between PWSs and primacy agencies is approximately \$73.1 million and \$43.3 million, respectively.

The approximate annual operation and maintenance (O&M) costs are \$19.7 million (\$19.2 million for PWSs and \$0.5 million for EPA). This represents the "cost burden" as reported in the OMB inventory. Note that these costs are for O&M only; there are no capital costs associated with the activities covered by this ICR.

The annual Agency burden for this ICR totals 0.54 million hours, at a cost of approximately \$24.6 million; 0.09 million hours (approximately \$5.7 million) is for Headquarters activities and 0.45 million hours (approximately \$18.9 million) is for EPA Regional office activities.

The total number of respondents for this ICR is 161,682; 57 of these respondents are primacy agencies and the balance are existing or new PWSs (161,217 existing PWSs and 408 new PWSs). The total annual number of responses for these respondents is 499,506 (499,449 for PWSs and 57 for primacy agencies).

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This section identifies the regulatory or statutory authority for the information collection activities covered in this ICR and describes why EPA needs the information. Section 4 of the ICR contains a summary of the PWSS Program recordkeeping and reporting requirements covered by this ICR.

To allow the public to better understand the impact of the recordkeeping and reporting requirements stemming from the SDWA and 40 CFR Parts 141 and 142, OGWDW has organized its ICRs so that related activities are addressed in the same ICR. Specifically, there are three primary ICRs—the Microbial Rules ICR, the Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules (DDBP/Chem/Rads Rules) ICR, and the Public Water System Supervision (PWSS) Program ICR. The Microbial Rules ICR includes rules addressing microbial contaminants, such as the Total Coliform Rule (TCR), Surface Water Treatment Rule (SWTR), and the Filter Backwash Recycling Rule (FBRR). The DDBP/Chem/Rads Rules ICR includes rules addressing chemical contaminants such as the Stage 1 Disinfectant/Disinfection Byproduct Rule (Stage 1 DBPR), the Arsenic Rule, and the Lead and Copper Rule (LCR). The PWSS Program ICR includes public notification and rules addressing cross-cutting requirements that are not associated with contaminant-specific rule. The specific regulations and programs addressed in this ICR are—

- 1) Consumer Confidence Reports
- 2) Primacy Regulation Activities (requirements for states to adopt administrative penalty order provisions, if so allowed by their constitutions)
- 3) Variance and Exemption Rule
- 4) Capacity Development Program
- 5) General State Primacy Activities
- 6) Public Notification
- 7) Operator Certification and Expense Reimbursement Grants Program
- 8) Tribal Operator Certification Program
- 9) Constructed Conveyances

As EPA publishes new regulations, they will amend the appropriate ICR to include the new rules. Also, burden associated with the *Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium* under the Safe Drinking Water Act will be included as a general State Primacy Activity (when the associated lab QA ICR expires on October 31, 2005).

For a graphical depiction of the structure of the OGWDW ICRs, see Figure 1. A complete itemization of the activities included in the three primary ICRs, as well as other drinking water program ICRs, is included as Exhibit 1.

**Exhibit 1
Structure of OGWDW ICRs**

Currently covered	To be covered in the future
PWSS Program ICR (2040-0090)	
Consumer Confidence Reports (CCRs)	
Primacy Regulation Activities	
Variances & Exemptions	
The Capacity Development Program	
General State Primacy Activities	
Public Notification (PN)	
Operator Certification Guidelines and Expense Reimbursement Grants Program	
Tribal Operator Certification Program	
Constructed Conveyances	
Microbial Rules ICR (2040-0205)	
Surface Water Treatment Rule, except disinfectant residual monitoring and associated activities ³	Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR)
Total Coliform Rule	Ground Water Rule
Interim Enhanced Surface Water Treatment Rule (IESWTR)	
Filter Backwash Recycling Rule	
Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR)	
Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides Rules ICR (2040-0204)	
Stage 1 Disinfectants and Disinfection Byproducts Rule	Stage 2 DBPR
Disinfectant Residual Monitoring and Associated Activities under the SWTR	Radon
Total Trihalomethanes Rule	Unregulated Contaminant Monitoring Rule
Chemical Phase Rules	
2000 Radionuclides Rule	

³ Disinfectant residual monitoring and associated activities are included in the DDBP/Chem/Rads Rules ICR.

1976 Radionuclides Rule	
Unregulated Contaminant Monitoring Rule (List 2)	
Arsenic Rule	
Lead and Copper Rule	
Source Water Assessment Program (SWAP) ICR (2040-0197)	
SWAP	
Underground Injection Control (UIC) Program ICR (2040-0042)	
UIC Base Program Activities	Florida Class I Rule
Class V Rule	
Drinking Water State Revolving Fund (DWSRF) Program ICR (2040-0185)	
Drinking Water State Revolving Fund Program	
Drinking Water Infrastructure Needs Survey ICR (2040-0251)	
2003 Needs Survey	
Title VI of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002: Drinking Water Security and Safety ICR (2040-0253)	
Vulnerability Assessments and Emergency Response Plans for CWSs	

1) *Consumer Confidence Reports*

Section 114 of the 1996 SDWA amends Section 1414(c) of the Act. The amendments require community water systems (CWSs) to distribute CCRs to their customers annually. EPA wrote regulations under Subpart O of 40 CFR Part 141 to implement this provision.

The initial *Federal Register* (FR) notice containing CCR requirements was published on August 19, 1998 (63 FR 44512). These initial requirements have been modified by three technical amendments or other rule-specific notices.⁴ However, these amendments are assumed to have no affect on the underlying burden.

⁴ The dates of the technical corrections were December 28, 1998 (63 FR 71375), June 29, 1999 (64 FR 34732), and September 14, 1999 (64 FR 49671). Rule-specific modifications include the following: Radionuclides Rule (65 FR 76707; December 7, 2000); Public Notification Rule (65 FR 25981; May 4, 2000); Stage 1 Disinfectant and Disinfection Byproducts Rule (63 FR 69475; December 16, 1998), and

EPA developed the CCR regulations to satisfy the SDWA requirement, in consultation with CWSs, environmental groups, public interest groups, risk communication experts, states, and other interested parties.

2) *Primacy Regulation Activities*

The 1996 Amendments to SDWA require that primacy agencies, unless prohibited by their constitutions, have the authority to impose administrative penalties on PWSs in violation of the SDWA. EPA is collecting information from each state that wishes to obtain or retain primacy to determine whether the state's administrative penalty provisions meet the requirements of the SDWA. This information collection is authorized under the SDWA and 40 CFR 142.11(a)(6) and (7), as amended by the *Revisions to State Primacy Requirements to Implement Federal Drinking Water Regulations*, and 40 CFR 142.12(a) and (c). It will be conducted by EPA Regional Offices in consultation with OGWDW, the Office of Regulatory Enforcement, and, in some instances, the Office of General Counsel. Specifically, EPA needs this information to determine whether states meet the administrative penalty authority requirements in order to obtain and/or retain primacy for the PWSS program.

3) *Variance & Exemption Rule*

The 1996 SDWA Amendments established criteria under which PWSs, especially those serving 10,000 or fewer people, could apply for a variance or exemption. Variances allow eligible systems to provide drinking water that does not comply with a National Primary Drinking Water Regulation (NPDWR) on the condition that the quality of the drinking water is still protective of public health. There are two types of variances: *General variances* are intended for systems that are not able to comply with a NPDWR due to the quality of the source water; *small system variances* are intended for systems serving 3,300 persons or fewer that cannot afford to comply with a NPDWR (but may be allowed for systems serving up to 10,000 persons). Small system variances are only allowed if EPA designates a Small System Variance Technology. The information required of PWSs seeking general variances, small system variances or exemptions is needed to determine if the system satisfies SDWA conditions for variances or exemptions.

Interim Enhanced Surface Water Treatment Rule (63 FR 69516; December 16, 1998). In addition, as other drinking water rules are promulgated violations of their standards will also be required to be reported in CCRs.

4) *Capacity Development Program*

Through the 1996 SDWA Amendments, Congress conveyed the importance of efforts to ensure that PWSs maintain the technical, managerial, and financial capacity to comply with the requirements of the SDWA. To underscore the importance of capacity development, it was linked to the Drinking Water State Revolving Fund (DWSRF) through a withholding of 20 percent of the funds to which a state is otherwise entitled if its program does not meet the requirements of EPA's guidelines.

The capacity development provisions in the 1996 SDWA Amendments offer a framework within which states and water systems can work together to ensure that systems are capable of achieving the public health protection objectives set forth in the SDWA. Section 1420(a) of the SDWA explains that a state "shall receive only 80 percent of the allotment that the state is otherwise entitled to receive under Section 1452 (relating to state loan funds) unless the state has obtained the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations." In addition, according to Section 1420(c), states will incur a graduated withholding, beginning with 10 percent in fiscal year 2001, 15 percent in fiscal year 2002, and 20 percent in all subsequent fiscal years, if they do not develop and implement a strategy to assist all PWSs in acquiring and maintaining capacity.

5) *General State Primacy Activities*

To implement its compliance oversight and enforcement responsibilities under the SDWA, EPA requires primacy agencies to report a specified subset of PWS monitoring and related information in SDWIS. Additionally, primacy agencies must maintain records of analysis results and other related activities (e.g., sanitary survey results). Without comprehensive, up-to-date information on drinking water contamination (as provided by SDWIS), EPA would not be able to ensure "a supply of drinking water which dependably complies with such maximum contaminant levels" (SDWA Section 1401(1)(d)). If these reporting requirements were voluntary, EPA would not receive timely, comprehensive data on contaminant levels and associated acute and long-term public health risks. Specifically, voluntary monitoring would not—

- 1) Reliably occur with sufficient frequency.
- 2) Follow uniform national standards on quality of sampling, collection, and analysis.
- 3) Ensure that monitoring addresses all contaminants listed in the regulations.

Without the information collected in this ICR, EPA would not be able to protect the nation's drinking water.

6) *Public Notification*

Section 114 of the 1996 SDWA Amendments required the EPA Administrator to develop and issue new regulations for public notification of PWS failure to comply with applicable national drinking water standards. Regulations mandating the form, manner, frequency, and content of public notification are codified under 40 CFR Part 141, Subpart Q. Sections 1414(c)(2)(C)(ii) and 1414(c)(2)(D)(ii) of the 1996 Amendments require that notices must provide a clear and understandable explanation of the violation, the potential adverse health effects, steps that the system is taking to correct the violation, and necessity of seeking alternative water supplies until the violation is corrected.

7) *Operator Certification and Expense Reimbursement Grants Program*

Through the 1996 SDWA Amendments, Congress conveyed the importance of properly trained operators in providing safe drinking water to the public. To underscore the importance of operator certification, the program was linked to the Drinking Water State Revolving Fund (DWSRF) program through a withholding of 20 percent of the funds that a state is otherwise entitled to if its program does not meet the requirements of EPA's Guidelines.

8) *Tribal Operator Certification Program*

The purpose of the Tribal Drinking Water Operator Certification Program is to increase public health protection by increasing the training and certification opportunities for personnel at drinking water systems in Indian Country. The program guidelines establish seven baseline standards for the program. The guidelines also list requirements for organizations that wish to obtain EPA approval for their certification programs.

The SDWA directs EPA to develop guidelines for certification of operators of community and nontransient noncommunity public water systems and requires EPA to withhold certain DWSRF monies unless a state adopts and implements an operator certification program that meets the guidelines. This statutory requirement does not apply to Tribes. While there are certain EPA regulations under SDWA that require qualified operators for public water systems, whether located in Indian Country or not (see 40 CFR 141.70(c) and 40 CFR 141.130(c)), this Tribal Drinking Water Operator Certification Program for systems in Indian Country is voluntary. However, this information collection is driven by the grant eligibility requirements originally outlined in the *Drinking Water Infrastructure Grant Tribal Set-Aside Program Final Guidelines* (published in October 1998) and the *Draft Final Tribal Operator Certification Program Guidelines* (published in April 2004; 69 CFR 20874).

9) *Constructed Conveyances*

In the 1996 Amendments to the SDWA, Section 1401(4) broadened the definition of "public water system" to include systems that provide water for human consumption and deliver the water via constructed conveyances. Prior to this change, PWSs included only piped water systems. This new definition affects the reporting and recordkeeping burdens for both PWSs and states.

2(b) Use/Users of the Data

The information described in the previous sections will be collected by EPA and made available to the public upon request, as required by the Freedom of Information Act (40 CFR, Chapter 1, Part 2). In some cases, the SDWA requires that the information be provided to the public or the primacy agency. Primary users of the data collected under this ICR are OGWDW, PWS managers, and primacy agencies, which include state regulators, Indian Tribes, and, in some instances, EPA Regional Administrators. Other users include—

- Staff from other EPA programs (such as Superfund, the Resource Conservation and Recovery Act, and the Office of Enforcement and Compliance Assurance)
- Federal Emergency Management Administration
- Centers for Disease Control and Prevention (CDC)
- Military bases
- Farmers Home Administration
- Department of Interior
- Department of Housing and Urban Development
- U.S. Army Corps of Engineers
- White House Task Forces
- American Water Works Association
- Association of Metropolitan Water Agencies
- National Rural Water Association
- National Association of Water Companies
- Association of State Drinking Water Administrators
- Natural Resources Defense Council
- Consumers Federation of America
- News Organizations
- Native American Water Association
- Association of American Indian Affairs
- Inter-tribal Environmental Council
- National Tribal Environmental Council
- Other intertribal groups

3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

EPA has made an effort to ensure that the data collection efforts associated with this ICR are not duplicated. EPA has consulted state environmental programs, other Federal agencies (such as the CDC), and regulated entities (such as PWSs and their representative trade associations). To the best of EPA's knowledge, data currently required by the SDWA (and its implementing regulations codified at 40 CFR Parts 141 and 142) are not available from any other source.

3(b) Public Notice Required Prior to ICR Submission to OMB

To comply with the 1995 Amendments to the PRA, EPA solicited public comment on this ICR for a 60-day period before submission to OMB. Specifically, EPA published a notice in the *Federal Register* requesting comment on the estimated respondent burden and other aspects of this ICR (Appendix A). EPA received no comments during the 60-day comment period. An additional *Federal Register* notice will be published prior to submission of this ICR to OMB. The public comment period for this additional notice is 30 days.

3(c) Consultations

Throughout the development and implementation of the PWSS Program, OGWDW has held numerous meetings with interested stakeholders, including state and EPA Regional personnel and PWS representatives, to identify the value and ease of collecting information needed to fulfill SDWA obligations. As a standard regulatory development practice to promote public involvement, EPA formally solicits public comment on proposed drinking water rules. Before any rule is finalized, EPA logs and evaluates all written comments on proposed rules. Additionally, EPA usually holds public meetings during which any interested party may provide oral testimony for Agency consideration. Such meetings are typically announced in the *Federal Register* notice accompanying the proposed rule.

In the initial phases of program development, or to confirm assumptions on which rules or guidelines are based, EPA often augments formal meetings with other workshops or meetings to gather information. For example, a National Drinking Water Advisory Council (NDWAC) working group advised EPA on the development of the *Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act*. The NDWAC Small Systems Working Group consists of 22 members representing small PWSs, environmental and public health advocacy groups, state drinking water programs, public utility commissions, and other interest groups. The group convened on four occasions between February and July 1997 to develop recommendations on how EPA should implement the capacity development provisions. The Small Systems Working Group presented its recommendations to the full NDWAC, which in turn presented these recommendations to EPA. The working group's recommendations on the content and format of the resulting guidance were considered and incorporated by EPA. The draft

guidance was published in the *Federal Register*. After a 60-day public comment period, comments were received from approximately 50 parties. EPA responded to these comments and included the comments and responses, as appropriate, in an appendix to the final guidance.

In developing the Primacy Regulation, EPA consulted with a primacy workgroup consisting of EPA Headquarters and Regional representatives. The workgroup participated in conference calls on June 10, 1997, August 26, 1997, October 6, 1997, and November 24, 1997. During these calls, the workgroup discussed the necessity for and the extent of this collection. As part of the CCR Rule regulatory development process, EPA consulted with NDWAC which itself received comments from a working group on CCRs. In addition, EPA solicited input regarding the preparation and distribution of CCRs from a variety of sources, including postal offices and mailing list providers.

Burden for general state primacy activities was estimated using the State Workload Model, which is documented in the *Resource Analysis Computer Program for State Drinking Water Agencies*, January 1993 (as updated in 2001). This model was designed to estimate the resources needed to fund state drinking water programs. It contains a comprehensive list of activities required to operate a drinking water program, including estimates of the number of systems impacted.

When drafting the 2000 PN Rule, EPA solicited from a variety of sources input regarding the preparation and distribution of public notices. States were involved early in the regulatory development process, through attendance at meetings held in June 1997. Representatives of primacy agencies were included in the PN Rule Working Group that developed the regulatory requirements. Consultations were held with stakeholders, drinking water primacy agencies, ASDWA, and private firms providing information dissemination services.

The Operator Certification Guidelines are the result of a thorough stakeholder consultation process under which EPA utilized the combined knowledge and expertise of two work groups. The State-EPA Work Group was appointed to fulfill EPA's responsibility under section 1419(a) to publish guidelines on operator certification "in cooperation with states." This work group was composed of seven state and ten EPA representatives. The other work group, the Operator Certification Work Group of the National Drinking Water Advisory Council (NDWAC), also called the Partnership, was formed to provide EPA with views in addition to those of states. These two groups met several times and provided their input to the full NDWAC, which in turn provided recommendations to EPA.

The draft Guidelines were published for public comment in the *Federal Register* on March 27, 1998. During the 90-day public comment period, EPA held public stakeholder meetings in San Francisco, California; Dallas, Texas; and Washington, DC, to brief interested parties on the draft Guidelines and to accept public comments. Ninety-eight parties responded to EPA's request for public comment.

In August 1998, both work groups met to consider the public comments and to make recommendations for finalizing the Guidelines based on the public comments. The resulting recommendations were forwarded to the full NDWAC for consideration. In November 1998, the NDWAC formally transmitted its recommendations to EPA. The Agency made changes based on public comment and on the recommendations of the NDWAC. These Guidelines set the minimum baseline standards for a state operator certification program to meet the provisions of the 1996 Amendments to the SDWA.

Also in 1998, EPA Headquarters and Regional Offices formed a workgroup to discuss possible approaches for developing an operator certification program for Indian Country. The state operator certification baseline standards were presented and changes were made to reflect special considerations for a program in Indian Country. These modified baseline standards were presented at the 1998 Annual Native American Water Association (NAWA) Conference, and comments were solicited. Most of the comment received at the meeting were positive. The consensus was that such a program would be useful in Indian Country.

EPA continued with several additional internal reviews and presented the draft program guidelines at the OGWDW Tribal Consultation meeting in February 1999. To solicit additional comments, EPA presented the draft program guidelines at other Tribal meetings such as the 1999 Annual National Tribal Environmental Council (NTEC) Conference. In addition, EPA coordinated with other Federal agencies and sought their recommendations. A Notification of Availability for the draft guidelines was published in the *Federal Register* on March 30, 2000. Copies of the draft guidelines were sent for comment to stakeholders and federally recognized Tribes whose drinking water programs are regulated by EPA. All comments received were considered as the final guidelines were being developed. Due to various delays in the process of publishing the guidelines, EPA published draft final guidelines in the *Federal Register* on April 19, 2004, allowing 60 days of public comment in order to ensure that the public is aware of the Tribal Drinking Water Operator Certification Program.

3(d) Effects of Less Frequent Collection

EPA has considered a wide range of alternatives for frequency of data collection. The Primacy Regulation involves only one-time effort by the states who wish to adopt the administrative penalty authority necessary in order to obtain or retain primacy. The CCR Rule and Capacity Development Program require annual reporting. Distributing CCRs less frequently than annually is not allowed under the SDWA. Annual reporting of capacity development information is essential to enable EPA to make withholding determinations on each fiscal year's funds.

For other information collection activities, EPA has chosen to require the least frequent collection that remains consistent with overall public health preservation objectives. If data are collected less frequently, the state may not identify in a timely fashion significant contaminant concentrations which might threaten the health and safety of drinking water consumers.

3(e) General Guidelines

This ICR was prepared in accordance with the February 1999 version of *EPA's Guide to Writing Information Collection Requests Under the Paperwork Reduction Act (PRA) of 1995* (or "ICR Handbook") prepared by EPA's Office of Environmental Information, Office of Information Collection, Collection Strategies Division. The ICR Handbook provides the most current instructions for ICR preparation to ensure compliance with the 1995 PRA amendments and OMB's implementing guidelines.

3(f) Confidentiality

No confidential information will be collected as a result of this ICR.

3(g) Sensitive Questions

No information of a sensitive nature will be collected as a result of this ICR.

4 RESPONDENTS AND INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

Data associated with this ICR are collected and maintained at the PWS, state, and Federal levels. Respondents include—

- Owners/operators of PWSs, who must report to the primacy agency.
- Primacy agencies that must report to EPA Headquarters.
- Regional EPA administrators, who must send reports and notices to PWS owners and states.

The North American Industry Classification System (NAICS) code for PWSs is 22131. The NAICS code for state agencies that include drinking water programs are classified as 92411 (Administration of Air and Water Resources and Solid Waste Management Programs) or 92312 (Administration of Public Health Programs). Ancillary systems (i.e., those that supplement the function of other establishments like factories, power plants, mobile home parks, etc.) cannot be categorized in a single NAICS code. For ancillary systems, the NAICS code is that of the primary establishment or industry.

4(b) Information Requested

4(b)(i) Data Items

Exhibits 2 and 3 summarize the respondent information collection requirements covered by the PWSS Program ICR. These reflect cross-cutting recordkeeping and reporting requirements under the PWSS Program (i.e., requirements that are not associated with contaminant-specific rules). The requirements are discussed following Exhibits 2 and 3.

Exhibit 2
PWS Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Frequency/Retention
<i>CCRs</i>		
Mail copies of CCR to customers.	40 CFR 141.155(a)	Annually, unless waived per §141.155(g)
Announce availability of CCR.	40 CFR 141.155(b)	Annually
Submit copy of CCR to primacy agency.	40 CFR 141.155(c)	Annually
Submit copy of CCR to agencies or clearinghouses identified by the primacy agency.	40 CFR 141.155(d)	Annually, as required
Make current year's CCR available to public.	40 CFR 141.155(e)	As requested
Post current year's CCR on the Internet (for systems serving ≥100,000 people).	40 CFR 141.155(f)	Annually
Publish CCR in local newspaper, if the mailing requirement has been waived.	40 CFR 141.155(g)(1)	Annually, except that systems serving ≤500 can forego per §141.155(g)(2)
Retain copy of CCR.	40 CFR 141.155(h)	For at least 3 years
<i>VARIANCES AND EXEMPTIONS</i>		
Retain records concerning variance or exemption grants.	40 CFR 141.33	Not less than 5 years after variance/exemption expiration
Submit information supporting request for variance.	40 CFR 142.41	One-time, PWS discretion
Submit information supporting request for exemption.	40 CFR 142.51	One-time, PWS discretion
Submit information supporting request for small system variance.	40 CFR 142.306	One-time, PWS discretion
Report on compliance with terms and conditions of the small system variance.	40 CFR 142.307	Quarter after granting
<i>CAPACITY DEVELOPMENT</i>		
Demonstrate capacity (new CWSs & NTNCWSs).	N/A	One-time
Cooperate with state to demonstrate continued capacity.	N/A	As needed
<i>PUBLIC NOTIFICATION RULE</i>		
Notify persons served by a PWS if	40 CFR 141.201(a)&(c)	As necessary

certain violations and situations occur. ¹		
Notify persons served within 24 hours of learning of a violation which requires Tier 1 public notification.	40 CFR 141.202(b)(1)	As necessary, within 24 hours
Consult with the primacy agency within 24 hours of learning of a violation which requires Tier 1 public notification.	40 CFR 141.202(b)(2)	As necessary, within 24 hours
Comply with any additional notification requirements for Tier 1.	40 CFR 141.202(b)(3)	As necessary
Notify persons served within 30 days of a violations that requires Tier 2 public notification.	40 CFR 141.203(b)(1)	As necessary, within 30 days
Provide repeat notices for unresolved violations every three months, unless the primacy agency determines a different frequency.	40 CFR 141.203(b)(2)	As necessary, every 3 months
Consult with the primacy agency if a violation of the turbidity MCL or SWTR/IESWTR TT requirements for single exceedances of turbidity limits occurs.	40 CFR 141.203(b)(3)	As necessary, within 24 hours
Notify persons served within one year of learning of a violation or situation that requires Tier 3 notification.	40 CFR 141.204(b)(1)	As necessary, within 1 year
Provide repeat notices annually for unresolved Tier 3 violations/situations.	40 CFR 141.204(b)(1)	As necessary, annually
Notify new customers of ongoing violations/situations prior to or at the time service begins. ¹	40 CFR 141.206	As necessary
Notify persons served of the availability of the results of unregulated contaminant monitoring.	40 CFR 141.207	As necessary, within 12 months of receiving results
Provide special notice to persons served for an exceedance of the fluoride secondary MCL (SMCL).	40 CFR 141.208	As necessary, within 12 months of exceedance
Provide repeat notice of a fluoride SMCL exceedance, if unresolved.	40 CFR 141.208	As necessary, annually
Notify persons served by NCWSs if the primacy agency grants permission to exceed the nitrate MCL.	40 CFR 141.209	As necessary, within 24 hours
Submit a copy of each notice provided (Tiers 1, 2, and 3 and any repeat notices) and a certification that all PN requirements were met.	40 CFR 141.31(d) and 141.201(c)(3)	As necessary, within 10 days after completing notification requirements

Retain copies of all notices and certifications.	40 CFR 141.33(e)	3 years
<i>OPERATOR CERTIFICATION & EXPENSE REIMBURSEMENT GRANTS PROGRAM</i>		
Acquire certified operator(s) per state requirements.	N/A	As necessary
Maintain and renew operator certification(s).	N/A	As necessary
<i>TRIBAL OPERATOR CERTIFICATION PROGRAM</i>		
Acquire certified tribal water system operator(s) per state requirements.	N/A	As necessary
Apply for “grandparent” certificate.	N/A	One time, if eligible
<i>CONSTRUCTED CONVEYANCE</i>		
Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.	SDWA 1401(4)(B)(i)	On-going
Apply for Other Residential Uses Exclusion.		One time, if eligible
Apply for Alternative Water Exclusion.		One time, if eligible
Apply for Treatment Exclusion.		One time, if eligible
Apply for Certain Piped Irrigation Districts Exclusion	SDWA 1401(4)(B)(ii)	One time, if eligible

¹ Content requirements for notices are described in 40 CFR 141.205, 141.207, and 141.208.

Exhibit 3
Primacy Agency Recordkeeping and Reporting Requirements

Requirement	Regulatory Citation	Report Frequency/Minimum Retention
<i>CCRs</i>		
Make CCRs available to public.	40 CFR 142.16(f)(2)	As requested
Retain copies of CCRs and certifications that CCRs were distributed.	40 CFR 142.16(f)(3)	CCRs: 5 years Certifications: 1 year
Report violations of CCR provisions.	40 CFR 142.16(f)(4)	Quarterly
<i>VARIANCES AND EXEMPTIONS</i>		
Issue variances and exemptions (for other than small system variances).	40 CFR 142.20	At primacy agency discretion
Consider system V/E requests (for other than small system variances).	40 CFR 142.21	Within 90 days of request
Review V/E requests previously granted.	40 CFR 142.22	Within 18 months of new standards
Notify EPA of new variances or exemptions granted.	40 CFR 142.15(a)(3)	Quarterly
Summarize the status of variances or exemptions currently in effect.	40 CFR 142.15(b)(2)	Annually
Propose small system variances and provide supporting information and responses to comments.	40 CFR 142.311 & 142.312	When state proposes to grant a small system variance
Following EPA's notification of objections and proposed modifications to proposed small system variances, respond to EPA.	40 CFR 142.311	Before state grants a small community variance to a PWS serving 3,300 or fewer people
Re-propose small system variances.	40 CFR 142.312	Before the state grants a small community variance to a PWS serving more than 3,300 and fewer than 10,000 people
Review each small system variance to determine if the PWS continues to meet eligibility criteria.	40 CFR 142.307	Not less than 5 years
Notice of public meeting on proposed small system variances, with supporting information.	40 CFR 142.308	At least 30 days prior to public meeting
<i>CAPACITY DEVELOPMENT</i>		
Submit evidence to EPA that state has established and continues to implement a	N/A	Annually

Capacity Development Program.		
Submit report to Governor on the status of the Capacity Development Program.	N/A	Every three years
Submit list of systems that are historical significant non-compliers and, to the extent practicable, the reason(s) for noncompliance.	N/A	Every three years
GENERAL STATE PRIMACY ACTIVITIES		
Retain state records for public inspection.	40 CFR 142.14	Varies
Retain quarterly SDWIS reports to EPA, make them available for public inspection.	40 CFR 142.15(d)	Upon completion and submittal by state
Report any new violation data or enforcement actions.	40 CFR 142.15(a)(1)-(2)	Quarterly
Report any new data related to SDWIS elements or any revisions to existing data.	40 CFR 142.15(b)(1)	Annually
Submit information required for review of state programs, including review of monitoring determinations.	40 CFR 142.17-142.18	Annually, as requested
Request primacy treatment for a state or tribal primacy (for Indian tribes).	40 CFR 142.76	One-time
Submit initial application for primacy.	40 CFR 142.11	One-time
Submit statutory and regulatory provisions authorizing administrative penalties or demonstrate that authority does not exist.	40 CFR 142.11(a)(6)	One-time
Submit revised primacy application.	40 CFR 142.12	As needed
PUBLIC NOTIFICATION		
Primacy agencies may exercise flexibility in the following areas as long as they establish enforceable procedures:		

Requiring PWSs to notify persons served for violations or situations other than those requiring notice under the PN rule.	40 CFR 142.16(a)	If necessary
Allowing PWSs to limit distribution of a notice to the portion of the distribution system that is out of compliance.		
Elevating violations/situations from Tiers 2 or 3 to Tier 1.		
Requiring additional notification for Tier 1 as a result of the 24-hour consultation.		

Requiring or permitting a different form of delivery than is required in the PN rule for Tiers 1, 2, or 3.		
Elevating monitoring/testing procedure violations from Tier 3 to Tier 2.		
Granting extensions for distribution of Tier 2 notices.		
Allowing less frequent repeat notification for Tier 2.		
Consulting with PWS within 24 hours for exceedance of turbidity limits.		
Determining the need for multilingual content in a notice.		
Consult with PWSs within 24 hours for Tier 1 violations/situations.	40 CFR 141.202(b)(2)	As necessary, within 24 hours
Consult with PWSs within 24 hours for exceedances of turbidity MCL or violations of turbidity single exceedance limits.	40 CFR 141.203(b)(3)	As necessary, within 24 hours
May give the required public notice on behalf of the PWS.	40 CFR 141.210	If necessary
Report violations of the PN Rule to EPA.	40 CFR 142.15(a)(1)	Quarterly
Retain copies of certification and notices submitted by PWSs. Also keep records of determinations of alternative requirements made under 40 CFR 142.16.	40 CFR 142.14(f)	3 years
OPERATOR CERTIFICATION & EXPENSE REIMBURSEMENT GRANTS PROGRAM		
Submit a report to EPA describing ongoing implementation activities of the state's operator certification program.	N/A	Annually
Submit to EPA a new AG certification and a copy of the state's regulations (if the state makes changes to its operator certification program)	N/A	As necessary
Submit to EPA a report describing ongoing implementation activities of the state's Expense Reimbursement Grant	N/A	Annually, as necessary
TRIBAL OPERATOR CERTIFICATION PROGRAM		
Primacy agencies are not affected by the Tribal Operator Certification Program		
CONSTRUCTED CONVEYANCE		
Review data to determine if a constructed conveyance should be considered a PWS.	SDWA 1401(4)	As necessary

Review applications and make determinations about Other Residential Uses Exclusions.	SDWA 1401(4)(B)(i)	As necessary
Review applications and make determinations about Alternative Water Exclusions.		
Review applications and make determinations about Treatment Exclusions.		
Review applications and make determinations about Certain Piped Irrigation Districts Exclusions.	SDWA 1401(B)(ii)	As necessary

1) *Consumer Confidence Reports*

CCRs must identify the source of the water delivered by the CWS, describe whether it is ground water or surface water, and provide the common name and location of bodies of water used as sources. Reports also must define the terms "Maximum Contaminant Level (MCL)," "Maximum Contaminant Level Goal (MCLG)," "Maximum Residual Disinfectant Level (MRDL)," "Maximum Residual Disinfectant Level Goal (MRDLG)," "variance," and "exemption." Reports must contain a table providing data on contaminant levels detected as well as the MCLG and MCL for these contaminants. If contaminants are detected above the MCL or MRDL, health effects information must also be provided. Reports must indicate any violations of the NPDWRs, including monitoring and reporting, treatment techniques, public notification, recordkeeping, special monitoring requirements, and the terms of a variance, exemption, or administrative or judicial order. Reports must explain any granted variance or exemption. Reports must contain a brief explanation regarding contaminants that may be found in drinking water. Reports must also display relevant health information concerning drinking water and potential risks from possible contaminants.

2) *Primacy Regulation Activities*

As part of the primacy review process, states must submit, either in written form or electronically, copies of their relevant laws and regulations. States that believe their constitutions prohibit administrative penalty provisions must submit copies of their constitutions and interpretations of the prohibitions from their Attorneys General. EPA's review will likely also include a request for a State Attorney General to provide an interpretation of the state's authority. Additionally, each state must also submit an explanation of why its chosen level of administrative penalty authority for PWSs serving a population of 10,000 individuals or fewer is adequate to ensure compliance. Furthermore, under 40 CFR 142.11(a)(7)(ii), as amended by the *Revisions to State Primacy Requirements to Implement Federal Drinking Water Regulations*, and 40 CFR 142.12(c), EPA may request, if necessary, supplemental information from any state.

3) *Variance & Exemption Rule*

To obtain a variance or exemption, systems must submit a request for the variance or exemption that contains supporting information. Systems that are granted a variance or exemption must also provide public notice within one year after operating under the variance or exemption.

4) *Capacity Development Program*

Under SDWA §1420, states are required to submit the following information to EPA—

- An annual report that describes ongoing implementation activities for both the new systems' programs (SDWA 1420(a)) and the existing systems' strategies (SDWA 1420(c)).
- A triennial report to the Governor on the status of the capacity development program (EPA receives a courtesy copy of each state report).
- A triennial list of systems that are historical significant non-compliers and, to the extent practicable, the reason(s) for noncompliance.

5) *General State Primacy Activities*

Under 142.17, EPA may request information from a state in order to determine compliance of the state with requirements of 40 CFR 142 Subpart B. Information requested may include state determinations made under Section 142.19 and records kept by states in accordance with Section 142.14. Section 142.14(a) stipulates, "Each state which has primary enforcement responsibility shall maintain records of tests, measurements, analyses, decisions, and determinations performed on each public water system to determine compliance with applicable provisions of state primary drinking water regulations." Further, Section 141.14(g) states, "Records required to be kept under this section shall be made available to the Regional Administrator upon request."

To implement its compliance oversight and enforcement responsibilities under the SDWA, EPA requires primacy agencies to report a specified subset of PWS monitoring information in SDWIS. EPA works with states and other drinking water organizations to obtain the information necessary to determine the resources available now, needed currently, and needed in the future to implement the PWSS program and other SDWA provisions. Information may include estimates of time allotted to certain general state functions (such as enforcement and data management) and rule-specific activities (e.g., conduct of sanitary surveys). Additionally, primacy agencies must maintain records of analysis results and other related activities (e.g., sanitary survey results).

6) *Public Notification*

Regulations under 40 CFR Part 141, Subpart Q contain requirements for public notification. Under the regulations, systems must notify all system users of any violation of drinking water regulations. The means of notification and the time frame allowed for notification are based on a three tier system. Tier 1 violations are those which risk serious health effects from short term exposure. Systems have 24 hours to notify the public of Tier 1 violations. Tier 2 violations are any violations that pose a health risk that are not Tier 1 violations. Systems have 30 days to notify the public of Tier 2 violations. Tier 3 violations are any violations not covered under the first two tiers, they include monitoring and reporting violations, exceeding the fluoride secondary standard, operating under a variance, and announcing the availability of unregulated contaminant monitoring results. Tier 3 public notification must take place within a year of the violation and may be included in the system's CCR. Systems must consult with primacy agencies within 24 hours of a turbidity violation to determine if the violation is Tier 1 or Tier 2. Primacy agencies must consult with any systems with Tier 1 violations within 24 hours of the violation. They may also decide to elevate certain Tier 2 or Tier 3 violations. Primacy agencies must report all violations to EPA and keep records for three years after the violation.

7) *Operator Certification and Expense Reimbursement Grants Program*

To satisfy §1419 of SDWA (regarding EPA's Operator Certification Guidelines), states are required to submit the following information to EPA—

- An annual report that describes ongoing implementation activities of a state's operator certification program.
- A new Attorney General certification and a copy of the state's regulations if a state makes changes to its operator certification program.
- An annual report that describes ongoing implementation activities of a state's Expense Reimbursement Grant.

8) *Tribal Operator Certification Program*

Although this program is voluntary, previously established Drinking Water Infrastructure Grant Tribal Set Aside (DWIG TSA) Final Guidelines (October 1998) state that after EPA has developed a Tribal Drinking Water Operator Certification Program for operators of systems in Indian Country, "any system to be assisted with TSA funds must be operated by an adequately trained and certified operator" in order for a tribe to receive a grant for that system. In addition, "EPA Regional offices will not make grant awards to any systems that do not meet this condition."

The program guidelines establish seven baseline standards for the program and list the certification program requirements that must be met for organizations that certify operators of drinking water systems in Indian Country to receive approval from EPA. In addition, the program

guidelines establish a consistent method that EPA will use to assess, track, and address certification and training needs in Indian Country.

Any current certification provider or organization interested in establishing an operator certification program for operators of water systems in Indian Country may submit programs to EPA for review and approval. EPA will be responsible for implementing this voluntary Tribal Drinking Water Operator Certification Program in Indian Country and for tracking the number of federally regulated water systems with certified operators. Certification providers will be responsible for tracking training taken and operator status and for reporting this information to EPA.

9) Constructed Conveyances

In order to comply with the 1996 SDWA Amendments, systems and states must work together to determine if the system meets the new definition of “public water system.” In addition, Section 1401(4)(B) of the 1996 SDWA Amendments provides several exemption options. If a system is eligible for one of these exemptions, the system must submit an application to the state. The state must then review the exemption applications and make determinations.

4(b)(ii) Respondent Activities

PWSs and primacy agencies must complete the activities described in the sections below.

Public Water Systems

1) Consumer Confidence Reports

For CCRs, CWSs must conduct the following activities—

- Compile the report.
- Mail one report to each customer.
- For consumers who do not receive water bills, publish a notice in the newspaper indicating how a consumer may obtain a copy of a CCR.
- Submit one copy of the completed report to the primacy agency annually and retain one copy of the report.
- Certify to the primacy agency that the report has been distributed to customers and that the information is correct.
- Publish the report in a local newspaper rather than mail it, if the State Governor allows CWSs serving 10,000 or fewer people to do so.
- Post an annual notice for customers rather than publishing or mailing a report, if the State Governor allows CWSs serving fewer than 500 people to do so.
- Post the report to a publicly accessible Internet site, for CWSs serving 100,000 or more people.

2) *Primacy Regulation Activities*

There are no PWS activities associated with the PWSS Program Primacy Regulation.

3) *Variance & Exemption Rule*

A PWS that elects to apply for a variance or exemption must either perform the following activities or assist the state in performing these activities—

- Apply for the variance or exemption and submit any information that the state requires. A PWS, often with assistance from the state, will provide information demonstrating that it is eligible for a variance or exemption. For small system variances, systems must demonstrate that it cannot afford to comply with the NPDWR for which the small system variance is sought, that its source water meets the quality standards for installation of the small system variance technology, that it is financially and technically capable of installing, operating, and maintaining the applicable small system variance technology, and that the terms and conditions of the small system variance would ensure adequate protection of human health.
- Work with the state to hold a public hearing on the proposed variance or exemption provide public notice within one year after operating under the variance or exemption.
- Write and submit a quarterly report on compliance with the terms and conditions of the small system variance.

4) *Capacity Development Program*

Under the Capacity Development Program for new systems, all CWSs and NTNCWSs must demonstrate adequate capacity and comply with all state capacity development requirements. All PWS are asked to cooperate with the state's strategy for existing systems. This includes achieving, maintaining, and improving capacity.

5) *General State Primacy Activities*

There are no PWS activities associated with the General State Primacy Activities.

6) *Public Notification*

To comply with the PN regulations, PWSs must complete the following activities—

- Prepare the notice (§§141.201, 141.205, 141.206, 141.207, and 141.208).
- Distribute the notice to all persons served within the applicable time frame (§§141.202, 141.203, and 141.204).
- If the violation or situation requires public notification within 24 hours, consult with primacy agency within the 24-hour period to determine

- subsequent actions (§141.202(b)(2)). Consultation is also required for exceedances of the maximum allowable turbidity level (§141.203(b)(3)).
- If a violation is unresolved, prepare an updated notice for repeat distribution (§§141.205, 141.206, 141.207, and 141.208).
- Distribute the updated notice (§§141.202, 141.203, and 141.204).
- Take any additional actions required by the primacy agency (§§141.201 and 141.202).
- Submit certification to the primacy agency along with copies of all public notifications that were distributed.

7) *Operator Certification and Expense Reimbursement Grants Program*

Systems are required to comply with the state requirements for operator certification. Systems must—

- Acquire certified operator(s) holding a valid certification equal to or greater than the classification of the system.
- Maintain/renew certification(s) as needed.

8) *Tribal Operator Certification Program*

For this new, voluntary Tribal Operator Certification Program, tribal water systems are expected to have a certified operator available. To become certified, a tribal water system operator must pass an exam and have the appropriate education and/or experience. EPA subsidizes the training and certification of operators in Indian Country.

Tribal water systems, whose existing operator cannot meet all of the certification requirements but has demonstrated the ability to operate that system, may apply to the appropriate EPA Regional office to receive a “grandparent” certificate. Such a certificate allows the existing operator to continue operating the current system only.

9) *Constructed Conveyances*

In order to adhere to the broadened definition of “public water system” introduced by the 1996 SDWA Amendments, PWS may complete the following activities—

- Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.
- Apply for an Other Residential Uses Exclusion.
- Apply for an Alternative Water Exclusion.
- Apply for a Treatment Exclusion.
- Apply for Certain Piped Irrigation Districts Exclusion

Primacy Agencies

1) Consumer Confidence Reports

As part of the CCR Rule, primacy agencies must—

- Review and retain reports and certifications from CWSs.
- Assist in preparation of reports.
- Report compliance to EPA.

2) Primacy Regulation Activities

Under the PWSS Primacy Regulation, Attorneys General in states that prohibit administrative penalties may—

- Receive a call from the State Drinking Water Program describing the information that EPA requires.
- Read the relevant Federal regulations.
- Find the relevant portion of the state constitution.
- Prepare a written interpretation of the constitutional prohibition.
- Transmit the interpretation and a copy of the relevant portion of the state constitution to EPA.

In states whose constitutions allow administrative penalties, personnel from the State Drinking Water Program may—

- Read the relevant Federal regulations.
- Find the appropriate section(s) of the state's laws and/or regulations.
- Contact the State Attorney General to request assistance in the collection.
- Prepare, or assist in preparing, a justification of why the state's administrative penalty authority for systems serving a population of 10,000 or fewer individuals is adequate to ensure compliance.
- Transmit the information to EPA.

In states whose constitutions allow administrative penalties, the State Attorney General, may—

- Receive a call from the State Drinking Water Program describing the information that is being collected and the need for a certification that the state laws and regulations were duly adopted and are enforceable.
- Read the relevant Federal regulations.
- Provide the certification that the state laws and regulations were duly adopted and are enforceable.
- Provide the interpretation of the state's laws and/or regulations if they use language that significantly differs from that used in the SDWA.

- Prepare, or assist in preparing, a justification of why the state's administrative penalty authority for systems serving a population of 10,000 or fewer individuals is adequate to ensure compliance.
- Transmit the information.

If additional information is needed, personnel from the State Drinking Water Program may—

- Receive a call or letter from EPA requesting additional information. The official at the Drinking Water Program may then contact the State Attorney General to request assistance in gathering this information.
- Gather the requested information.
- Transmit the information to EPA.

If additional information is needed, the State Attorney General may—

- Receive a call or a letter from the State Drinking Water Program describing the information that is being collected.
- Gather the requested information.
- Transmit the information.

3) *Variance & Exemption Rule*

In addition to helping PWSs meet application requirements, states must—

- Provide EPA with the proposed small system variance, supporting information, and responses to public comments.
- Respond to EPA's objections to a proposed small system variance for a PWS serving 3,300 or fewer persons, if the state chooses to pursue the variance.
- Revise a proposed small systems variance as necessary to reflect EPA's comments on variance requests for systems that serve more than 3,300 people and fewer than 10,000 people, if the state chooses to pursue the variance.
- Submit a quarterly report on any violations of any increments of progress or any other violated term or condition of a small system variance.
- Conduct a public meeting on a small system variance request to be proposed, provide notice of the public meeting, and provide supporting information to the public.
- Respond to significant public comments on the proposed variance request.
- Retain records associated with a granted variance or exemption not less than five years after its expiration.

4) *Capacity Development Program*

States must—

- Submit an annual report that describes ongoing implementation activities for both the new systems' programs (SDWA 1420(a)) and the existing systems' strategies (SDWA 1420(c))
- Submit a triennial report to the Governor on the status of the capacity development program (EPA receives a courtesy copy of each state report).
- Submit a triennial List of Systems that are historical significant non-compliers. To the extent possible, include the reason(s) for noncompliance.

5) *General State Primacy Activities*

As part of their general primacy activities, primacy agencies must—

- Prepare grant packages requesting funding to operate the program in a state.
- Maintain state drinking water data systems.
- Review monthly violations reports to monitor compliance.
- Maintain records submitted by PWSs regarding results of analytical tests and other milestones, such as treatment decisions.
- Take timely and appropriate enforcement actions.
- Review PWS projects regarding design, construction, and treatment modifications.
- Conduct routine inspections to supplement information collected during sanitary surveys.

This ICR assumes that no applications for primacy will be submitted during the next three years. However, since a new primacy application is a possibility, the following discussion of possible implications is provided. To obtain primacy, the applicant must—

- Adopt drinking water regulations that are no less stringent than the NPDWRs currently in effect. An agency may also be granted primacy for new or revised EPA regulations if they demonstrate that their approved program has been updated to include regulations no less stringent than those new or revised EPA regulations.
- Adopt adequate procedures for enforcement of these regulations.
- Report these procedures according to EPA's requirements.
- Permit variances and exemptions under conditions no less stringent than those specified by the regulations.
- Adopt and implement an adequate plan for providing safe drinking water under emergency circumstances.

The regulations allow Indian tribes to be granted primacy, although no primacy applications are expected from tribes during the next three years. In order for an Indian tribe to receive primacy, they must first apply for and receive designation as a "state." The tribe may

then apply for a developmental grant to assist it in preparing the necessary infrastructure (e.g., regulations). Once the regulations are in place, the tribe may apply for primacy.

Under the Indian Primacy Rule promulgated September 26, 1988, Indian tribes that wish to apply for and be designated as a “state” must—

- Submit evidence that the tribe is recognized by the Secretary of the Interior.
- Certify that it is currently "carrying out substantial governmental duties and powers" over a defined area. The statement must describe the governmental functions currently performed by the tribal governing body, including, but not limited to, the exercise of police power, taxation, and the exercise of the power of eminent domain. Copies of applicable tribal documents must also be provided.
- Prepare and submit a map or legal description of the area over which the Indian tribe asserts jurisdiction for the purposes of the proposed program.
- Provide copies of applicable tribal codes, ordinances, etc.
- Describe the Indian tribe's capability to administer such a program.

6) *Public Notification*

The PN Rule requires primacy agencies to consult with the violating PWS to determine appropriate followup actions. Additionally, the primacy agencies must receive and review PN certifications submitted by PWSs. Primacy agencies must submit quarterly reports of PN Rule violations to EPA.

Primacy agencies may give notice on behalf of a PWS (§141.210). However, no data is available for estimating the burden incurred by this practice. For the purposes of this ICR, the burden for preparing and distributing public notification is assumed to be incurred by the PWS.

7) *Operator Certification and Expense Reimbursement Grants Program*

The activities required of states to comply with the program are—

- Submit an annual report that describes ongoing implementation activities of a state's operator certification program.
- Submit a new Attorney General certification and a copy of the state's regulations if a state makes changes to its operator certification program.
- Submit an annual report that describes ongoing implementation activities of a state's Expense Reimbursement Grant.

8) *Tribal Operator Certification Program*

Primacy agencies are not affected by the Tribal Operator Certification Program.

9) Constructed Conveyances

To comply with the broadened definition of “public water system” introduced by the 1996 SDWA Amendments, states may complete the following activities—

- Review data to determine if a constructed conveyance should be considered a PWS.
- Review applications for Other Residential Uses Exclusions and make determinations about the exemption applications.
- Review applications for Alternative Water Exclusions and make determinations about the exemption applications.
- Review applications for Treatment Exclusions and make determinations about the exemption applications.
- Review applications for Certain Piped Irrigation Districts Exclusions and make determinations about the exemption applications.

5 INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

As part of its supervisory responsibility for the PWSS Program, EPA maintains SDWIS and evaluates the data in SDWIS to determine system compliance. Agency personnel also reformat, distribute, and store these data for a number of uses, including responding to Congressional and public inquiries. EPA also oversees the state and EPA Regional programs, provides technical assistance, and develops policies designed to ensure consistent program implementation. EPA officials serve as respondents when testifying to Congress on the PWSS Program or in the courts for enforcement actions. EPA's recordkeeping requirements are outlined in Exhibit 4 below.

Exhibit 4 PWSS Program Requirements for EPA Regions and Headquarters

Requirement	CFR Citation	Report Frequency/Minimum Retention
Inform primacy agency of PWS noncompliance with any NPDWRs in 40 CFR 141 or with any requirement under SDWA Sections 1415 and 1416.	40 CFR 142.30, 142.15	Quarterly
Inform primacy agency of substantial abuse of discretion in granting variances and exemptions.	40 CFR 142.23	As needed
Provide notice of public hearing for states abusing right to grant variances and exemptions.	40 CFR 142.23	As needed
Notify primacy agencies of failure to prescribe schedules in accordance with SDWA.	40 CFR 142.23	As needed
Notify primacy agencies of repeal of notice or promulgation of any revisions to schedules or revocation of schedules proposed in notice.	40 CFR 142.23	Within 180 days of first notice given to the state; revised schedule or revocation takes effect 90 days after state is notified.
Notify primacy agencies of objection and proposed modifications to small system variances proposed by states for PWSs serving 3,300 or fewer people.	40 CFR 142.311	Within 90 days of receiving proposal
Notify primacy agencies of deficiencies in state program for granting small system variances.	40 CFR 142.313	As needed
Notify PWSs of noncompliance with any NPDWRs in 40 CFR 141 or with any requirement under	40 CFR 142.30,	Quarterly

SDWA Sections 1415 and 1416.	142.15	
Provide PWSs with copies of <i>Federal Register</i> notice about PWS failure to comply.	40 CFR 142.23	Within 30 days of notice
Notify PWSs of denial or grant of variance (for PWSs in non-primacy states).	40 CFR 142.42	Within 90 days of request
Notify PWSs of denial or grant of exemption (for PWSs in non-primacy states).	40 CFR 142.52	Within 90 days of request
Notify PWSs of denial or grant of small system variance (for PWSs in non-primacy states).	40 CFR 142.311, 142.312	Within 90 days of request
Provide notice to PWSs in non-primacy states that are no longer eligible for small system variances.	40 CFR 142.307	As needed
Provide public notice of public meeting on proposed small system variances (in non-primacy states), with supporting information.	40 CFR 142.308	At least 30 days prior to public meeting
Respond to significant public comments.	40 CFR 142.308	Before proposal
Notify public of proposed small system variance (in non-primacy states), with supporting information.	40 CFR 142.309	No later than 15 days after receiving small system variance proposal.
Make DWSRF grant withholding decisions with regard to States' Capacity Development Programs.	35 CFR 35.3515(b)i 35 CFR 35.3515(b)ii	Annually
Make DWSRF grant withholding decisions with regards to States' Operator Certification Programs.	35 CFR 35.3515(b)iii	Annually
Provide state and PWS assistance and training with regard to recordkeeping and reporting requirements covered in this ICR.	N/A	As needed

5(b) Collection Methodology and Management

Primacy agencies must report data quarterly to EPA. These data include any new data and revisions or corrections to existing data. This information is maintained in SDWIS, which contains the following—

- Inventory data for each PWS
- Violations
- Enforcement actions and some follow-up activity
- Variances and exemptions

Primacy agencies transmit SDWIS data to EPA both manually and electronically. In Wyoming and Indian Lands (except for the Navajo Nation, which has primacy), results of system samples are sent directly to the EPA Region. Virtually all SDWIS data are reported electronically by the primacy agency.

Each quarter, EPA Regions must provide Headquarters with information on the status of SNCs. Headquarters then generates a list of SNCs and transmits it to the EPA Regions, which in turn send it to the states. Using this report, states report the current status of the SNCs to the EPA Regions, which in turn report back to Headquarters. This information is provided to the Office of Enforcement and Compliance Assurance, as part of the Reporting for Enforcement and Compliance Assurance Priorities. These data provide senior management with information on trends in drinking water enforcement.

EPA Regions also undertake extensive data verification of SDWIS inventory, violation, and enforcement data. The methodology for data verification includes review of a statistically valid random sample of PWS inventory, violation, enforcement, milestone, and sample data. EPA Regional staff conduct an on-site verification of each sample system's data at the offices of the primacy agency. Then the EPA Regions compare the recorded compliance determined by the data verification process with the information reported to SDWIS and prepare reports summarizing the differences. The report summarizes the state's compliance determination procedures, data verification process, observations, and any recommendations for improving program management.

The primary purposes of the data verification program are to assess the accuracy and quality of data collected and reported by the states and to recommend any necessary changes in collection or reporting. In addition, the process of verification provides insights into the primacy agency's program implementation. During data verification, the EPA Regional Office is able to gain greater understanding of how the primacy agencies interpret and implement regulations. For example, EPA Regional Offices can perform the following activities—

- Evaluate procedures used to manage the program.
- Critique implementation methods used for follow-up activity, in cases of violation.
- Verify the flow of information through the state to ensure that the data reflect actual state experience.
- Observe how the program is implemented in various primacy agencies.

The data verification process also enables EPA Regional Offices to educate states about the SDWA regulations and to standardize interpretations and implementation procedures. For example, a state's definition of compliance with the Federal regulations may differ from the official definition. These discrepancies become evident during the data verification process and can be corrected by EPA Regional and state staff. Thus, the data verification process plays a crucial role in standardizing state implementation and enforcement of the SDWA.

5(c) Small Entity Flexibility

In developing this ICR, EPA considered the requirement of the Small Business Regulatory Enforcement Fairness Act (SBREFA) to minimize the burden of information collections on small entities. Small entities include “small businesses,” “small organizations” and “small government jurisdictions.” These terms are defined below.⁵

A **small business** is any business that is independently owned and operated and not dominant in its field as defined by the Small Business Administration regulations under Section 3 of the Small Business Act.

A **small organization** is any non-profit enterprise that is independently owned and operated and not dominant in its field.

A **small governmental jurisdiction** is the government of a city, county, town, township, village, school district or special district that has a population of fewer than 50,000. This definition may also include Indian Tribes.

The major requirement under SBREFA is a regulatory flexibility analysis of all rules that have a “significant economic impact on a substantial number of small entities.” This ICR is not associated with new rules. Therefore, this ICR is not subject to the SBREFA.

However, EPA has made significant efforts to minimize the burden for all respondents, particularly for small entities. In setting both maximum contaminant levels and monitoring requirements, EPA has been able to minimize burden for small entities as detailed below.

1) *Consumer Confidence Reports*

EPA’s regulations allow systems serving fewer than 10,000 people to publish a newspaper notice in lieu of sending reports to customers. Under 40 CFR 141.155(g)(2), CWSs serving 500 or fewer people may forego the notice-publishing requirement, provided they give notice at least annually to their customers by mail, door-to-door delivery, or posting in an appropriate location that the CCR is available upon request. In addition, only very large systems (those serving more than 100,000 people) must provide CCR information on the Internet.

2) *Primacy Regulation Activities*

There are no PWS activities associated with the PWSS Program Primacy Regulation.

⁵These definitions were taken from Section 601 of the Regulatory Flexibility Act.

3) *Variance & Exemption Rule*

The V/E Rule includes procedures and conditions under which the primacy agency (or the EPA Administrator in non-primacy states) may issue variances or exemptions to public water systems. The V/E Rule is intended to provide regulatory relief, while still protecting public health. Specifically, it permits primacy agencies to issue variances to PWSs that cannot comply with the national primary drinking water standards due to source water quality or affordability. These variances generally allow a system to provide drinking water that may be above the MCL if the drinking water quality is still protective of public health. Duration of *small system variances* generally coincides with the life of the technology. Exemptions are intended to allow a small system with compelling circumstances additional time to comply with applicable SDWA requirements. An exemption is generally limited to three years after the initial compliance date stated in the regulations.

4) *Capacity Development Program*

EPA's guidelines provide states with maximum flexibility in developing and implementing the capacity development program. As mentioned above, EPA published a document entitled, *Small System Regulatory Requirements Under the Safe Drinking Water Act Amendments of 1996*, which, among other things, explains the requirements of the Capacity Development Program. In addition, EPA published a *Handbook for Capacity Development: Developing Water System Capacity Under the Safe Drinking Water Act Amendments of 1996* and is working on several other tools to help small systems comply.

5) *General State Primacy Activities*

There are no PWS activities associated with the General State Primacy Activities.

6) *Public Notification*

EPA allows, systems serving fewer than 10,000 persons several options for delivering public notices, such as hand delivery and posting in a prominent location.

7) *Operator Certification and Expense Reimbursement Grants Program*

EPA's Guidelines provide states with maximum flexibility in developing and implementing their operator certification programs. Furthermore, funding is available for training and certification expenses of small system operators through the Expense Reimbursement Grants program, and EPA's Guidelines permit the use of circuit riders (certified operators who are responsible for multiple systems) as determined to be appropriate by the state.

8) *Tribal Operator Certification Program*

Since the Tribal Operator Certification Program is voluntary, the program provides tribes with maximum flexibility in seeking operator certification. Water system operators in Indian Country can decide if they would like to be certified by an EPA-approved tribal certification provider or by a state program. Furthermore, EPA subsidizes the training and certification of tribal water system operators in Indian Country.

Additionally, certification providers have flexibility in developing and implementing their tribal operator certification programs. EPA will one-time, start-up grants to selected tribal operator certification providers.

9) *Constructed Conveyances*

The broadened definition of “public water system” could financially effect small constructed conveyance systems that would now be considered PWSs. Consequently, the 1996 SDWA Amendments provided several exemption options. Examples of these exclusions include—

- If water provided by a supplier is used exclusively for purposes other than residential uses (drinking, bathing, cooking, and similar uses), then a system may apply for an “Other than Residential Uses” Exclusion.
- If a water supplier provides adequate health protection through means specified in 1401(4)(B)(i)(II) and (III), then the system may apply for an “Alternative Water Treatment” Exclusion.
- If the water supply will be used for drinking, cooking, or bathing, then the water must be treated either centrally or at the point-of-entry at each connection. To receive a “Treatment” Exclusion, a system must demonstrate that this treatment is occurring.
- If an irrigation district existed prior to May 18, 1994, and if the district provides primarily agricultural service through piped water systems (with incidental residential use), the system may be eligible for a “Certain Piped Irrigation Districts” Exclusion.

5(d) Collection Schedule

Exhibits 2, 3, and 4 of this document contain summaries of the collection schedules for each rule. Additional information may be obtained by consulting the individual rules for specific collection schedules.

6 ESTIMATING BURDEN AND COST OF COLLECTION

This section estimates the burden and cost to PWSs, primacy agencies, and EPA for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings. These activities include the following—

- 1) Consumer Confidence Reports
- 2) Primacy Regulation Activities
- 3) Variance and Exemption Rule
- 4) Capacity Development Program
- 5) General State Primacy Activities
- 6) Public Notification
- 7) Operator Certification and Expense Reimbursement Grants Program
- 8) Tribal Operator Certification Program
- 9) Constructed Conveyances

This section also discusses the assumptions used to estimate costs and burden and describes the change in burden, as compared with the 2001 PWSS Program ICR.

6(a) Respondent Burden

6(a)(i) Burden to Public Water Systems

The annual PWS burden for years 2005 through 2007 is estimated to be approximately 2.00 million hours. Exhibit 5 (at the end of Section 6(a)) shows the breakdown of the annual burden hours on an activity-specific basis. The bases for the burden estimates are detailed below.

1) *Consumer Confidence Reports*

Consumer Confidence Report regulations require, at a minimum, that each CWS mail to each of its customers an annual report on the level of contaminants in the drinking water purveyed by that system. EPA estimates that CCR requirements will affect approximately 53,363 PWSs, all of which are CWSs, during the course of this ICR period. Activities associated with the preparation and delivery of CCRs account for 534,484 burden hours per year, which includes burden for both CCR development and distribution.

Appendix B summarizes the assumptions used to calculate the CCR burden and provides detailed burden and cost calculations. The assumptions used to calculate the CCR burden are based largely on assumptions from the 2001 PWSS Program ICR. For the PWSS Program ICR renewal, these assumptions have been augmented or supplanted where updated data were available. Section 6(f) describes the reasons for changes in burden and shows the affects of any new assumptions on the CCR burden estimates.

Report Development

Preparing a CCR includes assembling data, writing the report, ensuring that the notice meets regulatory requirements, and printing the document. Burden estimates range from 4 hours for CWSs serving 500 or fewer people to 23 hours for CWSs serving at least 10,000 people. After completion of CCR preparation activities, all CWSs, regardless of size, are assumed to have the same burden (0.12 hours) for submitting to the state a copy of the CCR distributed to customers. Certification that the reports were, in fact, distributed is also required along with the report. Finally, all CWSs, regardless of size, are assumed to have the same burden (0.25 hours) for maintaining a copy of the CCR and making it publicly available, if requested.

Report Delivery

The burden estimate for CCR delivery includes the following activities and assumptions—

- Except for CWSs serving 500 or fewer people, all CWSs incur a burden for publishing a notice about obtaining a CCR. The burden per system for this activity is 0.25 hours. For systems serving at least 10,000 people, publication is *in addition to* report delivery to customers. For systems serving fewer than 10,000 people, this ICR assumes that 50 percent of systems will publish a notice *in lieu of* sending reports to customers.
- Under 40 CFR 141.155(g)(2), CWSs serving 500 or fewer people may forego the notice-publishing requirement, provided they give notice at least annually to their customers by mail, door-to-door delivery, or posting in an appropriate location that the CCR is available upon request. This ICR assumes that 50 percent of these CWSs post the report and 50 percent deliver the report to their customers as part of their standard water bill. Those that post the CCR are estimated to incur a burden of 0.12 hours for this activity.
- Regardless of CWS size category, this ICR assumes a burden of 1 hour per system for coordinating delivery of the CCR as a bill stuffer. CWSs serving 10,000 or more people must deliver the CCR to *all* service connections. However, CWSs serving fewer than 10,000 people may apply to the State Governor (or Tribal Leader) for a waiver of this requirement to deliver a CCR to each customer. This ICR assumes that half of such CWSs will receive a waiver. For CWSs serving 500 or fewer people, the 50 percent without a waiver are assumed to include the CCR along with the normal water bill (instead of sending the CCR in a separate mailing). For CWSs serving between 501 and 10,000 people, half of the systems without a waiver (or 25 percent of the total number of CWSs in this size category) are assumed to include the CCR as a bill stuffer, and the remaining systems will mail the CCR separately.
- Under §141.155(f), CWSs serving at least 100,000 people must post a copy of the current CCR on a publicly accessible Internet site. This burden is estimated at 0.5 hours per system.

2) *Primacy Regulation Activities*

There is no PWS burden associated with Primacy Regulation activities.

3) *Variance and Exemption Rule*

The 1998 V/E ICR and the 2001 PWSS Program ICR recognized that an exact burden could not be estimated because the number of requested variances and exemptions was impossible to estimate, given that EPA had not yet identified cases in which small system variances would be available.⁶ Instead, the 1998 V/E ICR and the 2001 PWSS Program ICR provided a hypothetical variance/exemption burden by considering possible requests for the Chemical Phase Rules and the Lead and Copper Rule. Specifically, that ICR assumed that all systems incurring either a treatment technique or MCL violation would apply for a variance. Under this hypothetical scenario, the annual burden for PWSs was estimated at 13,050 hours.

Because EPA has not yet specified variance technologies for new or existing drinking water standards, an exact burden for associated activities remains impossible to estimate. Therefore, the V/E burden included in this ICR has been carried forward from the 2001 PWSS Program ICR. There have been no programmatic changes in the V/E program that would require changes in these burden estimates.

4) *Capacity Development*

The Capacity Development Program, which was added pursuant to the 1996 SDWA Amendments, is a state effort to help drinking water systems improve their finances, management, infrastructure, and operations so they can provide safe drinking water consistently, reliably, and cost-effectively. EPA estimates that capacity development will affect approximately 42,099 PWSs, including CWSs, NTNCWSs, and transient noncommunity water systems (TNCWSs), during the course of this ICR period. The Capacity Development Program consists of two major components—

- 1) Implementation of a program to ensure that all new CWSs and NTNCWSs demonstrate the capacity to comply with NPDWRs.

⁶This ICR, like the 1998 V/E ICR, addresses variances and exemptions for NPDWRs, regardless of whether the monitoring requirements for the standards are included in the PWSS Program ICR.

- 2) Implementation of a strategy to assist existing PWSs in acquiring and maintaining capacity to comply with the SDWA.

The burden estimate associated with new and existing capacity development efforts is based on expert opinions, including opinions provided by members of the NDWAC Small Systems Workgroup. Specifically, the burden estimate includes the following activities and assumptions—

- *New systems must demonstrate capacity in order to obtain approval.* Each new system applying for approval will require 40 hours to prepare and submit new system approval materials to the state. This burden estimate does not include compliance with state technical requirements since these were generally unaffected by the capacity development provisions. EPA estimates that there will be an average of 8 new systems per state per year.
- *Some new systems must improve capacity in order to obtain approval.* An estimated 20 percent of new systems applying for approval will be required to submit supplemental materials before approval is granted by the state. To develop and submit these materials, it is estimated that each system denied initial approval will require an additional 20 hours. As with the approval application, it is estimated that there will be 8 new systems per state per year (20 percent of which will be required to submit supplemental materials) and that the burden estimate does not include the time needed to comply with technical requirements.
- *Some existing systems will incur burden for complying with state capacity development strategies.* Each year, EPA estimates that 20 percent of CWSs, 7 percent of NTNCWSs, and 2.5 percent of TNCWSs will incur a burden to comply with state capacity development strategy efforts. EPA estimates that these systems will spend, on average, 8 hours per year participating in capacity development strategy activities (primarily consultations with states).

Based on these assumptions, EPA estimates that the average annual burden to PWSs will be approximately 132,328 hours for capacity development activities. Appendix C summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

- 5) *General State Primacy Activities*

There is no PWS burden associated with general state primacy activities.

- 6) *Public Notification*

Only PWSs with one or more violation during the year incur a burden. (PWSs with no violations have no requirements under this rule.) The information collection burden for systems that do experience a violation is estimated to average 6.6 hours per violation per year (1,226,699 hours divided by 186,221 violations). This estimate includes time for preparing, copying,

mailing, submitting, or posting public notices, as well as time for maintaining records of PN activities.

In preparing this ICR, EPA assumed that each PWS will deliver a public notice to persons served. A “person served” is defined as an individual who normally receives water provided by the PWS. Under the statute, PWSs are required to reach persons served, including those who ordinarily do not receive water bills (e.g., residents of apartment buildings, students and staff at schools, etc.).

Under the PN Rule, CWSs providing a Tier 1 notice are expected either to hand deliver the notice to all residences or to contact all media outlets serving the affected community, including television and radio stations, and submit a press release to them. NCWSs providing a Tier 1 notice are likely to post the notice or hand deliver the notice to customers. All water systems are required to take other reasonably calculated steps to ensure all the persons served by the system receive the notice. Although the rule does not specify such actions, PWSs are assumed to place telephone calls to centers of sensitive populations, such as hospitals, nursing homes, and schools. Finally, water systems are expected to prepare a notice suitable for posting in rest areas, government-owned buildings, libraries, and other facilities served by the water system.

Systems providing a Tier 2 or Tier 3 notice must mail or otherwise directly deliver one notice to each customer. The PN Rule also permits NCWSs to post the notice in lieu of direct delivery or mailing. All water systems must also take other reasonably calculated steps to reach other persons not reached by mail, direct delivery, or routine posting.

The burden estimate for mailing assumes that half the CWSs bill their customers less frequently than every month or use postcards rather than envelopes to send bills. Therefore, if a system experiences a violation requiring a Tier 2 notice more than 30 days prior to a regular billing date, these CWSs are required to send a separate mailing specifically for the public notice. Water systems that bill on a monthly basis and do not use postcards, or those sending out other mailings to the customers, including annual CCRs, will be able to incorporate the notice as a stuffer in one of the system’s other mailings. Because the mailing alone will not reach all persons served, the burden estimate includes other methods of information dissemination to ensure all persons served receive the notice.

Based on the above estimates, it is estimated that the average annual burden to PWSs will be approximately 1,226,699 hours. Appendix E summarizes the assumptions used to calculate the Public Notification burden and provides detailed burden and cost calculations.

7) Operator Certification Guidelines and Expense Reimbursement Grant Program

EPA estimates that 71,788 public CWSs and NTNCWSs will be affected annually by the Operator Certification Program. The burden for PWSs involves operators renewing their certifications. The burden is estimated to be 79,616 hours annually for PWSs. Appendix F summarizes the assumptions used to calculate the Operator Certification burden and provides detailed burden and cost calculations.

8) *Tribal Operator Certification Program*

Burden for Tribal PWSs involves obtaining and renewing certification of its operators. Because the current ICR expires in July 2006, only burden for 2007 is being appended to this ICR. This burden is estimated to be 5,220 hours. Annually that is an average burden of 1,740 hours. Appendix G summarizes the assumptions used to calculate the Tribal Operator Certification burden and provides detailed burden and cost calculations.

9) *Constructed Conveyances*

Certain PWSs may incur burden to adhere to the broadened definition of “public water system” introduced by the 1996 SDWA Amendments. It is estimated that, on average, up to 371 PWSs may complete one or more of the following activities annually—

- Conduct a house-by-house survey of water use practices and document efforts to ascertain water uses.
- Apply for exclusions.
- Communications with their primacy agency.
- Recordkeeping.

The total annual burden to carry out these activities is estimated to be 7,496 hours. Appendix H summarizes the assumptions used to calculate the burden for adherence to the constructed conveyance requirements under the revised PWS definition and provides detailed burden and cost calculations.

6(a)(ii) Burden to Primacy Agencies

The annual burden for state primacy agencies for years 2005 through 2007 is estimated to be approximately 1.23 million hours. Exhibit 6 (at the end of Section 6(a)) shows the annual burden hours on an activity-specific basis. The following briefly describes the bases for the burden estimates –

1) *Consumer Confidence Reports*

Primacy agencies are expected to incur a burden for information collection activities associated with preparation assistance, review, and filing of CCRs. The total annual state burden is estimated at 110,317 hours. During the initial implementation phase for the Consumer Confidence Rule, states had to update their primacy packages to obtain authority to implement the rule; however, all of this activity has been completed and is not included in this ICR. Appendix B contains detailed burden and cost assumptions and calculations for primacy agencies.

2) *Primacy Regulation Activities*

All activities associated with this rule will have been completed by the beginning of this ICR period. Therefore no burden is included for this regulation.

3) *Variance and Exemption Rule*

As discussed in Section 6(a)(i), an exact burden for variance and exemption activities is impossible to estimate because EPA has not yet specified variance technologies for new or existing drinking water standards. Therefore, the V/E annual burden included in this PWSS Program ICR—109,080 hours per year for primacy agencies— has been carried forward from previous ICRs. Section 6(a)(i) explains the derivation of this burden. There have been no programmatic changes in the V/E program that would require changes in these burden estimates.

4) *Capacity Development Program*

As discussed in Section 6(a)(i), the Capacity Development Program, which was added pursuant to the 1996 SDWA Amendments, is a state effort to help drinking water systems improve their finances, management, infrastructure, and operations so they can provide safe drinking water consistently, reliably, and cost-effectively. The program consists of two major components—

- 1) Implementation of a program to ensure that all new CWSs and NTNCWSs demonstrate the capacity to comply with NPDWRs.
- 2) Implementation of a strategy to assist existing PWSs in acquiring and maintaining capacity to comply with the SDWA.

The burden estimate associated with new and existing capacity development efforts is based on expert opinions, including opinions provided by members of the NDWAC Small Systems Workgroup. Specifically, the burden estimate assumes that—

- *States must review and approve applications for new systems.* This ICR assumes that, on average, there will be 8 new systems per state per year. It will take state personnel an estimated 16 hours per system to review new system documentation and information. Because all states already had rigorous technical review requirements, the capacity development provisions will not change existing state effort. Therefore, the estimated burden does not include the review of technical information.
- *Some applications for new systems will require state followup.* Upon initial review, all new systems likely will not meet states' capacity criteria. An estimated 20 percent of new systems applying for approval each year will be required to submit supplemental materials. It is estimated that a state will need 8 hours per system to review these materials.
- *States must provide capacity development assistance to some existing systems.* One element that states must consider in their capacity development strategies is how to identify and prioritize the PWSs most in need of improving capacity. In estimating this burden, EPA assumed that states will assist 20 percent of CWSs, 7

percent of NTNCWSs, and 2.5 percent of TNCWSs each year. EPA estimates that, on average, a state will dedicate 4 hours of assistance to each of these existing systems.

- *States must submit a list of systems that are historical significant non-compliers.* States must submit to EPA a list of CWSs and NTNCWSs that have a history of SNC and, to the extent practicable, the reasons for their noncompliance. States must submit the list every three years. Therefore, burden for one list per state has been included in this ICR. It will take an estimated 24 hours per state to prepare this list, for an average annual burden of 8 hours per state.
- *Each state must write and submit to the Governor a report on the progress and success of its strategy.* Not later than two years after a state adopts a capacity development strategy, and every three years thereafter, the primacy agency must submit a report to the State's Governor on the progress and success of its strategy. The first such report was due no later than August 6, 2002. It will take an estimated 40 hours to coordinate and prepare this report, for an average annual burden of 13.3 hours per state.

In total, the average annual state burden for capacity development efforts is 66,894 hours per year. Appendix C summarizes the assumptions used to calculate the Capacity Development Program burden and provides detailed burden and cost calculations.

5) *General State Primacy Activities*

As illustrated in Exhibit 6, approximately 70 percent of the state burden—or 837,358 hours—is for activities that cannot be associated with specific drinking water rules or programs. These “general primacy activities” include—

- *Submission of grant applications.* Primacy agencies are eligible to receive program grants from EPA to implement their PWSS programs. To receive the grants they must prepare program plans describing their planned activities and use of the grant funds. Primacy agencies must apply for the grants on an annual basis.
- *File management (recordkeeping).* Each primacy agency is required to maintain records of tests, measurements, analyses, decisions, and determinations performed on each PWS to assess compliance with the provisions of the state's primary drinking water regulations.
- *Maintenance of data systems, including PWS inventory.* Each primacy agency must develop a method of storing all PWS inventory, compliance, and enforcement information that it uses to operate its PWSS oversight program. While EPA does not prescribe a storage method, states generally store this information electronically because of the volume of data involved. States must routinely enter new inventory, compliance, and enforcement data into their data systems. States must also modify their data systems as necessary.

- *Submission of ongoing violation reports.* Each primacy agency must provide EPA with information regarding all violations of the state drinking water regulations and with other selected water system information that is necessary to determine compliance with the drinking water requirements. States must also provide new and updated water system inventory information on an annual basis.
- *Laboratory certifications.* The state PWSS programs require that water systems conduct routine monitoring of water quality to ensure that the water produced meets all regulatory standards. States must have some method of ensuring that the laboratories conducting these analyses are qualified and capable of performing the tests. As a result, states must establish and maintain a program for certifying laboratories that may conduct the required compliance monitoring for PWSs.
- *Plan and project reviews.* Primacy agencies must establish and maintain a program that assures the design and construction of new or modified water system facilities that are capable of complying with the State primary drinking water regulations. Most States achieve this assurance by requiring state review and approval of plans and specifications for drinking water facility construction.
- *Oversight of compliance monitoring, including issuing notices of violation and ensuring appropriate follow-up activities.* States must ensure that water systems monitor in accordance with the regulations. Where monitoring does not occur, states must take action to ensure that systems monitor so that the quality of water is known and so that any appropriate actions can be taken. Where violations occur and are not expeditiously corrected, states must take appropriate enforcement follow-up actions. States must maintain administrative penalty authority and the right to sue to ensure the effectiveness of their enforcement programs.
- *Training activities.* Primacy agencies conduct training for both state staff and for PWS owners and operators. Training is ongoing for all program components (for new staff and owners/operators).
- *Participation in program reviews.* EPA conducts annual reviews of each state primacy program to ensure that the current program activities are consistent with the current program direction and goals and with the program plan submitted as part of the PWSS grant application. States routinely participate in other reviews, such as data audits of their state data management programs.

Burden for these activities was estimated using the State Workload Model. This model was designed to estimate the resources needed to fund state drinking water programs. It contains a comprehensive list of activities required to operate a drinking water program, including estimates of the number of systems impacted. Appendix D summarizes the assumptions used to calculate the general state primacy activities burden and provides detailed burden and cost calculations.

6) *Public Notification*

The burden to primacy agencies for the Public Notification Rule consists of consulting with PWSs, costs of reviewing the PWS compliance certification and notice copies, costs of quarterly reports to EPA, and costs of filing and maintaining the PN records. The burden for primacy agencies for these activities is estimated to be 57,001 hours, this amounts to approximately 1,000 hours per primacy agency. Appendix E summarizes the assumptions used to calculate the Public Notification burden and provides detailed burden and cost calculations.

7) *Operator Certification Guidelines and Expense Reimbursement Grants Program*

The burden to primacy agencies is for implementing an EPA-approved Operator Certification Program which includes the ongoing certification of operators and tracking operator certification requirements. Under the Expense Reimbursement Grants Program, it is assumed that 95 percent of states will opt to contract with third parties to provide group training to small system operators and that 5 percent will opt to reimburse individual operators for training. The burden to primacy agencies also includes annual reporting to EPA on program implementation for operator certification and expense reimbursement grants. The total annual burden estimated for primacy agencies is 3,192 hours. Appendix F summarizes the assumptions used to calculate the Operator Certification Program burden and provides detailed burden and cost calculations.

8) *Tribal Operator Certification Program*

There is no burden to primacy agencies for the Tribal Operator Certification Program.

9) *Constructed Conveyances*

Primacy agencies incur burden to adhere to the broadened definition of “public water system” introduced by the 1996 SDWA Amendments for oversight of PWS activities. These activities include—

- Review of survey results.
- Reviewing applications for exclusions.
- Making determinations.
- Communications with PWSs.
- Recordkeeping.

The total annual burden to carry out these activities is estimated to be 44,175 hours. Appendix H summarizes the assumptions used to calculate the burden for primacy agencies to ensure adherence to the constructed conveyance requirements under the revised PWS definition and provides detailed burden and cost calculations.

**Exhibit 5
Annual PWS Burden and Cost
2005-2007**

Activity	Annual Burden Hours	Annual Cost			Responses
		O&M Cost (\$K)	Labor Cost (\$K)	Total Cost (\$K)	
CCR	534,484	\$14,418	\$14,613	\$29,031	217,685
Primacy Regulations	N/A	N/A	N/A	N/A	N/A
V/E	13,050	\$0	\$356	\$356	8,665
Capacity Development	132,328	\$0	\$3,618	\$3,618	14,033
General State Primacy	N/A	N/A	N/A	N/A	N/A
Public Notification	1,226,699	\$3,854	\$33,539	\$37,393	186,221
Operator Certification	79,616	\$928	\$1,527	\$2,455	71,788
Tribal Operator Certification	1,740	\$16	\$47	\$63	88
Constructed Conveyance	7,496	\$0	\$204	\$204	969
TOTAL	1,995,413	\$19,216	\$53,904	\$73,120	499,449

**Exhibit 6
Annual State Burden and Cost
2005-2007**

Activity	Annual Burden Hours	Annual Cost		
		O&M Cost (\$K)	Labor Cost (\$K)	Total Cost (\$K)
CCR	110,317	\$0	\$3,501	\$3,501
Primacy Regulation	0	\$0	\$0	\$0
V/E	109,080	\$0	\$3,450	\$3,450
Capacity Development	66,894	\$0	\$2,123	\$2,123

Activity	Annual Burden Hours	Annual Cost		
		O&M Cost (\$K)	Labor Cost (\$K)	Total Cost (\$K)
General State Primacy	837,358	\$500	\$30,707	\$31,207
Public Notification	57,001	\$0	\$1,558	\$1,558
Operator Certification	3,192	\$0	\$101	\$101
Tribal Operator Certification	N/A	N/A	N/A	\$0
Constructed Conveyance	44,175	\$0	\$1,397	\$1,397
TOTAL	1,228,017	\$500	\$42,837	\$43,337

6(b) Respondent Costs

6(b)(i) Cost to Public Water Systems

Exhibit 5 shows the total costs for PWSs over the three-year ICR period. Annual costs are estimated at approximately \$73.1 million, which consists of \$19.2 million in operation and maintenance (O&M) costs and \$53.9 million in labor costs.

Labor costs are based on the number of burden hours times the average hourly wage rate, including overhead. The average hourly wage rate is the rate quoted by the Bureau of Labor Statistics (BLS) for Standard Occupational Classification (SOC) Code 51-8031, “Local Government—Water and Liquid Waste Treatment Plant and System Operators.” The quoted rate was \$16.64 in 2002 dollars (see <http://stats.bls.gov>). For consistency, this rate has been inflated to 2003 dollars using the Employment Cost Index. The inflated rate is \$17.09. In addition, 60 percent overhead was assumed, bringing the loaded rate to \$27.28 in 2003 dollars.

In addition to the labor costs, there are O&M costs associated with the CCR, the Public Notification Rule, and Operator Certification Program. For the CCR, these costs reflect non-labor costs associated with printing, delivery, posting, and publishing CCRs. These costs were carried forward from the previous ICRs, updated with current cost information (e.g., postage rates), and adjusted for inflation. CCR O&M costs and associated calculations are presented in greater detail in Appendix F. For the Public Notification Rule these costs reflect non-labor costs to print and distribute notices of violation. These costs were carried forward from the 2001 PWSS Program ICR. Appendix E shows the costs for the Public Notification Rule in more detail. For the Operator Certification Program and the Tribal Operator Certification O&M costs reflect renewal

fees paid by operators to renew their certifications. These costs were carried forward from the respective ICRs and are shown in more detail in Appendices F and G respectively.

There are no capital costs associated with this ICR.

6(b)(ii) Cost to Primacy Agencies

Exhibit 6 shows that the annual costs to primacy agencies is estimated at approximately \$43.3 million. O&M costs account for \$0.5 million, and the remaining \$42.8 million are labor costs. The labor costs are based on an average full time equivalent (FTE) cost of \$66,008 including overhead, which equates to approximately \$31.73 per hour.⁷ This rate, which has been inflated to year 2003 dollars, is based on the rate (\$55,000) suggested by the workgroup that developed the State Workload Model in 1997. For activities associated with the Primacy Regulation, EPA used an average rate of \$73.39 per hour (in year 2003 dollars) for those activities carried out by State Attorneys General.⁸ No other state activities have significant costs at this higher rate.

The O&M costs under General State Primacy Activities (\$0.5 million) are associated with maintenance of state data systems. This is a rough estimate based on input from the State Workload Model.

6(c) Agency Burden and Costs

⁷ According to the ICR Handbook, an employee works an average of 2,080 hours in one year.

⁸ The salaries of the State Attorneys General were taken from *The Book of the States*, vol. 31 (Lexington: The Council of State Governments, 1996).

Costs to the Federal government are incurred by EPA's drinking water program in Headquarters and Regions to assist states in implementing drinking water regulations. In previous ICRs for the PWSS Program, costs associated with EPA's enforcement and compliance activities in Headquarters and the Regions were also included in the Agency's burden and cost estimates. With the implementation of the Government Performance and Results Act in Federal Fiscal Year 1999, it is difficult to glean the resources (FTEs and dollars) for drinking water enforcement and compliance activities from the overall Office of Enforcement and Compliance Assistance operating plan. Thus, this section presents only the burden and costs incurred by EPA's water program, especially drinking water protection, in Headquarters and Regions. It is important to note that the burden and costs presented below cover ongoing activities for *all* EPA drinking water programs (not just those listed in this ICR), including rule development activities.

EPA Headquarters

There are 45.6 Headquarters FTEs dedicated to drinking water protection implementation activities⁹. The following assumptions were used to develop a cost estimate for Headquarters—

- The average salary and benefits (i.e., personnel compensation and benefits (PC&B)) of the 45.6 FTEs is at the GS 13, Step 5 level of \$125,221¹⁰.
- There are 2,080 hours per person-year.

Given these assumptions, the following calculations yield the annual cost for Headquarters—

- The 45.6 FTEs equal 94,848 hours (45.6*2,080).
- The labor cost of 45.6 FTEs is \$5,710,078 (45.6*\$125,221).

EPA Regional Offices

There are 215.4 Regional FTEs dedicated to drinking water protection implementation activities⁹. The following assumptions are used to develop a cost estimate for the Regions—

- The average salary and benefits (i.e., PC&B) of the 215.4 FTEs is at the GS 11, Step 5 level of \$89,203¹⁰.
- There are 2,080 hours per person-year.

Given these assumptions, the following calculations yield the annual cost for the 10 EPA Regional offices—

- The 215.4 FTEs equal 448,032 hours (215.4*2,080).
- The labor cost of 215.4 FTEs is \$19,214,326 (215.4*\$89,203).

⁹FTE figures based on Federal Fiscal Year 2004 operating plan.

¹⁰Base salary, United States Office of Personnel Management website, <http://www.opm.gov> 2003 pay schedule. Loaded with a 60% loading factor.

The total cost to the Federal government is the cost to Headquarters (\$5,710,078) and the cost to EPA Regional offices (\$19,214,326) for a total of \$24,924,404. Similarly, the total burden to the Federal government (HQ and Regions) is 542,880 hours for 261 FTEs.

6(d) Estimating Respondent Universe and Total Burden and Costs

Respondents for this ICR include both PWSs and states or other primacy agencies. This ICR estimates the number of PWS respondents at 161,625, which reflects 161,217 existing PWSs and 408 new PWSs that must meet information collection requirements associated with capacity development. All PWSs are not necessarily subject to each of the information collection requirements contained in this ICR. The regulations associated with each ICR will identify the types of PWSs that are subject to each particular drinking water regulation.

In addition to the PWS respondents, this ICR assumes 57 primacy agencies (50 states plus D.C., U.S. territories, and the Navajo Nation).¹¹ Therefore, the total number of respondents is 161,682.

The total costs and burden for these respondents are summarized in Exhibits 5 and 6. Agency costs and burden are detailed in Section 6(c).

6(e) Bottom Line Burden Hours and Costs

The bottom line burden hours and costs appear in Exhibit 7. The total annual respondent burden associated with this ICR is estimated to be approximately 3.22 million burden hours. The corresponding total annual respondent costs are estimated to be \$116.4 million. The total national burden, including respondent burden and EPA burden, is estimated to be 3.77 million hours annually. The total national cost, for respondents and EPA, is estimated to be \$141.1 million annually.

**Exhibit 7
Bottom Line Annual Burden and Cost
2005-2007**

Number of	161,682 =	
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¹¹This is a simplifying assumption. Primacy activities for Wyoming and the District of Columbia are actually carried out by the respective EPA Regional offices.

Respondents	161,217 + 408 + 57	Existing PWSs New PWSs Primacy agencies
Total Annual Responses	499,506 = 499,449 + 57	PWS responses Responses from primacy agencies
Number of Responses per Respondent	3.09 = 499,506 /161,682	Total annual responses from above Total respondents from above
Total Respondent Hours	3,223,430 = 1,995,413 +1,228,017	PWS hours Primacy agency hours
Hours per Response	6.45 = 3,223,430 /499,506	Total annual hours from above Total responses from above
Annual O&M and Capital Cost¹²	\$19,716k = \$19,216k \$500k	Total PWS O&M costs Total primacy agency O&M costs
Total Respondent Cost	\$116,457k = \$73,120k + \$43,337k	For PWSs For primacy agencies
Total Hours (resp. plus Agency)	3,766,310 = 3,223,430 + 542,880	Total respondent hours Total EPA hours
Total Cost (resp. plus Agency)	\$141,092k = \$116,457k \$24,635k	Total respondent cost Total EPA cost

Note: Detail may not add exactly to total due to independent rounding.

¹² This represents the “cost burden” as reported in the OMB inventory. Note that there are no capital costs associated with this ICR.

6(f) Reasons for Change in Burden

This section presents the change in burden and explains the reasons for the change in burden. The discussion is divided into four parts—

- Section 6(f)(i) summarizes the differences between the burden estimated in the 2001 PWSS Program ICR and the current OMB inventory for the PWSS Program ICR. See Exhibit 9.
- Section 6(f)(ii) summarizes adjustments to burden for incorporating ICRs that were previously stand-alone ICRs into the PWSS Program ICR renewal. See Exhibit 10.
- Section 6(f)(iii) summarizes adjustments to burden to account for changes in the definition of “public water system” introduced by the 1996 SDWA Amendments. See Exhibit 11.
- Section 6(f)(iv) summarizes other adjustments to the burden estimates associated with rules that remain in the PWSS Program ICR. See Exhibits 12 and 13.

Exhibit 8 summarizes how each of these changes has affected the overall burden inventory for the PWSS Program ICR.

Exhibit 8
Reasons for Change in Annual Burden (Hours)
(Includes both PWS and Primacy Agency Burden)

Type of Change	Change	Running Total	Comment
Burden Estimated in the 2001 PWSS Program ICR	1,836,258	1,836,258	This is the burden estimated in the November 28, 2001, PWSS Program ICR.
Changes and Adjustments to the Inventory—see Section 6(f)(i)	785,590	2,621,848	This is the current OMB inventory. that reflects additional hours added for the Public Notification Rule Amendment to the 2001 PWSS ICR.
Incorporation of stand-alone ICRs—see Section 6(f)(ii)	103,405	2,725,253	Burden after incorporating stand-alone ICRs (Operator Certification Guidelines and Tribal Operator Certification).
Adjustments to account for the revised PWS definition—see Section 6(f)(iii)	51,671	2,776,924	Burden after accounting for activities required under the revised PWS definition.
Adjustments to rules carried forward from existing ICRs—see Section 6(f)(iv)	446,506	3,223,430	Burden for which EPA seeks approval in this ICR.

Note: Detail may not add exactly to totals due to independent rounding.

6(f)(i) Burden Changes Approved by OMB

The burden estimated in the 2001 PWSS Program ICR—and approved by OMB—was 1,836,258 hours. Since then, the actions summarized below have been made to the official OMB inventory. These changes are summarized in Exhibit 9; documentation of these changes is included in Appendix B.

- June 28, 2002: OMB approved the Public Notification Amendment to the PWSS Program ICR. The 2000 Public Notification rule ICR expired in 2002. The amendment added 785,590 hours to the PWSS Program burden bringing the total burden to 2,621,848 hours.

Exhibit 9
Changes to the Burden Inventory for the PWSS Program ICR
(Includes both PWS and Primacy Agency Burden)

Action	Annual Burden Hours	Brief Explanation
N/A	1,836,258	Opening Inventory from 2001 PWSS Program ICR
Add	785,590	Public Notification burden
Subtotal	2,621,848	Updated Inventory, as of 1/31/04

6(f)(ii) Incorporation of Stand-alone ICRs into the PWSS Program ICR

Two ICRs that are currently approved as stand-alone ICRs—the Operator Certification Guidelines and Expense Reimbursement Program and the Tribal Operator Certification Program—have been incorporated into this PWSS Program ICR. The current Operator Certification ICR annual burden is 96,837 hours for PWS activities and 3,971 hours for state activities for an annual total of 100,808 hours. The Tribal Operator Certification Program ICR includes only a total burden of 2,597 hours for PWS activities. The Tribal Operator Certification Program ICR does not expire until July 2006. Therefore burden for the Tribal Operator Certification Program is only added for the last year (2007) of this ICR. Exhibit 10 shows the affects of these changes on the 2001 PWSS Program ICR inventory.

Exhibit 10
Incorporation of Stand-Alone ICRs
(Includes both PWS and Primacy Agency Burden)

Action	Annual Burden Hours	Brief Explanation
None	2,621,848	OMB approved burden as of 1/31/04

Add	100,808	Operator Certification Guidelines and Expense Reimbursement Grants Program ICR burden
Add	2,597	Tribal Operator Certification Program burden
Total	2,725,253	Inventory after approved amendments and incorporation of stand-alone ICRs

6(f)(iii) Adjustments to Account for Changes in the Definition of a PWS

In the 1996 Amendments to the SDWA, Section 1401(4) broadened the definition of “public water system” to include systems that provide water for human consumption and deliver the water via constructed conveyances. Prior to this change, PWSs included only piped water systems. This new definition affects the reporting and recordkeeping burdens for both PWSs and states. Burden adjustments associated with PWS activities result in a burden increase of 7,496 hours per year and those associated primacy agency activities result in an increase of 44,175 hours per year. Exhibit 11 shows the affects of these changes on the 2001 PWSS Program ICR inventory.

Exhibit 11 Adjustments for Changes in PWS Definition (Includes both PWS and Primacy Agency Burden)

Action	Annual Burden Hours	Brief Explanation
None	2,725,253	Inventory after approved amendments and incorporation of stand-alone ICRs
Add	51,671	Burden associated with changes the PWS Definition
Total	2,776,924	Inventory after approved amendments, incorporation of stand-alone ICRs, adjustments for changes in the PWS definition

6(f)(iv) Additional Program Adjustments

The remaining changes in burden consist of program adjustments for activities that were carried forward from existing ICRs to this PWSS Program ICR renewal. Exhibits 12 and 13 summarize reasons for these changes and quantify the changes by activity. Burden adjustments associated with PWS activities resulted in a burden increase of 468,433 hours and are shown in Exhibit 12. Burden adjustments for primacy agencies resulted in a decrease of 21,927 hours per year, as shown in Exhibit 13. The large increase in PWS burden is discussed below.

Most of the increase in burden for PWSs (468,433 hours) is for the Public Notification Rule. The large increase in burden is caused by several factors. The first factor is that the PN amendment covered the period from July 2002 through December 2004, which is only two and a

half years. The current ICR covers a full three-year period from January 2005 through December 2007. The second factor leading to the large increase was the update to the violations data. The original amendment was based on 2000 SDWIS violations data, the current ICR was updated using 2002 SDWIS violations data. The total number of violations increased significantly between 2000 and 2002. Tier 3 violations, in particular, increased by approximately 30 percent between 2000 and 2002.

In general, many of the other PWS activities, as well as the primacy agency activities, decreased in burden because of a decrease in the total number of systems between 2000 and 2003. One exception was the CCR activities which increased. Although the total number of systems decreased, larger systems sizes increased and they require more hours than small systems to prepare reports. In addition some start up activities have been completed, particularly those associated with the Primacy Regulation, Operator Certification Program, and the Tribal Operator Certification Program.

Exhibit 12
Adjustments to PWS Burden from Previous ICR Estimates

Activity	Previous Estimate (Hours)	2004 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
CCR	527,137	534,484	7,347	The change in burden results from a change in the number of systems for which the burden was calculated. The overall number of systems decreased slightly, but the number of larger systems increased. Because the larger systems require more times to prepare their reports, the overall effect was a net increase.
Primacy Regulations	N/A	N/A	N/A	N/A
V/E	13,050	13,050	0	N/A
General State Primacy	N/A	N/A	N/A	N/A
Capacity Development	136,723	132,328	(4,395)	The change in burden results from a decrease in the number of systems for which the burden was calculated.
Public Notification	743,140	1,226,699	483,559	The PN amendment included burden for only a two and a half year period, while the current ICR covers a full three years. The number of violations was also updated from 2000 to 2002 data, for which a significant increase

Activity	Previous Estimate (Hours)	2004 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
Operator Certification Guidelines and Expense Reimbursement Grants Program	96,837	79,616	(17,221)	in Tier 3 violations occurred. Burden for obtaining a certified operator or applying for grandfather status drops out because these activities were completed in 2003. The total number of systems requiring operators also dropped.
Tribal Operator Certification Program	2,597	1,740	(857)	The current ICR expires in 2006. Therefore only one year of burden (2007) is added to this ICR. Also, all the initial start up activities were completed by the end of 2004.
TOTAL	1,519,484	1,987,917	468,433	PWS change in burden after adjustments.

Exhibit 13
Adjustments to Primacy Agency Burden from Previous ICRs

Activity	Previous Burden Estimate (Hours)	2004 Annual Burden Estimate (Hours)	Annual Change in Burden (Hours)	Reason for Change in Burden
CCR	112,368	110,317	(2,051)	The change in burden results from a decrease in the number of systems.
Primacy Regulations	116	0	(116)	All activities for these regulations will be completed before this ICR period.
V/E	109,080	109,080	0	N/A
General State Primacy	867,933	837,358	(30,575)	The change in burden results from a decrease in the number of systems.
Capacity Development	69,851	66,894	(2,957)	The change in burden results from a decrease in the number of systems.
Public Notification	42,450	57,001	14,551	The PN amendment included burden for only a two and a half year period, while the current ICR covers a full three years. The number of violations was also updated from 2000 to 2002 data, for which a significant increase in Tier 3 violations occurred.
Operator Certification Guidelines and Expense Reimbursement Grants Program	3,971	3,192	(779)	Burden for obtaining a certified operator or applying for grandfather status drops out because those activities were completed in 2003.
Tribal Operator Certification Program	N/A	N/A	N/A	N/A
TOTAL	1,205,769	1,183,842	(21,927)	Primacy agency change in burden after adjustments.

Exhibit 14 shows the effects of these adjustments on the bottom line burden. There is an annual burden of 2,776,924 hours after the incorporation of stand-alone ICRs and program adjustments. Adding 468,433 hours to account for adjustment to the PWS burden and subtracting 21,927 hours to account for the adjustments to the primacy burden yields 3,223,430 hours.

Exhibit 14
Adjustments to Activities Carried Forward from Previous ICRs
(Includes both PWS and Primacy Agency Burden)

Action	Annual Burden Hours	Brief Explanation
None	2,776,924	Inventory after restructuring adjustments, incorporating stand-alone ICRs , and adjustments for the change in the PWS definition (see Exhibits 9-11)
Add	468,433	Adjustments for PWS activities carried forward from previous ICRs (see Exhibit 12)
Subtract	21,927	Adjustment for primacy agency activities carried forward from previous ICRs (see Exhibit 13)
Total	3,223,430	Equals hours requested in 2004 PWSS Program ICR. (See Exhibit 7)

Note: Detail may not add exactly to totals due to independent rounding.

6(g) Burden Statement

The public reporting burden for collections included in this ICR is detailed in Exhibit 7 above. The annual respondent burden is estimated to average approximately 4.0 hours per respondent per year, for CWSs and 21,544.2 hours per respondent for primacy agencies. These estimates include time for gathering information as well as developing and maintaining records.

Burden means the total time, effort, or financial resources expended by people to generate, maintain, retain, 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. An agency may not conduct or sponsor, and a person is not required to respond to, a request for information collection 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.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OW-2004-0007, which is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30

p.m., Monday through Friday, excluding legal holidays. The telephone number for the room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, to access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (OW-2004-0007) and the OMB Control No. 2040-0090 in any correspondence.