



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
WATER

MEMORANDUM

SUBJECT: Federal Register (FR) Publication Requirements for  
Draft and Final General NPDES Permits

TO: Water Management Division Directors  
Regions I, II, III, IV, VI, VIII, IX and X

FROM: Martha G. Prothro, Director *MGP*  
Permits Division (EN-336)

Until the Office of Management and Budget (OMB) waived review of EPA issued general permits on November 3, 1983, the Permits Division used OMB's review period to correct FR format problems in any pending permits. We can no longer provide that service without delaying permit publication and issuance.

The Office of Standards and Regulations has prepared a checklist for all FR submissions and has advised us that documents will be returned to our office if they are not properly prepared and submitted. Therefore, we are requesting that your staff ensure that each notice is complete and correct before it is submitted to us.

Executive Order 12291

With the waiver of Executive Order review, all general permit fact sheets and/or FR notices should contain the following statement:

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8[b] of that order.

Regulatory Flexibility Act

All notices and/or permit fact sheets should contain the following statement:

After review of the facts presented in the notice printed above, I hereby certify pursuant to the provisions of 5 U.S.C. 605(b) that this (these) general NPDES permit(s) do (will) not have a significant impact on a substantial number of small entities. Moreover, the permit(s) reduce(s) a significant administrative burden on regulated sources.

Paperwork Reduction Act (PRA)

In most cases, all of the monitoring, recordkeeping, and reporting requirements in a general permit are covered under existing generic information collection clearance requests (ICRs).<sup>\*</sup> Where the requirements are already covered by our generic ICRs, the general permit should contain the following statement:

EPA has reviewed the requirements imposed on regulated facilities in this (these) draft (final) general permit(s) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of this (these) permit(s) have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

Should the Region be aware of or should Headquarters identify a permit requirement(s) that is not covered by an existing ICR, an estimate of the burden hours associated with the provision(s) must be prepared by the Region and submitted with each general permit. The Permits Division will prepare the required material for OMB review under the PRA at the time of publication of the draft permit in the FR. OMB is required to comment on paperwork issues during the public comment period. In such cases the required language is:

For draft permits:

EPA has reviewed the requirements imposed in regulated facilities in this (these) draft general NPDES permit(s)

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\* Generally, information collection requirements provided for specifically in the NPDES regulations have been covered by the Permits Division in its generic ICR submitted to OMB. However, these clearances basically cover only routine information collection. Activities such as underwater diving inspections, monitoring required pursuant to section 403(c) guidelines, etc. would not be covered. (Please feel free to consult with us on any specific requirements for which the status of a clearance request is unclear.)

under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of the permit(s), with the exception of Part(s) (insert section number and titles from permit), have been approved by the Office of Management and Budget (OMB) in submissions made for the NPDES permit program under the provisions of the Clean Water Act. Estimates of the burden hours associated with these excepted provisions have been prepared and submitted to OMB for review at the time of publication of this notice.

For final permits:

No comments from OMB or the public were received on the information collection requirements in this (these) permit(s).

or

Any comments to EPA from OMB or the public on the information collection requirements in the (these) permit(s) appear in the public comment, section of this notice at \_\_\_\_\_.

Please be advised that clearance of new requirements not covered by the generic requests could delay permit issuance due to OMB review. However, where such requirements are necessary or appropriate, they should be imposed and the anticipated small increase in overall burdens of the program should be defensible. Major delays for this reason are unlikely in my judgment.

#### General Administrative Requirements

1. The document should be correctly classified as a proposed or final permit in the title.
2. The document should contain each of the preamble elements. AGENCY, ACTION, SUMMARY, DATES, ADDRESSES, FOR FURTHER INFORMATION CONTACT, AND SUPPLEMENTARY INFORMATION
3. The SUMMARY should state in a sentence or two what you're doing, why you're doing it, and the intended effect of the action.
4. The pages should be numbered at the top.
5. The document should be double spaced and printed in 12 pitch.
6. All signatures should be followed by a signature block. (If someone signs for the Regional Administrator or the Water

Management Division Director, include both names in the signature block (e.g., L. Edwin Coate Acting for, Ernesta Barnes, Regional Administrator).

7. The submission should contain an S.F. 2340-15 Federal Register Typesetting Form with the required signatures in place.
8. The cost of publishing the document should be estimated as follows:

2 pages = 1 FR column = \$136.00  
photocopied pages = \$350.00 (i.e., maps or reprinted effluent limitations pages)

If you or your staff have further questions on these matters please contact Michelle Hiller of my staff (426-4793). Your efforts to ensure that these documents are properly prepared will eliminate unnecessary delays in Federal Register submissions.

cc: Water Management Division Directors  
Regions V and VIII  
Director, Enforcement Division, OWEF