

SUPPORTING STATEMENT
Stormwater Management Including Discharges from Newly Developed and Redeveloped Sites

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PART A OF THE SUPPORTING STATEMENT

1. **Identification of the Information Collection**

a. **Title of the Information Collection**

Stormwater Management Including Discharges from Newly Developed and Redeveloped Sites

b. **Short Characterization/Abstract**

EPA is proposing to collect information from owners, operators, developers, and contractors of newly and redeveloped sites; owners or operators of municipal separate storm sewer systems (MS4s); and states and U.S. territories. This proposed Information Collection Request (ICR) will collect data to inform decisions regarding how the nation's stormwater regulations should be strengthened, including additional provisions for stormwater discharges from newly developed and redeveloped sites. The data collected through this ICR will provide EPA with information to characterize the current level of stormwater controls and best management practices (BMPs) at newly developed and redeveloped sites; state and local stormwater requirements and the areas covered by these requirements; the current burden and expenditures by states and MS4s associated with existing requirements; and technical, financial, and environmental data needed to quantify the incremental pollutant removals, compliance costs, and impacts for various regulatory options that EPA might consider to address stormwater discharges from newly and redeveloped sites.

There are three questionnaire instruments in this data collection: one specific to the construction industry, one directed to owners and operators of MS4s, and one directed to states and U.S. territories.

The Industry Questionnaire requests information on the following primarily as they relate to stormwater management of discharges from newly and redeveloped sites¹:

- General identification information;
- Type/identification of construction projects;
- Soil type applicable to the construction site;
- Land cover areas both pre- and post-construction;
- Stormwater management and controls and associated costs;
- Stormwater permit and management requirements;
- Information on design credits or incentives associated with implementing retention practices;
- Firm level financial information;
- Establishment level financial information; and
- Project level financial information.

The MS4 Questionnaire requests information on:

- Current stormwater management requirements of the jurisdiction;
- Local ordinances that would prevent implementation of retention practices;

¹ EPA is not collecting data on erosion control activities or stormwater management activities during the active construction phase through this questionnaire.

- Retention practices required in the jurisdiction;
- Incentives for implementing retention practices;
- Annual costs for maintenance and operation of stormwater management practices; and
- Annual stormwater operating budget for the entire jurisdiction.

The State Questionnaire requests information on:

- Current state stormwater management requirements;
- Characterization of each state's industrial stormwater program;
- Scope of municipal stormwater program; and
- Information on stormwater inspection and enforcement activities.

EPA plans to distribute the Industry Questionnaires by mail to a statistical sample of owners, operators, developers, and contractors to help the Agency compile a national assessment of the types of construction projects being conducted, the types of long term stormwater BMPs being installed, and their associated costs. EPA would also use the information to estimate the financial impact of any regulation on these entities. EPA would distribute the MS4 Questionnaire to a statistical sample of MS4 owners and operators and the State Questionnaire to a census of states and U.S. territories to help the Agency compile national assessments of existing stormwater management standards and determine the possible need for additional regulations. EPA estimates that the total respondent burden and costs associated with this ICR is 108,675 hours and \$4,070,282.

2. Need for and Use of the Collection

a. Need/Authority for the Collection

EPA's Office of Water is planning to propose a regulation to strengthen the stormwater program, including the establishment of provisions to control stormwater discharges From Newly Developed and Redeveloped Sites under the authority of section 402(p) of the Clean Water Act (Federal Water Pollution Control Act, 22 U.S.C. Section 1318). The information needed to support a proposed rulemaking is being collected through questionnaires, distributed under the authority of section 308 of the Clean Water Act.

b. Practical Utility/Users of the Data

i. General Use of the Data

The purpose of this request is to obtain information to support revisions to the stormwater regulations and to propose regulation of stormwater discharges from newly developed and redeveloped sites. These discharges can negatively impact receiving streams because of hydrologic impacts and pollutants discharged to the receiving surface water. This data collection effort includes questionnaire instruments to collect information pertaining to stormwater management and discharges from newly and redeveloped sites, including information on specific construction projects (e.g. location, land cover, etc.), stormwater management, controls and costs; industry financial information; current stormwater local and state permit requirements; budgets for implementing and enforcing retention practices; and baseline information on the current level of implementation of a state stormwater permit program, including industrial permits.

EPA would use the technical and cost data collected in the Industry Questionnaire to estimate the current usage, availability, and cost of retention practices and controls for stormwater discharges. In addition, EPA would use the project level data to develop a national distribution of projects based on critical characteristics (e.g. size, value, previous land use). Together, this information will be used to assess the costs and benefits associated with various regulatory options for regulating stormwater management. Finally, EPA would use the financial information collected on the firm, establishment, and project level to characterize the economic status of the construction industry that could be subject to new stormwater management requirements and estimate the impact of compliance costs on the property developers and owners.

The second questionnaire would collect information from MS4s on existing stormwater requirements and practices, local ordinances, MS4 stormwater management practices, and annual costs incurred by MS4s for maintaining and enforcing stormwater management practices.

The third questionnaire would get information from the states on the current level and scope of the state stormwater programs, the frequency of inspections and resulting enforcement actions, their annual stormwater budget and the level of design standard/performance standard currently in place for stormwater discharges.

EPA would use data from all three of the questionnaires to develop additional requirements. Specifically, the information collected in the questionnaires would allow EPA to:

- Properly characterize and classify the industry;
- Determine current state and local stormwater requirements and what stormwater management and control practices are currently in place at newly and redeveloped sites;
- Identify needed changes to the stormwater regulations to create a more effective program for protecting the environment from the harmful effects of stormwater;
- Identify retention practices, pollution prevention techniques, and treatment technologies based on factors such as technology efficiency, availability, and total cost to the industry;
- Evaluate loadings and costs associated with controlling stormwater discharges from newly developed and redeveloped sites; and
- Evaluate environmental and economic impacts associated with potential regulatory changes, including provisions controlling stormwater discharges from newly developed and redeveloped sites.

ii. Detailed Technical Analyses Supported by the Data from the Questionnaires

To support potential changes to the stormwater regulations, EPA would collect information pertaining to stormwater conveyance and treatment practices. The Industry Questionnaire would identify the respondent and collect technical and financial information from owners, developers, and contractors. EPA would analyze the collected information to develop an industry profile of the current stormwater management practices in the United States. The State and MS4 Questionnaires would collect baseline information about annual budgets for stormwater associated activities, stormwater standards currently in place, incentives for implementing retention practices into site plans and information on inspection and enforcement activities. EPA would use this analysis, along with financial information to estimate the economic impacts of implementing stormwater practices and technologies on both the entities

responsible for implementing these technologies and those responsible for maintaining the technology and enforcing the standards.

EPA would select appropriate regulatory options to control pollutant discharges associated with stormwater management based on the results of those analyses and data from other EPA collection efforts.

EPA engineers, statisticians, economists, biologists, and contractors would perform detailed analyses of the data collected through the questionnaires. The EPA team would also collect information from additional sources, such as National Oceanic and Atmospheric Administration (NOAA) precipitation data. The technical data would include basic construction site information (e.g. acreage, geographic location), stormwater conveyance and treatment information, and detailed stormwater treatment system cost data. Specific analyses using the technical data are described below.

(a) *Profile of Long Term Stormwater Management Practices*

EPA would use the data collected through the questionnaires to develop a national profile of existing local and state stormwater requirements, stormwater discharges, in-place stormwater management and control practices; and to evaluate the current prevalence of implementing retention practices at newly and redeveloped sites.

(b) *Technical Feasibility Analysis*

The feasibility assessment of these control options would be based upon the effectiveness of the control options at reducing overall stormwater volumes, stormwater velocities, and specific pollutants in the effluent and the demonstration and availability of the management, pollution prevention, and control technologies.

(c) *Pollutant Loadings and Removals*

Pollutant loadings and removals are calculated to evaluate current stormwater discharges, the effectiveness of regulatory control options, pollutant reductions after incorporation of regulatory control options, and the relation between costs and associated reductions of regulatory options. EPA would use technical data collected from the questionnaires, vendor-provided performance data, and the National Stormwater BMP Database as its data sources for calculating pollutant loadings.

(d) *Assessment of Technology Costs*

EPA staff and contractors would estimate the costs of various stormwater management, pollution prevention, and control options for the regulatory requirements. The costs of the control options or practices would include the following items: capital costs for engineering design (including overhead), equipment and installation, and annual operating and maintenance (O&M) costs for the option.

EPA would use data collected through the questionnaires to estimate the direct costs of stormwater management, pollution prevention, and control options selected for any regulatory requirements. These data include information to allow for estimation of stormwater flow rates, data related to stormwater collection and treatment/control technologies, retention practices, and pollution prevention/management practices.

EPA would estimate the difference in investment costs, and operating and maintenance costs for the construction contractor or land developer to comply with the regulatory options considered in addition to any associated costs to those responsible for maintaining the technology and enforcing the requirements. These compliance costs would be used to determine the potential economic impacts on the industry. In addition, these compliance costs would be weighed against the estimated reduction benefits resulting from each regulatory option. To estimate compliance costs, EPA would need to consider the pollutant reductions resulting from implementation of each option. This information would be used to determine whether construction contractors and developers need to improve their stormwater collection and control technology (e.g., by installing new units or entire systems) and whether those responsible for maintaining such technologies would need to modify their operating practices to comply with the discharge requirements for a particular regulatory option.

(e) Environmental Assessment and Economic Benefits Analysis

EPA would perform an environmental assessment to evaluate impacts from discharges associated with stormwater management on ecosystems and human health. Following an assessment of the current environmental impacts, EPA would estimate the potential change in environmental impact (including non-water quality impacts) associated with different control options for discharges from newly developed and redeveloped sites. EPA would use this information to help characterize the economic benefits associated with the different control options.

iii. Detailed Economic Analyses Supported by the Questionnaire Data

EPA economists and contractors will use information collected in the questionnaires to estimate the potential economic impacts of the proposed rule on affected entities.

To analyze the costs and impact of the proposed rule, EPA would use the questionnaire information to (1) characterize quantitatively the financial condition of the economic entities expected to be subject to the regulation, (2) characterize quantitatively the profile of construction and development activities undertaken by those entities, (3) to undertake analyses of installation and maintenance costs and the economic impacts based on that information; and (4) to characterize quantitatively the additional costs and/or burden to states and MS4s in maintaining and enforcing stormwater controls, BMPs, and retention practices.

(a) Developing the Analysis Baseline

EPA would develop the industry baseline for the establishments and firms within the construction and development industry that are expected to be affected by this regulation. The industry encompasses businesses operating in a range of construction industry segments. The questionnaire would determine those industry segments that are likely to perform activities within the scope of the regulation and that are the focus of this regulatory analysis. EPA would also determine the quantity and character of acreage and project development associated with those businesses. The development of an industry baseline, with respect to both establishment financial condition and the profile of projects performed, will support the analysis of the costs and impact of the proposed rule. EPA will also use the survey data to develop the current regulatory baseline at the state-level and at the level of MS4s. The baseline will characterize the extent and distribution of current stormwater regulatory requirements. The

baseline will also, to the extent possible, address state and local regulations that are not directly related to stormwater but that can affect the viability of some stormwater controls

(b) *Economic Impact Analyses*

EPA would use a variety of analytic methods to assess key mechanisms through which the proposed rule may affect in-scope construction and development business entities as well as their market consumers (e.g., home buyers). Analyses that may be undertaken in this effort are summarized below:

- *Analysis of Project-Level Costs and Economic Impacts.* Compliance costs and economic impacts will be initially assessed on the basis of model construction and development projects. The purpose of the model project analyses would be two-fold:
 - To assess the potential impact of compliance activity at the project-level for the establishment (e.g., change in profitability) and the consumer (changes in sale or rental prices). Additionally some property owners may incur rule related operations & maintenance costs for the duration of ownership.
 - To develop an estimate of an incremental compliance cost multiplier, which would be used in subsequent analyses to account for overhead, debt, and equity cost considerations that affect per-acre compliance cost, but that are not expected to be accounted for in the engineering-level estimate of per-acre cost.
- *Analysis of Establishment- and Industry-Level Economic Impacts.* The project level analyses will support assessment of the cost and economic impact of proposed regulatory requirements on construction and development industry establishments, and the potential aggregate industry-level effects. Industry-level effects will be assessed in terms not only of total cost to the industry, but also other key impact metrics, including cost-to-revenue ratios, potential instances of financial stress, and potential closures. This analysis would be performed for the entire set of in-scope entities, and separately for small entities in order to satisfy the Regulatory Flexibility Act (RFA, 5 U.S.C. et seq., Public Law 96-354), amended by the 1996 Small Business Regulatory Enforcement Fairness Act (SBREFA), which requires EPA to consider the economic impact that a new rule will have on small entities.
- *Analysis of Single-Family Housing Affordability Impacts.* In addition to assessing the effect of a regulation on construction and development industry establishments and the industry, the impact analysis will also assess potential effects on housing affordability. This analysis would be performed at a regional level (potentially states or metropolitan statistical areas), with economic effects assessed in terms of the expected change in price for various priced new single-family homes and cost for potential operation and maintenance requirements for permanent stormwater control structures. An assessment of the affect of these costs on the purchasing decision of prospective home buyers would also be performed.
- *Analysis of Social Cost.* An assessment of partial equilibrium market effects in the construction and development industry building sectors would be used to adjust the initial industry-level analysis estimate of the resource cost of the proposed rule to account for changes in the quantity of industry output. The analysis would also estimate the overall

deadweight welfare loss to society. The quantity-effect-adjusted resource cost of compliance and the total dead weight loss would comprise two components of the total social cost of the proposed rule. The analysis would also estimate administrative costs to governments, which is an additional component of total social cost.

- *Analysis of Economy-Wide Economic Effects.* An input-output multiplier analysis would be performed that considers total economy effects – in terms of output and employment – by estimating the total change in demand for society’s resources arising from (1) compliance outlays, (2) the change in industry output, and (3) administrative costs to governments. The analysis would also estimate the *net* change in demand for society’s resources.
- *Future Projections of Compliance Cost and Acreage.* Because a stormwater management regulation would be expected to affect newly constructed projects indefinitely into the future, this analysis would estimate affected project activity over time and the incremental effect of regulatory requirements and cost into the future. The resulting projection would provide a comprehensive assessment of the total, long-term cost and economic consequences of a long term stormwater management regulation. Consideration will be given to the effect of potential perpetual operation and maintenance requirements if structural stormwater management technologies are implemented to comply with new regulations.
- *Regulatory Flexibility Act (RFA) and the Unfunded Mandates Reform Act (UMRA).* In accordance with requirements of the RFA and UMRA, EPA will estimate the potential effects of proposed regulations on Federal, State and Local government entities and specifically small businesses and small governments. Informative data will be supplied by the surveys including the existing frameworks for implementing stormwater regulations (e.g.: by general permits or individual permits) and the existing level of administrative activities and existing tools for such activities (e.g.: databases for tracking permits and inspections).

3. Non-Duplication, Consultations, and Other Collection Criteria

a. Non-Duplication

To ensure non-duplication of data collection, EPA reviewed data previously collected during development of Effluent Limitations, Guidelines, and Standards (ELGs) for the Construction and Development Industry to determine its potential use for this regulatory effort.

For information on construction project type and project size, EPA has used CGP Notice of Intent (NOI) records in the past. However, while some information for potential in-scope projects can be obtained from the NOI database, the dataset has certain limitations including coverage, detail and currency. The NOI database includes data on only 24 states and cannot provide the information needed to conduct a national assessment. In addition, the information included in this source is not sufficiently detailed in terms of project technical characteristics and contains little or no economic/financial information to meet the needs of the technical, economic, and environmental impact analyses. Moreover, the dataset is not consistently current. EPA intends therefore to collect information on current

projects and project size from the questionnaire respondents so that a more accurate national picture can be developed.

For information on the control of construction site stormwater, EPA previously collected data by reviewing state construction general permits (CGPs), websites, summary references, state regulations, and erosion and sediment control design and guidance manuals. These sources provide a summary of criteria and standards for construction site stormwater erosion and sediment control that are implemented by states, but do not summarize stormwater control that are implemented after completion of active construction activities, which are the focus of this data collection activity. EPA intends to collect information on stormwater controls and to assess retention practices currently used in the industry.

For information on land use, EPA has used the National Land Cover Database (NLCD), which provides a national source of data on land cover change. This database provides a 30-meter resolution land cover data layer over the conterminous United States (CONUS) from Landstat Thematic Mapper satellite imagery. NLCD data are publicly available for the years 1992 and 2001 and the land cover change map and all documentation pertaining to it are considered provisional until a formal accuracy assessment can be conducted. Classifications from the NLCD dataset include: open water, urban, barren, forest, grassland/shrub, agriculture, and wetlands Ice/Snow. EPA intends to collect pre- and post-construction land cover data as part of their data collection questionnaire as a means to assess potential changes in stormwater flow following land development. These data are not currently available from NLCD due to the level of detail required for post-construction land cover categories (e.g., rooftops, parking lots, street/road, lawn, farm, forest, other vegetation).

For information on soil type, EPA has used the State Soil Geographic Database (STATSGO) which provides a national map of soil types across the U.S. STATSGO was designed primarily for regional, multi-county, river basin, State, and multi-state resource planning, management and monitoring and the data are not detailed enough to make interpretations at a county level. As part of the questionnaire, EPA will request information on the predominant soil type for each project identified and reported. EPA needs to collect this information at the project level since STATSGO will not provide location specific soil conditions to allow for the most accurate analysis.

For precipitation data, EPA will use publicly available data published by the National Oceanic and Atmospheric Administration (NOAA). These data are available from national weather stations throughout the U.S. and will provide sufficient estimates of annual rainfall by location (city, county, state).

For purposes of the current stormwater data collection and analysis, EPA will also require information on precipitation, BMPs and retention practices applicable to the control of discharges from newly developed and redeveloped sites, and the performance of BMP and retention practices. To assess the performance of these practices, in part, EPA will use data from vendors and the National Stormwater BMP Database, developed by the American Society of Civil Engineers (ASCE).

The financial data requested in the Industry Questionnaire is not expected to be available through other sources. While some general business information are available from business registries such as Dunn & Bradstreet (D&B), these data are limited and will likely not provide sufficient understanding of the business operations of the industry to complete a comprehensive economic impact analysis. In

addition, some of the financial information requested may be claimed as CBI and therefore not available outside of a survey.

b. Public Notice Required Prior to ICR Submission to OMB

Announcements of a public comment period for this ICR will be made at the time of the publication of this request in the Federal Register.

c. Consultations

EPA has not conducted consultations pertaining to this ICR at this time. EPA anticipates conducting consultations with applicable residential and commercial builder trade associations, MS4 owners and operators, states and territories, environmental groups, and other interested parties prior to using these questionnaires to collect data.

d. Effects of Less Frequent Collection

The Industry, State and MS4 Questionnaires are a one time only data collection activity for the respondents.

e. General Guidelines

The proposed data collection activities would be conducted in accordance with the Paperwork Reduction Act guidelines in 5 CRA 1320.6 and EPA's Quality Assurance Guidance. Information to be disseminated would comply with EPA's Information Quality Guidelines which were developed for implementing OMB's Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of the Information Disseminated by Federal Agencies.

f. Confidentiality

The questionnaires will inform respondents of their right to claim information confidential in accordance with 40 CFR part 2, subpart B, Section 2.203. Because MS4s and states are public entities, most, if not all, of the information collected in the MS4 and State Questionnaires is expected to be non-confidential in nature. The Industry Questionnaire may contain questions subject to confidentiality claims. The questionnaires addressed by this ICR will provide instructions on the Confidential Business Information (CBI) procedures for making these claims. EPA does not expect stormwater management practices or project related conditions (such as project size, predominant soil type and land cover use) to be claimed as CBI. However, financial data requested through the questionnaire may be subject to a CBI claim.

g. Sensitive Questions

No sensitive questions pertaining to private or personal information, such as sexual behavior or religious beliefs, would be asked in the questionnaire.

4. The Respondents and the Information Requested

a. Respondent NAICS Codes

The target population for the Industry Questionnaire is all construction and development establishments in the United States. For the selection of establishments by construction type, EPA is focusing on the following eight North American Industry Classification System (NAICS) codes:

- 236115: New Single-Family Housing Construction (except operative builders);
- 236116: New Multifamily Housing Construction (except operative builders);
- 236117: New Housing Operative Builders;
- 236210: Industrial Building Construction;
- 236220: Commercial and Institutional Building Construction;
- 237210: Land Subdivision;
- 237310: Highway, Street and Bridge Construction; and
- 237990: Other Heavy and Civil Engineering Construction.

The primary focus of the MS4 Questionnaire is owners and operators of Municipal Separate Storm Sewer Systems (MS4), including both those regulated under NPDES Phase I and Phase II regulations and those not regulated. The goal for the State Questionnaire is to get a census of all states and territories to respond to the questionnaire.

b. Information Requested

i. Data Items, Including Record Keeping Requirements

EPA has developed three questionnaire instruments for this data collection effort. These include the Industry, MS4, and State Questionnaires. The Industry Questionnaire will provide information to evaluate the potential outcome of developing controls for discharges from newly developed and redeveloped sites. Respondents would be asked to complete a questionnaire to be solicited by mail. MS4s will be asked to provide information that will be used to evaluate existing stormwater mitigation and pollution prevention requirements, local ordinances, municipal retention practices, and annual costs incurred by MS4s for maintaining and enforcing stormwater mitigation practices. The MS4 questionnaire will also help assess the capacity of MS4s with separate stormwater sewers to implement any proposed regulatory measures. The State Questionnaire will provide information on the respondent's stormwater budget, scope of the state's current municipal stormwater program, and baseline information on the state's stormwater permitting program, including information on industrial stormwater permits. MS4 and state respondents would be sent a weblink, via e-mail, to an electronic questionnaire. Descriptions of the data items in these questionnaires are provided below:

INDUSTRY QUESTIONNAIRE

SECTION A: GENERAL INFORMATION

Part A requests general information about the respondent.

Questions A1 to A2 collect information that identifies the establishment name and address, and the primary contact to verify or clarify the technical questionnaire information.

Question A3 requests the states in which the establishment operates. The state in which the contractor is a legal entity may be different than the state or states that in which it operates. This information will help characterize construction activity geographically.

Question A4 asks whether the establishment completed at least one project in FY 2005-2009 for which it was the owner, developer, or contractor that was not a pipeline or other utility related activity. This question will determine whether the respondent is in-scope with respect to the data collection and must complete the remainder of the questionnaire. If the respondent answers No to this question, then they are done and can sign and return the question.

SECTION B: FIRM IDENTIFICATION AND FINANCIAL INFORMATION

Financial information will support the assignment of respondent establishments into business categories and will allow for an economic analysis of long term stormwater management actions. These model establishment categories will likely be defined along a number of characteristics including business size and scale of activity, operating structure, their role in projects, and types of construction projects undertaken.

EPA is requesting financial information at the firm- or establishment-level for a five year time period, covering fiscal years FY 2005 through FY 2009. EPA selected a five-year period, as opposed to the more commonly used three-year period, because this industry is currently in an economic downturn which began in late 2006. By collecting information for five years, EPA analyses and characterization will be more robust and representative of various economic conditions within the industry.

Question B1 asks whether the establishment is owned by another firm. If it is, then the respondent will be asked to identify the contact information of the ultimate parent firm in question B2. These questions will help EPA define firm/establishment relationships.

Question B3 identifies the type of business organization. EPA would use question 3 to identify the tax status of the business for use in the economic/financial analysis.

Question B4 requests the state in which the establishment is organized as a legal entity. EPA would use this information to establish which state commerce regulations apply to the establishment for use in the economic/financial analysis.

Question B5 asks the firm to identify the start date of its most recent fiscal year. This will be used to assign firm and establishment financial information to specific calendar years of business activity and to identify general business conditions prevailing during a given fiscal year.

Question B6 asks the firm to indicate the months for which it has information for fiscal years 2005-2009. Financial information is requested for five years with the goal of obtaining information for years that precede and incorporate the current downturn in the construction industry which started late 2006.

Question B7 asks for information from the firm's balance sheet on assets, liabilities, and net worth. This information will be used in the economic/financial analysis to establish the firm's baseline financial performance and condition and to estimate certain financial information required in the analysis, including, in particular, cost of capital.

Question B8 asks for information from the firm's income statement on revenue and expenses. This information will be used in the economic/financial analysis to characterize the firm's operating economic structure and baseline financial performance and condition.

Question B9 asks for information from the firm's cash flow statement. This information will be used in the economic/financial analysis to characterize the firm's baseline financial operations, including, in particular, the use of funds from internal operations and externally provided capital in funding the firm's investments in projects and other capital replacement and expansion activities.

Questions B7-B9 requests financial information readily available from the firm's balance sheet, income statement and cash flow statement to minimize time burden. EPA designed the format of the data requested so that it corresponds to charts of accounts and reporting structures that are conventionally used in the industries that are expected to respond.

Questions B10, B11, and B12 ask for breakouts of revenue by construction and development roles (e.g. owner/developer, general or lead contractor, subcontractor), construction activity (new development, redevelopment, or other) and construction industry sector (e.g. residential, commercial, industrial, etc.), respectively.

Question B13 requests the firm's total employment. This information will support characterization of the business operations of the firm and the industry, in aggregate.

Question B14 requests the contact information for the person responsible for completing Section B. This question will allow EPA to clarify the information provided in Section B.

SECTION C: PROJECT LEVEL INFORMATION

Questions C1 and C2 request information on the number of projects on-going on the last day of FY2009 and the number of projects the establishment competed during FY2005 through FY 2009. These questions will be used to help characterize the industry and determine whether the questionnaire includes information on a subset of the establishment's projects.

Question C3 asks if the establishment served as the owner/general contractor for any of the projects provided as responses to questions C1 and C2. If not, the establishment will not complete the remainder of Section C, but rather is required to complete Section D. Based on the distribution of establishments by NAICS codes as presented in the 2002 U.S. Economic Census, EPA estimates that approximately 25 percent of respondents would be required to complete the remainder of Section C while 75% would be required to complete Section D. If the respondent answers yes, then it is required to complete the remaining technical and financial questions in Section C for up to ten projects completed during FY2009. EPA is requesting information for a maximum of ten projects of various sizes to characterize current projects and their post construction stormwater related practices and controls and associated costs. While information is requested on a maximum of ten projects per establishment, EPA expects that the majority of respondents will not have completed 10 eligible projects in Fiscal Year FY 2009.

General and Technical Project Level Information

Questions C4, C5, C6, and C7 identify the project for which information will be provided including the project location, timeframe, and NPDES NOI permit information specific to the project. These questions will help EPA identify instances in which information may be received for the same project from multiple sources.

Question C8 asks the duration of each phase of the construction project. This information will be used in the economic impact analysis.

Question C9 requests project type and size. EPA would use this question to help develop profiles for each type of construction project listed. EPA will be identifying trends in long term stormwater management practices, BMPs, and LID practices currently in place for each sector of the construction industry. These categorizations will be used to predict which sectors would be most affected economically by regulatory requirements.

Questions C10 and C11 ask for pre- and post-construction land cover areas (for both impervious and pervious site components). Questions C12 and C13 request information on the soil type and percolation rate for the project site. This information, along with precipitation data from the National Oceanic and Atmospheric Administration (NOAA) will help EPA estimate the volume of stormwater runoff generated as a result of the new construction project in comparison to the volume of stormwater runoff that was generated prior to the new construction project.

Question C14 asks if the project is within the boundaries of an MS4 and Question C15 asks if the project site is connected to a MS4. These questions will help determine whether the project site would be subject to a MS4s' stormwater management requirements.

Question C16 requests information on which long term stormwater performance standards and/or design criteria were applicable to the project. Questions C17 to C20 request information on retention practices considered and/or implemented for the project along with challenges and policies that impacted their use for the project. The information in questions C16-C20 will be used along with the MS4s questionnaire data to characterize current regulation and state of retention practices in the industry nationally and the driving forces and impediments to their usage.

Question C21 requests alternative land use if stormwater controls had not been implemented at the site. This question helps to inform the industry profile.

Question C22 requests stormwater control system-level information. Where a "system" is the entire drainage area for a construction project (e.g. "Building 9 Drainage") where runoff may be treated by one or more stormwater mitigation units. For example, one construction site (the system) may consist of a detention pond unit, several green roof units, curbs and gutters, and storm sewers. Question C21 asks for the total watershed area, stormwater design specifications (2 year, 5 year, number of inches, etc.) and the technology design capacity (stormwater flow) for the system. The information collected in question C22 will be used to identify trends in stormwater management practices among sectors of the construction industry (i.e. residential vs. commercial).

Question C23 -24 request information on whether or not certain technologies are included in the project's stormwater control system and their associated costs, as applicable. This information will allow EPA to assess the current usage of various stormwater management control technologies and their associated costs.

Question C25 requests detailed technical information for each component of the project’s stormwater management and control system. These components include conveyance, storage (ponds) and structural quality control technologies. For each technology, EPA requests the capital and annual maintenance costs, if available. EPA would use this information to estimate capital and operating and maintenance costs associated with each of these technologies. Ultimately, EPA will use this cost information to assess the economic impacts of any potential regulation incorporating these technologies.

Question C25 also asks respondents to identify which detailed costs are included in the capital and maintenance costs. Below is a listing of detailed capital costs common to structural technologies:

- Engineering and Overhead Costs;
- Site Clearing and Excavation Costs;
- Land Costs or Value;
- Structural Control Costs;
- Structural Control Devices Costs;
- Vegetation and Landscaping Costs;
- Device Cost;
- Device Installation Costs, and
- Other Capital Costs.

Below is a list of detailed maintenance costs common to structural technologies:

- Average Annual Revegetation/Maintenance Costs;
- Average Annual Sediment Removal Costs;
- Average Annual Media Replacement Costs;
- Irrigation (green roofs); and
- Other Average Annual Costs.

Identifying which costs contribute to the total capital and annual costs will help EPA identify and reconcile cost differences for the same technology, such as when land costs for ponds differ geographically. A detailed cost checkbox will allow EPA to analyze which factors influence capital and annual costs the most.

In addition to capital and maintenance costs, the tables in question C24 request design basis and technical specifications for each technology. Table 1 shows the types of information requested for each technology and their expected utilities.

Table 1. Technical Specifications for Structural Stormwater Control Technologies

Technology	Specification(s)	Expected Utility of Information
All ^a	Capacity	Relate performance (capacity) and capital/maintenance costs for each unit. Relate LID and stormwater volume-reducing BMPs as well as system performance (see discussion above).
	Drainage area	
	Design Storm information	
All ^a	Operation and maintenance Activities	Attribute O&M costs to activities to better understand current industry practices and to reconcile differences in O&M costs.

Table 1. Technical Specifications for Structural Stormwater Control Technologies

Technology	Specification(s)	Expected Utility of Information
Ponds and Basins	Volume (or surcharge volume) of pond/basin	Need volume of pond to relate size needs to detention time and rainfall amount
Curb and Gutter, Storm Sewers	Capacity	Relate the length of curb collecting stormwater and the capacity of the curb and gutter/storm sewer. Identify whether stormwater is sent to treatment system (and thus contributes to the inflow a POTW must treat) or collected in separate sewer for impact analysis. Identify features such as shape and height, which can reduce runoff peak flow.
	Linear feet	
	Other design features (curb cuts, height)	
	Connects to (combined sewer, separate sewer, etc)	
Catch basin, tree box filter, infiltration basin/trench, dry well, underground detention	Infiltrating surface area	Relate the amount of surface area capturing stormwater and volume capacity. Relate capacity and capital/maintenance costs for each unit. Relate LID and stormwater volume-reducing BMPs as well as system performance (see discussion above).
	Infiltration capacity	
	Connects to (combined sewer, separate sewer, etc)	
Bioretention, rain gardens	Size of underdrain, if used: size of gravel layer and perforated piping	Relate the size of underdrain, ponding area and organic content of soil to the unit performance. Evaluate the LID with other BMPs in costs/effectiveness analysis.
	Types of vegetation	
	Total storage capacity of bioretention	
	Percent of native soil and soil amendments added	
Permeable pavement	Permeable Pavement Surface Area	Determine applicability: some types of permeable pavement are not appropriate for parking lots, for example. Also determine how types of permeable pavement (strength, infiltration rate, etc.) affect costs for different applications.
	Maximum Absorption	
	Permeability	
	Infiltration rate	
	Size of Underdrain, if used: size of gravel layer and perforated piping	
	Type	
Green Roof	Roof's Surface Area	Determine the area of green roof capturing precipitation, how green roof was implemented, green roof applicability, and effectiveness.
	Percent of Roof Vegetated	
	Type (extensive, intensive, or semi-intensive)	
	Depth of soil	
	Depth of media	
	Roof storage capacity (total volume)	
Swale, constructed wetland,	Dimensions or volume	Determine the land required and effectiveness per surface area.
	Type of vegetation	

For each technology, EPA asks for the drainage area, design storm, and design capacity for the stormwater treatment *units* within the system. EPA requests this information for both systems and units to understand unit costs and volume-reduction of treatment units (such as LID practices). This will determine how individual technologies affect the overall cost and stormwater mitigation capacity of the system. For example, rain garden units will reduce the volume of stormwater treated by a detention basin. Although the percent removal of pollutants achieved by the detention basin stays the same, the pond can be smaller, and the total pollutant load transferred to the receiving body of water will be reduced. In this case, the installation of rain gardens may be attractive for aesthetic purposes, but also *save* the contractor money in the long term due to the decreased stormwater flow to the basin and lower operation and maintenance costs associated with sediment removal. In order to estimate economic impacts of mandating BMPs, EPA must consider the costs of individual units and their collective effects on the overall system performance, as illustrated in the example above.

Question C26 requests the contact information for the person responsible for completing questions C1-C25. This will allow EPA to clarify the information provided in these questions as necessary.

Project Level Financial Information

Question C27 asks for the establishment's percent share ownership of the project. Question 28 and 29 asks the respondent information about their relationship to the owner of the project. EPA would use this information to inform its industry profile and economic impact analysis.

Question C30 asks for financial information related to each phase of the project: land acquisition and project design/planning, land development, project construction, and project sale or other completion disposition. EPA will use this information to assess how specific phases of construction projects would be affected by the rule and to understand how the cost of BMPs compares to other construction project costs.

Question C31 asks the respondent to provide information on the financial structure and terms of each phase of the project (land acquisition, land development, and construction). The interest rate and information on equity financing will be factored into EPA's economic analysis if EPA determines that implementation of BMPs will incur capital costs which will necessitate further financial planning.

Question C32 asks for the final value of the project which will be factored into EPA's economic impact analysis and used in the construction industry profile.

Question C33 asks the respondent information on the ownership of the project after construction activities are completed.

The preceding questions C27-C33 are all needed to define baseline project conditions, independent of potential long term stormwater management regulatory requirements, and are critical to the assessment of how long term stormwater management requirements would affect project financial performance, and, in turn, potentially affect the financial viability of the industry businesses and the customers of those businesses.

Question C34 requests the contact information for the person responsible for completing questions C27-C33. This will allow EPA to clarify the information provided in these questions as necessary.

SECTION D: PROJECT-LEVEL INFORMATION FOR NON-OWNERS/GENERAL CONTRACTORS

Respondents that only completed projects in FY2009 for which they were not the general contractor or owner must complete Section D. Based on the distribution of establishments by NAICS codes as presented in the 2002 U.S. Economic Census, EPA estimates that approximately 75 percent of respondents are expected to be required to answer these questions. These questions will help determine the establishment for whom contract builder services were provided, their role, contact information for the project owner (if needed), the services provided by the contract builder, the revenue for contract building services, duration of the contract building services, and the completion year of those services. These questions will be used in the economic impact analysis to establish the role of contract builders in construction projects and to understand the value of services provided by the contract builder. This information will help determine the potential effect of long term stormwater management requirements on the contract builder's business.

MS4 QUESTIONNAIRE

SECTION A: TECHNICAL INFORMATION

Questions A1 to A24 *in general* regard MS4 types and configurations, how they are regulated, and what their programs include. This information is required in order to assess the areas and populations served by MS4s, what the effects of potential regulatory changes might be on MS4s (especially as to how this may alter their future planning in terms of projected infrastructure needs), how they might be required to respond to a new regulation (e.g., what types of steps would they likely have to take to comply), and how stormwater flow is currently managed.

Specifically:

Questions A2-A6 are intended to collect data about type, size, area covered, and population served by MS4s, to provide baseline information.

Questions A7-A9 request estimates about whether a MS4's capacity may be overstretched and what size rain events can typically be managed with their current setup. These data will help determine whether use of green infrastructure and other alternate stormflow management methods may help avert the need for upgrades to 'typical' stormwater control measures, thus potentially saving costs and resources in some arenas.

Questions A10-A11 ask about discharges directly to surface waters rather than to the MS4 for an estimate of how prevalent this is within MS4 physical boundaries.

Questions A12-A13 concern impervious areas within MS4s. EPA would use this information to get baseline information about ranges and distributions for these major runoff-producing surfaces among MS4s.

Questions A14-A20 are about design, maintenance, inspection, and training for discharge requirements within MS4s. This can be used to get baseline information about how prevalent these requirements are, what they entail, and how they are managed within MS4s.

Questions A21-A25 refer to monitoring practices within MS4s and the results of that monitoring (if applicable). This can be used to help verify cause-and-effect between certain practices and their effects on water quality.

Questions A26 to A30 *in general* deal with how much and what types of development are occurring (and have recently occurred) within the MS4. These questions will also provide information on the sizes of projects and how/if they were reviewed/approved.

Specifically:

Questions A27-A28 refer to redevelopment site plan review and will provide baseline information (if MS4 distinguishes between new and re-development).

Questions A29-A30 refer to new development site plan review and will provide baseline information.

Questions A31 to A40 *in general* are designed to gather information on performance standards and design criteria. These questions ask about standards for new development and redevelopment in MS4s; specifically, what (if any) performance and/or design standards are required, for what types of development (commercial, industrial, residential, institutional), and whether they differ between new- and re-development. This information can provide crucial insight into the relative burden that might be placed upon an MS4 – where many green infrastructure compatible standards are already in place and being utilized, the burden of complying with a new regulation should be less.

Specifically:

Questions A33-A36 deal with redevelopment (assuming MS4 distinguishes between standards for new- and re-development). This will be used to establish baseline information about standards among MS4s and for distribution analysis of practices.

Questions A37-A40 regard new development and will be used to establish baseline information about standards among MS4s and for distribution analysis of practices.

Questions A41 to A43 ask about retrofit plans and implementation. Data will be used to determine how prevalent this is and to establish baseline information.

Questions A44 to A47 *in general* enquire about current green infrastructure (GI) practices within MS4s. This information can be used to evaluate how prevalent these practices are, which are most commonly used and where, and how and to whom they are applied. Information as to what is not suitable (and where) will also be obtained.

Specifically:

Question A44 asks what (if any) retention practices are required; Question A45 asks what practices have been implemented; Questions A46-A47 ask which are used in municipal work projects and the driver for

their implementation. This information will indicate how prevalent these practices are, to assess how readily MS4s may be able to implement such practices in the future.

Questions A48-A49 ask whether there are any obstacles or contraindications for the use of retention practices within a jurisdiction, to establish what factors may prevent the implementation of retention practices and how prevalent these barriers are.

Questions A50-A54 concern incentives that may be provided to encourage retention practices and green infrastructure for new development, redevelopment, and retrofitting. These data will help in analyzing which (if any) incentives have been effective for encouraging green infrastructure practices and provide baseline information about which incentives are most common.

Questions A55-A57 inquire about public- vs. private-owned stormwater control practices; relative prevalence of each, and authority for inspecting/maintaining when on private property. This information can give insight into how much individual property owners may be required to oversee in terms of stormwater management, and where much of this burden will be placed.

Question A58 asks whether they have compared the costs of traditional stormwater practices against the costs of alternative stormwater practices for any municipal projects. The data will help in determining the extent to which such cost comparisons are being conducted on a site-specific basis and the possible availability of those comparisons.

Question A59 gives the MS4 the opportunity to provide any further technical information.

SECTION B: FINANCIAL INFORMATION

Questions B1 to B14. This information is essential to determining what (if any) additional financial burden is likely to be placed upon an MS4 as a result of this proposed new regulation; also, what proportion of their total annual budget is assigned specifically to stormwater-related issues and how that might change.

Specifically:

Questions B1-B3 attempt to differentiate between the total operating budget and the portion which is specifically designated for stormwater. However, it is essential that the components that constitute “stormwater budget” within a jurisdiction be elucidated so that direct cost comparisons can be made; these questions attempt to explicitly identify those components.

Questions B4-B6 ask about dedicated funding for personnel, funding sources, and projected budgets for stormwater. This will provide baseline financial information.

Questions B7-B10 are about permit fees (including sources) and how much they cover stormwater expenses – will be used for analysis and baseline information.

Questions B11-B12 regard budgeting for stream restoration and will provide baseline information.

Question B13 asks about specific practices and whether there is available financial information (for both installation and maintenance), that will be used to determine relative costs of different stormwater management techniques.

Question B-14 gives the MS4 the opportunity to provide any further financial information.

STATE QUESTIONNAIRE

SECTION A: GENERAL INFORMATION

Question A1 collects identification information including the name, title, address, and phone number of the primary contact at the state to verify or clarify the responses as necessary.

Questions A-2 to A-5 request the state to provide their current expenditure on their stormwater program and estimate next year's budget. The state is requested to itemize how it divides the stormwater budget in both dollars and full time equivalents (FTEs) between the major activities of its program (permitting, inspections, etc). EPA would use this information for economic/financial analysis to characterize the state's baseline financial operations, including, in particular, how those funds are distributed to different stormwater tasks.

Question A-6 requests the state to identify if it contributes to the stormwater budget of MS4s. EPA would use this information for economic/financial analysis.

Question A-7 gives the state the opportunity to provide any further information on its stormwater budget.

SECTION B: MUNICIPAL STORMWATER PROGRAM INFORMATION

Questions B-1 to B-9 request information on the scope of the municipal stormwater program, including the number of Phase I MS4s and Phase II MS4s permittees, the type of permittees (cities, counties, DOTs, etc), how the MS4s are permitted and the mechanism to do so (e.g., individual or general permit), and who is responsible for such implementation. These questions will be used to provide EPA with an updated characterization of each state's municipal stormwater program.

Question B-10 requests information about whether or not the state requires the Phase I MS4 to implement the six minimum measures as described in the Phase II regulations. Question B-11 requests information about whether or not the state requires Phase II MS4s to implement an industrial program similar to that required for Phase I MS4s. EPA will use this information to determine how widely Phase I and Phase II regulations have been implemented for all MS4s.

Questions B-12 and B-13 request information on the number of audits and/or inspections and enforcement actions for MS4s that the state has performed over the last five years. EPA would use this updated information regarding the state's level of oversight on the municipal stormwater program to have a better understanding of the capacity of the state to implement potential changes in the stormwater management regulation.

Questions B-15 to B-18 request information on the type of stormwater performance standards and/or design criteria for newly developed and redeveloped sites that the state may have enacted and the regulatory drivers for instituting those standards. Information is also requested on the regulatory mechanism for implementing those standards and whether or not the standards are addressed in their state stormwater manual. EPA would use this information to establish a baseline for current regulatory requirements, mechanisms, and drivers.

Question B-19 concerns incentives that may be provided to encourage retention practices and green infrastructure for new development and redevelopment. This data will help in analyzing which (if any) incentives have been effective for encouraging green infrastructure practices and provide baseline information about which incentives are most common.

Question B-20 requests information on whether the state has retrofits requirements for stormwater discharges from existing development. EPA would use this information to identify states which are currently implementing post construction stormwater performance/design standards for different types of development.

Question B-21 and B-22 request information about stormwater mitigation programs, including payment in lieu and off-site mitigation to identify which states are currently implementing these practices.

Question B-23 gives the state the opportunity to comment on ways to incorporate sources of stormwater discharge that are currently in unregulated areas. EPA will use this information in consideration of practical solutions to updates of the stormwater regulation.

Question B-24 gives the state the opportunity to provide any further information about its municipal stormwater regulations and/or permits.

SECTION C: INDUSTRIAL STORMWATER PROGRAM INFORMATION

Questions C-1 and C-2 request information the number of permittees in the state's industrial stormwater program and how many of those facilities are located within MS4 boundaries. These questions will be used to provide EPA with an updated characterization of each state's industrial stormwater program.

Questions C-3 through C-4 request information on the number of inspections and enforcements of industrial facilities performed by the state. EPA would use this updated information regarding the state's level of oversight on the industrial stormwater program to have a better understanding of the capacity of the state to implement potential changes in the stormwater management regulation.

Question C-5 gives the state the opportunity to provide any further information about its industrial stormwater regulations and/or permits.

SECTION D: CONSTRUCTION STORMWATER PROGRAM INFORMATION

Questions D-1 and D-2 request information on the size criteria for obtaining a state construction permit for stormwater and the number of permittees in the state's program for the last five years.

Question D-3 request information about any post construction requirements in the state's construction general stormwater permit. These questions will be used to provide EPA with an updated characterization of each state's construction stormwater program.

Questions D-4 and D-5 seek to determine if the state reviews construction site stormwater pollution prevention plans (SWPPPs) and if it issues construction guidance manuals for stormwater. In addition, Questions D-6 and D-7 request information on the number of inspections and enforcements of construction sites performed by the state. EPA would use this updated information regarding the state's level of oversight on the construction stormwater program to have a better understanding of the capacity of the state to implement potential changes in the stormwater management regulation

Question D-8 gives the state the opportunity to provide any further information about its construction stormwater regulations and/or permits.

ii. Respondent Activities

All questionnaire respondents must read the transmittal letter with attachments citing authority of section 308 of the Clean Water Act, and confidentiality and handling instructions of any responses asserting a CBI claim. Respondents will also need to read the Introduction, General Instructions, Definition of Key Terms, and Certification Statement sections in the beginning of the questionnaire. The Introduction section provides the purpose and use of the questionnaire, questionnaire outline, e-mail/help line information, and information on how to return the completed questionnaire. The General Instructions section will give the respondent guidance on completing the responses and including attachments, if needed. The Definition of Key Terms provides respondents with all pertinent definitions and acronyms to understand and complete the questionnaire sections.

Each respondent will need to read and understand the questionnaire, plan response activities, gather information, compile and review information, and complete the questionnaire form. The respondent would also be required to maintain a copy and retain the completed questionnaire form for up to one year, in the event that EPA has to contact the respondent for clarification of any response.

(a) Industry Questionnaire

Part A of the questionnaire requires the respondent to determine whether they are within the scope of the information collection. If yes, then Parts B, C, and D of the questionnaire require the respondent to report establishment or firm-level financial data, as appropriate, and project-level technical and financial data. Establishment-level financial data should be available from the Establishment's balance sheet, income statement, and cash flow statement and for respondents with Firm-level ownership, from the Firm's balance sheet, income statement, and cash flow statement. Section C and D require respondents to report on project-specific technical and cost-related and financial data.

(b) MS4 Questionnaire

Respondents to the MS4 Questionnaire will be required to report on stormwater related requirements, ordinances, and practices applicable to their jurisdiction and to provide annual operating budget and permit fee information.

(c) *States Questionnaire*

Respondents to the State Questionnaire will be required to report on state stormwater related requirements, permitting activities, inspection and enforcement actions, and to provide annual operating budget information.

5. The Information Collected: Agency/Contractor Activities, Collection Methodology, and Information

a. Agency/Contractor Activities

The Agency and/or its support contractors will conduct the following activities to administer the questionnaires:

- Development of three questionnaires;
- Development of the sample frames;
- Development of a sample designs;
- Development of Federal Register Notices (FRNs);
- Consultation with respondent trade associations, industry representatives, MS4s, states, environmental groups, and other stakeholders on the questionnaires;
- Review of questionnaire comments provided by trade associations, industry representatives, MS4s, states, EPA work group, OMB, environmental groups, and other stakeholders;
- Development of the ICR;
- Performing the sample draws;
- Development of a mailing list database and mailing labels;
- Development of a tracking system for questionnaire mail out/e-mail sending, receipt, and return activities;
- Mail-out of the industrial questionnaire;
- E-mail sending of the MS4 and State Questionnaires;
- Development and maintenance of a web-site and help line support option for respondents who require assistance in completing their questionnaire, which may include responding to questions via e-mail or call backs and documentation of the contacts;
- Development of the databases for questionnaire responses;
- Receipt and review of questionnaire responses;
- Data entry and verification for the Industry Questionnaire responses and file uploading and verification for the MS4 and State Questionnaire responses;
- Summarization and analysis of questionnaire responses for a profile of affected entities; and
- Performance of statistical summaries and technical and economic analyses.

EPA will ultimately use the questionnaire results as part of its effort to develop stormwater management requirements including standards for stormwater discharges from newly developed and redeveloped sites.

b. Collection Methodology and Management

Each commercial or residential construction contractor or owner selected to receive the Industry Questionnaire would receive its own questionnaire via Federal Express or comparable carrier to ensure a point of contact signs for and receives the questionnaire package. The respondent would be given the option of completing a paper questionnaire or electronically using standard software. Each respondent would be allowed 60 days to return the completed questionnaire through a carrier of their choice.

Each selected MS4 and U.S. state or territory would receive an electronic questionnaire or a link to a questionnaire to be completed and sent via e-mail to EPA. EPA will incorporate an electronic method to determine questionnaire receipt.

EPA will provide an e-mail address to so that respondents can request assistance in completing the technical and/or financial/economic sections of the questionnaires. Responses to questions will be documented and, as requested by a respondent, EPA or its representatives will provide assistance by phone.

Each questionnaire respondent will be assigned a unique identification number for ease of tracking. The identification number will be used to track the mailing or e-mailing date of the questionnaire, questionnaire receipt date by the respondent, follow-up correspondence and telephone calls, and EPA's receipt of the completed questionnaires. The identification number will also be used as a respondent code for file upload in the questionnaire databases.

Upon receipt of completed questionnaires, EPA and its contractors will review the questionnaire responses for completeness and CBI claims. All questionnaires will also be reviewed for consistency and reasonableness and follow up calls will be conducted as needed to clarify inconsistencies found in the responses. Reviewed questionnaire files will then be uploaded into questionnaire databases. The databases developed using the questionnaire responses will be used by EPA to perform data analysis for the purpose of developing discharge standards.

c. Small Entity Flexibility

The target population for the Industry Questionnaire is all construction and development establishments that owned, operated, developed, and/or served as a contract builder for at least one completed project during their 2009 Fiscal Year. The target population for the MS4 questionnaire is, at a minimum, all MS4 communities potentially regulated under NPDES Phase I and Phase II regulations. EPA expects the majority of both of these populations to be small entities.

Because this regulation could potentially affect these small entities, EPA needs to collect information to adequately assess any impacts to them. As explained in more detail in Section 6a below, EPA has designed all of the questionnaires to include burden-reducing features. In addition, for the Industry Questionnaire, EPA projects the burden will be less for small entities because they will likely have completed fewer projects within FY2009 as compared to large entities and would therefore be required to provide much less detailed technical and financial information on a project level.

d. Collection Schedule

The schedule for distribution, response receipt, and data collection activities for the questionnaires has not yet been established but will include the following activities:

Activity	Estimate of Schedule
Questionnaire and ICR Supporting Statement Development Ends	October 15, 2009
Publication of first Federal Register Notice (FRN)	November 1, 2009
Consultations and review/revision	November 2, 2010- March 15, 2009
End of First FRN 60-day public comment period	January 1, 2010
Publication of 2 nd FRN/Beginning of OMB Review	April 1, 2010
End of Second FRN 30-day public comment period	May 1, 2010
End of OMB Review	June 1, 2010
Mailout of the questionnaires	June 2010
Receipt of questionnaire responses	August 2010
Complete questionnaire follow-up	November 2010

6. Estimating the Burden and Cost of the Collection

a. Estimating Respondent Burden

The Agency designed all of the questionnaires to include burden-reducing formatting features. These features include:

- Questions on related topics grouped together;
- Skip patterns where possible so that respondents are directed to skip over questions for information that does not apply to their situation; and
- Financial questions designed to solicit information that would be available on an establishment's and firm's balance sheet, income statement, and cash flow statement.

The Agency will also have an internet e-mail address where respondents may request assistance.

(a) Industry Questionnaire

EPA estimates it would take an average of 57 hours for each in-scope Industry Questionnaire recipient to complete and review its responses. This estimate is based on an assumption that:

- Twenty-five percent of the establishments will report data for ten construction projects;
- Twenty-five percent of the establishments will report data for five construction projects; and
- Fifty percent of the establishments will report data for one construction project

Additionally, EPA assumes that and that on average each project will involve three stormwater management/control practices.

(b) MS4 Questionnaire

For the MS4 Questionnaire, EPA estimates that it would take an average of 50 hours to complete and review the questionnaire.

(c) States Questionnaire

For the State Questionnaire, EPA estimates that it would take an average of 30 hours to complete and review the questionnaire.

EPA would distribute the questionnaires to 1,000 industrial entities, 1,000 MS4s, and 60 state/territory contacts. Because the recipients are legally obligated to complete the questionnaire under the authority of Clean Water Act Section 308, EPA expects at least a 90 percent response rate. For purposes of the burden estimate, EPA has assumed 100% response to develop a conservative estimate. EPA estimates that the total burden for the recipients of the Industry Questionnaire, MS4 Questionnaire, and State Questionnaire would be 56,875 hours, 50,000 hours, and 1,800 hours, respectively.

Table 2 presents the average hourly burden by labor category associated with all respondent activities necessary to complete the questionnaires and the total burden by labor category based on the categories of respondents. Table 3 presents the total respondent burden estimated for the questionnaire effort.

Table 2. Estimated Respondent Burden to Complete the Questionnaires (Hours)

Respondent Activity	Hours by Job Category					Total Burden per Activity (Hours)
	Technical/ Environmental Engineer	Clerical Support	Project Manager	Financial Manager	Legal	
Industry Questionnaire						
Read Instructions	0.5	0	0.75	0.5	0	1.75
General Info Section A	0	0	1.25	0	0	1.25
Firm Financial Section B	0	1	2	4.5	0.5	8
Project Specific Technical Questions (Per Project) Section C	1.75	0.75	0.5	0	0	3
Total Technology Specific Questions (Per Technology) Section C	1	0	0.5	0	0	1.5
Total for Project Financial Section C	0	0.5	8	7.5	0.5	16.5
Total for Project Financial Section D	0	0.5	3	6.5	0.5	10.5
Average Total for Industry Questionnaire*	20.69	4.69	16.75	11.75	1.0	54.88
State Questionnaire (per respondent)						
Read Instructions	0	0	0.5	0	0	0.5
General Information Section A	0	0	2	0	0	2
Municipal Stormwater Program Section B	5	4	2	0	0	11
Industrial Stormwater Program Section C	4	2	0	0	0	6
Construction Stormwater Program Section D	4	2	0	0	0	6
Complete questions and review	2	0	1.5	0	0	3.5
Total for State Questionnaire	15	8	6	0	0	29
MS4 Questionnaire (per respondent)						
Read instructions	0	0	0.5	0.5	0	1
Technical Information Section A	24	8	4	0	0	36
Financial Information Section B	0	1	0	3	0	4
Contact Information Section C	0	0	0.25	0	0	0.25

Table 2. Estimated Respondent Burden to Complete the Questionnaires (Hours)

Respondent Activity	Hours by Job Category					Total Burden per Activity (Hours)
	Technical/ Environmental Engineer	Clerical Support	Project Manager	Financial Manager	Legal	
Complete questions and review	4	0	1.25	0.5	1	6.75
Total for MS4 Questionnaire	28	9	6	4	1	48
Follow-up for Industry Respondents	0	0	1	1	0	2
Follow-up for State Respondents	0	0	1	0	0	1
Follow-up for MS4 Respondents	0	0	1	1	0	2
						Total Burden (Hours)
Average Total Industry Respondent*	20.69	4.69	17.75	12.75	1	56.88
Total State Respondent	15	8	7	0	0	30
Total MS4 Respondent	28	9	7	5	1	50

*Note: For Industry Questionnaire the respondent activity columns appropriately do not sum to the average total. This is because the burden for each respondent activity for the industry questionnaire varies. The total average burden assumes:

- 1) That 25% of the projects are completed by the owner/developer and 75% of the projects are completed by the lead contractor/contract builder;
- 2) That 25% of the respondents will respond for 10 projects, 25% of the respondents will respond for 5 projects, and 50% of the respondents will respond for 1 project; and
- 3) That each project will include information on three technologies.

Table 3. Total Respondent Burden in Hours

Respondent Category	Burden per Respondent (Hours)	Number of Respondents	Total Burden (Hours)
Industry Respondents			
All Respondents (Total)	56.88	1,000	56,875
State Respondents			
All Respondents (Total)	30	60	1,800
Municipal Respondents			
All Respondents (Total)	50	1,000	50,000
TOTAL for ALL QUESTIONNAIRES		2,060	108,675

b. Estimating Respondent Costs

i. Estimating Labor Costs

The direct cost to each respondent to complete the questionnaire equals the time required to read and understand the questionnaire, gather the information, compile and review the information, and complete the questionnaire form. EPA anticipates that the industry respondents will submit their questionnaires by mail, therefore material costs for each industry respondent would include photocopying and postage. EPA anticipates that the state and MS4 respondents will submit their questionnaires electronically and therefore material costs would not be required for those respondents. Labor costs would compose the majority of the financial burden imposed on the industry, MS4s, and states.

The Agency estimated respondent labor costs using average hourly wages derived from Bureau of Labor Statistics (BLS) Occupational Employment Statistics (May 2008) to develop labor category rates in \$/hour to use with the hour burden estimates. For industry labor rates, EPA used median hourly earnings representative of Engineering Services. For the MS4 and state labor rates, EPA used median hourly earnings representative of local government.

Table 4 presents the average labor cost burden by job category and the total labor cost burden per questionnaire for the industry in-scope, industry out-of-scope, state, and MS4 respondents. Table 5 presents the total respondent labor cost burden estimated for the entire questionnaire effort.

Table 4. Estimated Per Questionnaire Respondent Burden (Dollars)

	Costs by Job Category					Total Burden (Dollars)
	Technical/ Environmental Engineer	Clerical Support	Construction Manager	Financial Manager	Legal	
Industry Respondent	\$738	\$61	\$974	\$600	\$61	\$2,434
State Respondent	\$468	\$111	\$337	\$0	\$0	\$916
MS4 Respondent	\$874	\$124	\$337	\$189	\$40	\$1,564
TOTAL	2,080	\$296	\$1,648	\$789	\$101	\$4,914

Table 5. Total Respondent Burden in Labor Costs

Respondent Category	Burden per Respondent (\$)	Number of Respondents	Total Labor Burden (\$)
Industry Respondents			
All Respondents	\$2,434	1,000	\$2,433,828
State Respondents			
All Respondents	\$916	60	\$54,955
MS4 Respondents			
All Respondents	\$1,564	1,000	\$1,564,350
TOTAL for ALL RESPONDENTS		2,060	\$4,053,133

Note: Total Burden (\$) calculated using un-rounded burden per respondent amount.

ii. Estimating Capital and Operations and Maintenance (O&M) Costs

Because EPA would not require questionnaire respondents to purchase any goods, including equipment or machinery, to respond to the questionnaire, the Agency does not expect capital costs to result from the administration of this data collection request. Operation and maintenance costs for the Industry Questionnaire would only include photocopying and postage. EPA assumed a photocopying rate of \$0.10 per page for an estimated 75 pages per questionnaire for a total photocopy cost of \$7,500. EPA is also assuming that the respondents will return the completed questionnaire file via Federal Express or a comparable delivery carrier that requires a signature to acknowledge receipt. EPA estimates the Federal Express Saver rate at \$9.65 for a 1-lb package per respondent for a total mailing cost of \$9,650.

Since the MS4 and State Questionnaire will be submitted electronically there would be no O&M costs associated with that questionnaire.

c. Estimating Agency and Contractor Burden and Costs

Table 6 presents an estimate of the burden and labor costs EPA and its support contractors would incur to administer the questionnaires. The table identifies the collection administration tasks to be performed by Agency employees and contractors, with the associated hours required for each grouping of related tasks. EPA determined contractor labor costs by multiplying contractor burden figures by an average hourly labor rate of \$80/hour. EPA determined Agency labor costs by multiplying Agency burden figures by an average hourly labor rate of \$40.44/hour. Table 7 presents the estimated Agency total costs including labor and O&M. Total Agency costs (including contractor and O&M costs) are estimated at \$948,386.

d. Estimating the Respondent Universe and Total Burden Costs

EPA estimates a total burden of 108,675 hours and a total labor and O&M cost of \$4,070,282 for all respondents. See Tables 3 and 5.

e. Bottom-Line Burden Hours and Cost Tables

With 1,000 Industry Questionnaires, 60 State Questionnaires and 1,000 MS4 questionnaires and questionnaire follow-up information requests to clarify questionnaire responses, EPA estimates that the total burden is 108,675 hours and \$4,070,282 for the respondent community and 12,593 hours and \$948,386 for the Agency. See Tables 3, 5, 6, and 7.

f. Reasons for Change in Burden

Not applicable. This is a new collection.

Table 6. Estimated Agency and Contractor Burden and Labor Costs

Activity	Burden (Hours)			Labor Cost (\$)		
	Agency	Contractor	Total Hours	Agency (\$40.44/hr)	Contractor (\$80/hr)	Total Cost
<ul style="list-style-type: none"> • Develop the questionnaire instruments; Provide the draft questionnaire instruments to industry for review; • Meet with trade association representatives; • Publish notice of anticipated ICR in Federal Register; • Respond to all comments received; • Revise Questionnaire instruments based on reviewer’s comments. 	340	1,820	2,160	13,750	145,600	159,350
<ul style="list-style-type: none"> • Design sampling approach; • Develop a mailing list database; • Develop a system to track mailing/e-mailing and receipt activities; • Mail questionnaire files. 	210	1,183	1,393	8,492	94,640	103,132
<ul style="list-style-type: none"> • Develop and maintain e-mail helpline 	170	555	725	6,875	44,400	51,275
<ul style="list-style-type: none"> • Maintain response tracking system; • Implement appropriate procedures for handling CBI responses; • Review responses and collect missing data; • Engineering and economic followup to clarify responses to questionnaires. 	1,000	6,619	7,619	40,440	529,520	569,960
<ul style="list-style-type: none"> • Develop questionnaire database • Upload and verify data 	60	635	695	2,426	50,800	53,226
Total*	1,780	10,813	12,593	\$71,983	\$865,053	\$937,036

* Activity amounts are estimates using rounded values, total amounts were calculated using un-rounded values.

Table 7. Estimated Agency Total Cost (Labor and O&M)

	Agency	Contractor	Total Agency and Contractor Cost
Labor Costs	\$71,983	\$865,053	\$937,036
O&M Costs	\$1,000	\$10,350	\$11,350
Total Labor and O&M Costs	\$72,983	\$875,403	\$948,386

(a) *Burden Statement*

EPA estimates it would take 57 hours and \$2,434 for each Industrial Questionnaire respondent, 30 hours and \$916 for each State Questionnaire respondent, and 50 hours and \$1,564 for each MS4 Questionnaire respondents to complete and review their responses to the questionnaires. This estimate is based on U.S. Department of Labor, Bureau of Labor Statistics' Occupational Labor data from May 2008 for the likely range of personnel involved in responding.

EPA estimates that the total respondent burden for the three questionnaires would be approximately 108,675 hours, or \$4.07 million dollars. EPA estimates that there would be no start up or capital cost associated with the questionnaires described above.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

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. EPA-HQ-OW-2009-0817, which is available for public viewing at the EPA Docket Center Public Reading Room in the EPA Docket Center (EPA/DC), EPA West, Room Number 3334, 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 Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426. You can also contact the Water Docket via e-mail at OW-Docket@epa.gov. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) accessed from www.regulations.gov. Use FDMS to submit or view public comments, 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 by mail to Water Docket, U.S. Environmental Protection Agency, Mail code: 4203M, 1200 Pennsylvania Ave., NW, Washington, DC 20460 or hand delivery to Water Docket, EPA Docket Center, EPA West Building Room 3334, 1301 Constitution Ave., NW, Washington, DC. Please include the EPA Docket ID No. and OMB control number in any correspondence.
