

**Supporting Statement for the
Review of New Sources and Modifications in Indian Country Rule**

Prepared by
Office of Air Quality Planning and Standards

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Based upon our evaluation of current Tribal emission inventories and the application of updated growth rates, we have determined that the analysis has not changed significantly to date; therefore, the May 2003 analysis for the period 2004–2010 remains valid for the EIA and the associated ICR supporting statement. This analysis will be updated for the final rulemaking.

PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

(a) *Title of the Information Collection.*

“Review of New Sources and Modifications in Indian Country.” The tracking number is EPA ICR number **1230.13**. (Proposed rule)

(b) *Short Characterization/Abstract.*

The proposed action would establish nationally applicable regulations to implement a permitting program in Indian country, which would regulate the construction and modification of stationary sources of air pollution and allow certain new and existing stationary sources to voluntarily accept federally enforceable emission limits in order to avoid major source regulations. With this action, EPA is proposing regulations to regulate new minor stationary sources and minor modifications in Indian country, i.e., a federal minor NSR rule. However, no specific language is included for the federal major nonattainment NSR rule because it is already provided in 40 CFR 51.

Potential respondents are owners or operators of all new minor stationary sources and minor modifications (to both minor and major sources) in Indian country, and those major stationary sources and major modifications located in portions of Indian country that are not in attainment of the National Ambient Air Quality Standards (NAAQS), i.e., nonattainment areas.

The minor source regulations set forth the procedures and terms under which the Administrator will issue new source review (NSR) construction permits for stationary sources of air pollution in Indian country, pursuant to Title I of the Clean Air Act as amended in 1990 (CAA). These regulations will apply to all new minor stationary sources and modifications in Indian country that are not subject to regulation as major new sources and major modifications under parts C or D of Title I of the CAAA and are not *de minimis* as defined in the proposed regulation. All respondents to the federal minor NSR rule would be required to prepare a NSR construction permit. Respondents would be required to use the new best available Minor Source Control Technology (MSCT) to control air emissions. Respondents with different types of processes would be required to study alternatives and adopt minor source MSCT, depending on the type of process, unless technically or economically infeasible. Initial compliance would be demonstrated through performance tests and compliance certifications. Continuous compliance would be demonstrated through inspections and monitoring of emissions or control device operating parameters.

Respondents would keep records and submit one-time notifications as required by the rules, and scheduled periodic reports of deviations from the rule requirements. In some cases, an immediate report would be required if actions taken in response to the startup, shutdown, or malfunction were not consistent with the startup, shutdown, and malfunction plan. Respondents would maintain records of specific information to ensure

that the rule requirements are being achieved and maintained. These requirements are listed in Attachment 1.

2. Need For and Use of the Collection

(a) *Need/Authority for the Collection.*

The EPA is authorized to protect air quality by directly implementing provisions of the Clean Air Act throughout Indian country. In the preamble to the CAA Tribal Authority Rule, EPA stated the intention to draft nationally applicable regulations to implement a permitting program in Indian country which would regulate construction and modification of stationary sources of air pollution (63 FR 7254, February 12, 1998).

Certain records and reports are necessary for the Tribal agency (or EPA Administrator in non-delegated areas), for example, to: (1) identify any stationary sources not subject to the NSR standards, identify new or modified major and minor sources in Indian country subject to the rules, and confirm the compliance status of major and minor sources in Indian country subject to the rules; and (2) ensure that the major and minor source control requirements are being achieved.

(b) *Practical Utility/Users of the Data.*

The information will be used by EPA or Tribal enforcement personnel to: (1) identify major and minor sources, new or modified, subject to the rules, (2) ensure that minor source MSCT is being properly applied, and (3) ensure that the emission control devices are being properly operated and maintained on a continuous basis. Based on the reported information, the Tribes can decide which plants, records, or processes should be inspected.

3. Nonduplication, Consultations, and Other Collection Criteria

(a) *Nonduplication.*

A search of the EPA's existing regulations and standards and ongoing ICRs revealed no duplication of information gathering efforts. However, should certain reports required by Tribal, State or local agencies duplicate information required by the ***Review of New Sources and Modifications in Indian Country rule***, a copy of the report submitted to the Tribal, State or local agency can be provided to the Administrator in lieu of the report required by the rule.

(b) *Public Notice Required Prior to ICR Submission to OMB.*

An announcement of a public comment period for this initial rule related ICR will be published in the *Federal Register*, along with the proposed rule.

(c) *Consultations.*

In undertaking this rulemaking effort, EPA wanted to ensure that the tribes were included in the rulemaking process from the beginning of the rule development effort. To that end, on June 24, 2002, EPA sent letters to tribal leaders seeking their input on how we could best consult with the tribes on the rulemaking effort.

The EPA received responses from 75 tribes. Of these 75 tribes, 69 designated an environmental staff member to work with EPA on developing the rule. As a result of this feedback, EPA developed a consultation/outreach plan which included three national meetings held at the Menominee Tribe in Wisconsin, the Mohegan Tribe in Connecticut, and the Chehalis Tribe in Washington. A fourth meeting was held in conjunction with the Institute of Tribal Environmental Professionals' (ITEP) anniversary meeting in Flagstaff, Arizona. In addition to conducting these national meetings, EPA also visited tribal environmental staff in Indian country, where time and travel permitted. Over 30 tribes attended these meetings. In addition to the meetings, there is also has an on going workgroup of tribal environmental staff that has worked with EPA on developing these rules. The EPA also has a website dedicated to facilitating outreach and providing another vehicle for comments on this rule.

Although much of EPA's effort was in the form of outreach to the tribes, EPA also felt it was important to ensure that the State and local air pollution control agencies and small business concerns had an opportunity to interact with EPA during development of this rule. To that end, EPA had two meetings with the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officers (STAPPA/ALAPCO) to present the draft preamble and rule. The EPA also met with the National Federation of Independent Business and provided outreach material through the small business ombudsman's office to get input from the small businesses that might be affected by this rule.

(d) *Effects of Less Frequent Collection.*

If results were collected less frequently, there would be little assurance that each source was in continuous compliance with the NSR requirements. Also, the EPA's authority to take administrative action would be reduced.

(e) *General Guidelines.*

None of the recordkeeping or reporting requirements contained in the ***Review of New Sources and Modifications in Indian Country rule***, 40 CFR Parts 49 and 51, or otherwise pertinent to this request, violate any of the regulations established by OMB in 5 CFR 1320.6.

(f) *Confidentiality.*

Confidential business information will be handled using Agency guidelines on confidentiality, set forth in Title 40 Chapter 1, Part 2 Subpart B - Confidentiality of Business Information (see 40 CFR Part 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

(g) *Sensitive Questions.*

Information to be reported consists of emissions data and other information that are not of a sensitive nature. No sensitive personal or proprietary data are being collected.

4. The Respondents and the Information Requested

(a) *Respondents/SIC and NAICS Codes.*

Potential respondents are owners or operators of all new minor stationary sources and minor modifications in Indian country, and those major stationary sources and major modifications located in portions of Indian country that are in nonattainment areas. It is estimated that 288 new minor sources of varying types would be subject to the rule requirements during the analysis period (i.e., 2004 to 2010). The SIC and NAICS codes for these various minor source types are included in the economic impact analysis cost tables. Twenty-three new major sources are estimated to be built in Indian country during the analysis period; however, only one new major source in a nonattainment area is expected in Indian country during the analysis period.

Entities potentially affected by this proposed action include sources in all industry groups. The majority of sources potentially affected are expected to be in the following groups.

SIC	NAICS	Sector Description
0711	115112	Repellent and fertilizer applications
1021	212234	Copper mining and processing
1221, 1222, 1231	21211	Coal mining
1311	211111	Oil and gas production
1321	211112	Fractionation of natural gas liquids
1422	212312	Stone quarrying and processing
1423	212313	Stone quarrying and processing
1442	212321	Sand and gravel production
2295	31332	Surface coating operations
2421	321113	Lumber saw mill - check this one also
2431	321911	Window & door molding manufacturer
2511	33712	Furniture manufacture
2752	323110	Printing operations (lithographic)
2754	323111	Gravure printing
2759	323113	Commercial screen printing
2819	325188	Elemental phosphorus plant
2819	325188	Sulfuric acid plant
2951	324121	Asphalt hot mix plant
3341	331314	Secondary aluminum production and extrusion
3341	331492	Cobalt and tungsten recycling
3411	332431	Surface coating operations
3479	332812	Surface coating operations
4612	486110	Crude oil storage and distribution
4911	221112	Power plant - coal-fired
4911	221119	Power plant - biomass fueled
4911	221119	Power plant - landfill gas fired
4922	221210	Natural gas collection
4922	486210	Natural gas compressor station
4953	56221	Medical waste incinerators
4953	562212	Solid waste landfill
5032	421320	Concrete batching plant
5153	422510	Grain elevator
5171	422710	Crude oil storage and distribution
5171	422710	Gasoline bulk pant

SIC	NAICS	Sector Description
5541	4471	Gasoline station storage tanks and refueling
7216	812320	Dry cleaner
7389	5614	Lumber manufacturer support
7532	811121	Automobile refinishing shop
—		Boilers (natural gas)
—		Boilers (oil)

^a Standard Industrial Classification

^b North American Industry Classification System.

Entities potentially affected by this proposed action also would include tribal governments that are delegated administrative authority to implement these Federal regulations.

(b) *Information Requested.*

(i) *Data items, including recordkeeping requirements.*

All data in this ICR that are recorded and/or reported as required by the **Review of New Sources and Modifications in Indian Country rule** are identified in Attachment 1 and characterized in section 6. The rules also require 5 years of record retention.

(ii) *Respondent Activities.*

The respondent activities required by the **Review of New Sources and Modifications in Indian Country rule** are identified in Attachment 1 and characterized in section 7. These include preparation and planning activities, submittal of a permit application, and various reporting activities.

5. The Information Collected - Agency Activities, Collection Methodology, and Information Management

(a) *Agency Activities.*

A list of Agency activities is provided in Attachment 2 and introduced in section 5(c).

(b) *Collection Methodology and Management.*

It is expected that this information collection (i.e., all permit applications and reports) will involve hard-copy submittals by the respondents, although electronic filing is an option. Following notification of startup, the reviewing authority might inspect the source to determine whether any monitoring systems (CEMS or CPMS) are properly installed and operated. Performance evaluation reports are used by the Agency to determine the capability of the source to comply with the emission standard. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs. Reports of compliance monitoring and deviation, and startup, shutdown, and malfunction are used for problem identification, as a check on source operation and maintenance, and for compliance determinations. The records required by this regulation must be retained by the owner or operator for 5 years.

(c) *Small Entity Flexibility.*

The recordkeeping and reporting burden is the same for all entities, regardless of size. The requirements are viewed by the Agency as the minimum needed to ensure compliance and cannot be reduced further for small entities.

(d) *Collection Schedule.*

Data collection will begin after the promulgation date of rule, tentatively scheduled for 2004. The average total agency burden per affected source, provided in Attachment 2, is 48 hours. The schedule for reports required by the regulations is detailed below.

(i) All stationary sources that are subject to the rule must obtain a NSR permit before they begin actual construction.

(ii) Annual submittal of reports of any required monitoring, including the type and frequency of monitoring, and summary of results obtained by monitoring.

(iii) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Within a permit, the Administrator shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements, provided that no report requested solely under this provision of the rule shall be due sooner than 2 days after the upset event, and that all deviation reports shall be due within 10 days of the event.

6. Estimating the Burden and Cost of the Collection

(a) *Estimating Respondent Burden.*

(i) *Minor sources.*

The minor NSR permitting rule proposed in this action would apply to all new stationary sources and modifications in Indian country that are not subject to regulation as new major stationary sources or major modifications under parts C or D of Title I of the Act, and are not *de minimis* as defined in the proposed regulation.

New minor sources. The annual burden estimates are based on an estimated 288 new minor source facilities coming online over the study period of 2004 to 2010. There are expected to be 123 new minor sources during the first 3 years following promulgation of the rule.

Modifications to existing minors. The EPA estimates that there are 3,169 existing minor sources in Indian country. Assuming that a minor source makes a modification every 10 years, each year there would be an estimated 317 facilities making modifications to their operations. However, it is anticipated that of these minor source process/operational modifications only 5 percent will result in greater than *de minimis* emissions increases. This group (16 facilities per year) will be required to get a minor source NSR permit. As EPA noted in their memorandum on "New Source Review Year 2000 Adjustments," September 6, 2000, "...industry has been able to build major new plants or make physical and operational changes at major existing sources without exceeding the major source

and major modification thresholds.” The same situation holds for minor sources. Sources are expected to avoid the minor NSR thresholds for same three reasons as noted for major sources: (1) installation of state-of-the-art control technologies; (2) replacement or better control of older, more polluting processes; and (3) engaging in effective pollution prevention efforts. All of these actions result in significant reductions in air emissions beyond the baseline case. Therefore, during the first 3 years following promulgation, it is estimated that there will be 48 minor sources requiring permits as a result of minor modifications. Of these minor source facilities undergoing a minor modification, it is estimated that half will incur control device costs.

With regard to the minor NSR permitting rule, the information burden estimates for monitoring, testing, reporting and recordkeeping are presented in Attachment 1. These numbers were derived from estimates based on EPA’s experience with other standards. See section 7 for the assumptions regarding the frequency of occurrence for the various respondent activities and their associated costs.

(ii) Major sources.

The NSR permitting regulations apply to all minor modifications to major stationary sources in Indian country and those new major stationary sources and major modifications to existing major sources located in portions of Indian country that are not in attainment of the National Ambient Air Quality Standards (NAAQS), i.e., nonattainment areas.

New major sources. The rule will only result in an administrative change for new major sources in Indian country; this is because, although the regulatory mechanism to issue permits is not yet available either in the form of a federal nonattainment NSR rule or a TIP, the EPA would be required to implement the program in Indian country, and would otherwise have to do source-specific Federal implementation plans. As a result, there would be no new or additional burden on industry. The EPA estimates that at most one new major source will locate in a nonattainment area in Indian country during the analysis period (i.e., 2004 to 2010). None are expected during the 3 years following promulgation.

Major modifications in nonattainment areas. The EPA data show that there are 8 existing major sources located in nonattainment areas in Indian country. The NSR rules will have little impact on these existing major stationary sources in Indian country because they will only affect such sources if they propose a major or minor modification. EPA projects at most one major modification in a nonattainment area in Indian country during the analysis period (i.e., 2004 - 2010); none are expected during the 3 years following promulgation.

Minor modifications to major sources. There are currently a total of 83 major sources located throughout Indian country. A portion of these sources would choose to make minor modifications over the study period; it is assumed that each major source does a process or operational modification every 10 years. However, it is anticipated that, of these major source process/operational modifications, only 10 percent will result in

greater than *de minimis* emissions increases. This group (1 facility per year) will be required to get a minor source NSR permit. As previously noted above, "...industry has been able to build major new plants or make physical and operational changes at major existing sources without exceeding the major source and major modification thresholds." The same situation holds for minor modifications to major sources. Sources avoid the major and minor NSR thresholds for three reasons: (1) installation of state-of-the-art control technologies; (2) replacement or better control of older, more polluting processes; and (3) engaging in effective pollution prevention efforts. All of these actions result in significant reductions in air emissions beyond the baseline case. Under this scenario, it is estimated that there would be one minor modification to a major source in Indian country per year or 7 total over the seven-year study period. During the first 3 years following promulgation, it is estimated that there will be 3 minor modifications to major sources in Indian country. The burden costs and impacts are based on sources incurring costs associated with the respondent activities required by the ***Review of New Sources and Modifications in Indian Country rule***. The burden costs and impacts are identified in Attachment 1 and characterized in section 6.

(iii) Synthetic minor sources.

The minor NSR permitting rule will also allow new and existing stationary sources in Indian country to accept federally enforceable limits on their potential to emit any regulated air pollutant. These enforceable permit limits will enable sources to avoid regulation as new major stationary sources, and instead be regulated under this proposed rule, and other applicable rules, as minor sources or minor modifications. Sources which voluntarily accept enforceable emission limits in order to avoid major NSR regulations are often referred to as "synthetic minor" sources. The EPA believes that facilities could choose to do this to avoid Title V permitting or avoid being classified as a major source under the NSR or MACT (NESHAP) programs; thus, only the existing 83 major sources would be candidates. Because this action is completely optional, EPA believes a facility would only choose to do it if it resulted in cost savings. Thus, EPA estimates no costs for this type of affected source but instead expects them to incur a cost savings. None are expected during the 3 years following promulgation; therefore, no burden is projected.

(b) Estimating Respondent Costs.

(i) Estimating labor costs.

Labor rates and associated costs are based on Bureau of Labor Statistics (BLS) data. Technical, management, and clerical average hourly rates for civilian workers were taken from the March 2002 Employment Cost Trends (<http://stats.bls.gov/news.release/ecec.t02.htm>). Wages for civilian workers (white-collar occupations) are used as the basis for the labor rates, with a total compensation of \$28.49/hour for technical, \$42.20/hour for managerial and legal, and \$18.41/hour for clerical. These rates represent salaries plus fringe benefits and do not include the cost of overhead. An overhead rate of 110 percent is used to account for these costs. The fully-burdened wage rates used to represent respondent labor costs are: technical at \$59, management and legal at \$89, and clerical at \$39. These labor rates are used in Attachment 1 to estimate total labor costs.

(ii) Estimating Capital/Startup Operating and Maintenance (O&M) Costs.

Several of the monitoring, testing, recordkeeping, and reporting (MRR) activities associated with the minor source NSR rule occur one-time only. These costs for affected minor sources are considered as capital cost in this analysis. The estimate of facility capital costs associated with the NSR permit program is shown in Attachment 1; activities in the attachment are noted as one-time or capital costs. The average total capital cost per facility is estimated over the analysis period as \$13,088 per affected source. Of this amount, \$1,396 are non-labor related capital costs for such one-time activities as air quality modeling analysis and emission source test averaged over the frequency of occurrence. Total capital costs are presented in Table 1. The O&M costs for affected minor sources are considered zero for this rule. For example, no continuous emission monitoring is required. Existing process parameter records will be used to determine continuous compliance; therefore no additional costs are incurred for continuous monitoring.

There are no capital and O&M costs associated with the NSR rule for MRR activities for new major sources in nonattainment areas. During the 3 years following promulgation, no new major sources in nonattainment areas in Indian country are expected. In addition, there are no MRR costs estimated for major modifications to existing major sources in nonattainment areas, because none are expected. The minor modifications to existing major sources in attainment and nonattainment areas, which are impacted by the NSR rule, would incur the same MRR cost associated with the NSR permit program as shown in Attachment 1. The average capital cost per facility is estimated over the analysis period as \$13,088 per affected source.

(iii) Estimating annual costs.

The annualized cost of capital for the capital costs and one-time activities (i.e., \$13,088) shown in Attachment 1 is \$1,863 per year. Of this amount, \$198 are attributable to the annualized non-labor capital costs. This is based on a payment period of 10 years and an interest rate of 7 percent. The annual and reoccurring costs as shown in Attachment 1 amount to a burden cost of \$5,735 per year; there are no direct O&M costs associated with the rule. The total annual burden cost is estimated at \$7,598 per year per affected source, i.e., \$1,863 plus \$5,735.

(c) Estimating Agency Burden and Cost.

The only costs that the Federal government will incur as a result of this action are user costs associated with the analysis of the reported information, as presented in Attachment 2. This action imposes no direct burden on State, local, or Tribal agencies. However, should a Tribal agency choose to accept delegated authority for the minor NSR rule, the only costs that the Tribal agency or government will incur are user costs associated with the analysis of the reported information, as presented in Attachment 2. Labor rates and associated costs for the agency are assumed to be the same as the respondent's hourly rates rather than the US Government labor rates and associated costs, such as those based on labor rates from the U.S. Office of Personnel Management (OPM). These rates are considered more appropriate, assuming Tribal agencies may adopt the rules. Therefore, agency labor rates are estimated as follows: technical at \$59, management and legal at

\$89, and clerical at \$39. The occurrence of agency-related activities is based on the same frequency of occurrence as used for respondent activities. The average total agency burden per affected source, provided in Attachment 2, is 48 hours per affected source including technical, management, legal, and clerical hours. The average total annual cost to the agency per affected source is calculated by determining the total labor cost for all the various respondent activities. The costs for those activities are then added to any associated costs (e.g., total travel expenses for tests attended) to get the average agency burden per facility per year. The average total annual cost to the agency per affected source given in Attachment 2, including the cost of labor, materials, operation, and maintenance, is \$3,110 per year.

(d) *Estimating the Respondent Universe and Total Burden and Costs.*

Stationary sources subject to this rulemaking will be required to file a NSR construction permit, conduct a compliance analysis, and provide the various one-time notifications required by the rules. Compliance reports also must be submitted. In addition, some of these minor sources will be required to install the minor source MSCT equipment; install required monitoring equipment; conduct initial performance tests; conduct air impacts modeling; prepare startup, shutdown, and malfunction plans, and operation and maintenance plans; and provide the various notifications and reports on a routine basis. Costs also will be incurred for inspections of control devices and continuous parameter monitoring systems. Details on the number and percentage of respondents affected by each individual burden activity/item are provided in assumptions listed below in section 7. The weighted average total burden per affected source, provided in Attachment 1, is 296 hours per affected source including technical, management, legal, and clerical hours. The weighted average total annualized cost per affected source given in Attachment 1, including the cost of labor, capital, materials, and operation and maintenance, is \$7,598 per year.

The EPA estimates that 288 new minor sources of varying types will be constructed in Indian country during the analysis period, with 123 new minor sources during the first 3 years of the rule (41/yr). It is estimated that 112 existing minor sources will require permits as a result of minor modifications; during the first 3 years, there will be 48 (16/yr) existing minor sources requiring permits as a result of minor modifications. The EPA estimates that at most one new major source will locate in a nonattainment area in Indian country during the analysis period; none are expected during the 3 years following promulgation. During the first 3 years following promulgation, it is estimated that there will be 3 (1/yr) minor modifications to major sources in Indian country, with a total of 8 minor modifications over the entire study period. In addition, EPA projects at most one major modification in a nonattainment area in Indian country during the analysis period; none are expected during the 3 years following promulgation. No synthetic minors are expected to be processed under the rule during the three years following promulgation. The nationwide total annual recordkeeping and reporting burden hours and costs shown in Tables 2 and 3.

(e) *Bottom Line Burden Hours and Cost Tables.*

(i) *Respondent tally.*

The bottom line respondent burden capital costs, presented in Table 1, are calculated by taking the capital cost for the one-time monitoring, compliance testing, recordkeeping, and reporting costs associated with the minor source NSR permit program for each affected source type and then multiplying that value by the number of affected sources of that type that are expected to occur in Indian country each year for the first 3 years following promulgation of the rule. The totals for each source type are then added to get the nationwide total capital costs shown in Table 1. Total capital costs are \$759,104 per year for a 3 year total of \$2,277,312. These values include the total non-labor capital costs of \$80,968 per year (\$242,904 over the 3 year period).

The nationwide total annual compliance costs are the annualized costs of monitoring, testing, recordkeeping, and reporting associated with the NSR rule multiplied by the number of affected source types that are expected to occur in Indian country each year for the first 3 years following promulgation of the rule. The totals for each source type are then added to get the nationwide total annual recordkeeping and reporting burden costs shown in Table 2. The total annual costs are \$440,684 per year for a 3 year total of \$1,322,052. These values include the total annualized non-labor capital costs of \$11,484 per year (\$34,452 over the 3 year period) which is the product of the annualized non-labor costs of \$198 per source and the total number of affected sources per year (i.e., 58).

(ii) *The Agency tally.*

The bottom line Agency total annual burden costs are calculated by taking the average cost to the Agency per facility (\$3,110) and multiplying by the number of affected sources in Indian country during the first 3 years following promulgation. The nationwide total annual cost to the EPA or Tribal agencies as shown in Table 3 is \$180,380 per year for a 3 year total of \$541,140.

(iii) *Variations in the Annual bottom Line.*

Litigation. Although not typically included directly in the agency burden estimates, it is possible that EPA or Tribal agencies will be involved in periodic litigation related to the minor source NSR permit program. To characterize these costs, it is assumed that a Tribal agency will be involved with a facility litigation on average of once every 3 years. The estimated annual cost of these activities, as shown in Attachment 2, is 73 hours and \$4,885 per year per Tribal agency litigation.

(f) *Reasons for Change in Burden.*

This not a renewal or modification of an existing ICR.

(g) *Burden Statement.*

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 296 hours per respondent. 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 Tribal or 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 requirement; 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. OAR-2003-0075, which is available for public viewing at the Air and Radiation Docket and Information Center, in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the **Air** Docket is (202) 566-1742. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (OAR-2003-0075) in any correspondence.

7. Assumptions Made in Estimating the Burden and Cost to the Facilities (Respondents) and EPA and Tribal Agencies.

The burden and cost estimates are based on the following assumptions for those facilities requiring NSR permits under the rule:

- (a) All affected minor and major sources will incur preparation and planning costs.
- (b) One in fifty facilities will be required to conduct ambient air modeling. Associated costs for an ambient modeling study are estimated at \$10,000 per source.
- (c) One in twenty facilities will be required to hold a public hearing. Associated costs for the public hearing are estimated at \$100 for the Agency and a \$25 material cost to the source.
- (d) One in five facilities will make revisions to their permits following submittal.

- (e) One in twenty facilities will be required to acquire and install a process parameter monitoring system. No continuous emission monitoring devices are required or anticipated; it is expected that existing process parameter monitoring data will be used to demonstrate continuous compliance.
- (f) One in fifty facilities will be required to conduct a control device performance test and develop a site test plan. Associated costs for conducting a performance test are estimated at \$50,000 per source test. Travel cost to the Agency are included at \$100 per test.
- (g) One in twenty facilities will request special compliance requirements.
- (h) One in ten facilities will request a compliance extension.
- (i) All facilities must submit an initial compliance report.
- (j) One in ten facilities will report at least one deviation from the established monitoring values during the year.
- (k) One in fifty facilities will be required to develop a startup/shutdown/malfunction plan and only half of these will experience an event during the year.
- (l) One in twenty facilities will be required to develop a control device maintenance plan.
- (m) One in ten facilities will include minor sources that are exempt from the control requirements.
- (n) All facilities will be required to keep records of some type and to periodically enter data into the files.
- (o) One in ten facilities will train personnel and conduct audits of their source during the year.
- (p) One in ten facilities are inspected by the agency annually and 10 percent of the inspected facilities are found in non-compliance with one or more provisions of the rule. Agency travel cost are included in the associated costs at \$100 per inspection.
- (q) Each Tribal agency may be involved in litigation of a facility on average of one per 3 years.
- (r) Associated material costs of \$25 are included for each report and plan required for the source.

PART B OF THE SUPPORTING STATEMENT

This part is not applicable because no statistical methods were used in collecting this information.

Table 1. Estimated Total Capital Cost Burden to Industry to Implement Reporting and Recordkeeping Requirements During Years 1, 2, and 3.

Affected Source Type	Number of Affected Sources per Year	Average Total Capital Cost per Source	Average Non-Labor Capital Cost per Source	Total Non-Labor Capital Costs	Total Capital Costs
New Minor Sources	41	\$13,088	\$1,396	\$57,236	\$536,608
Modifications to Minor Sources	16	\$13,088	\$1,396	\$22,336	\$209,408
New Major Sources in Nonattainment Areas	0	\$13,088	\$1,396	\$0	\$0
Major Modifications to Major Sources in Nonattainment Areas	0	\$13,088	\$1,396	\$0	\$0
Minor Modifications to Major Sources	1	\$13,088	\$1,396	\$1,396	\$13,088
Synthetic Minor Sources	0	\$13,088	\$1,396	\$0	\$0
Totals	58			\$80,968	\$759,104

Notes:

a) The capital costs and one-time activities (i.e., the sum of all one-time costs shown in Attachment 1) is \$13,088. This value includes the non-labor capital costs (\$1,396), shown above.

Table 2. Estimated Total Annual Cost Burden to Industry to Implement Reporting and Recordkeeping Requirements During Years 1, 2, and 3.

Affected Source Type	Number of Affected Sources per Year	Average Total Hours per Source per Year	Total Hours per Year	Annualized Average Non-Labor Cost per Source	Average Total Annual Cost per Source	Total Annualized Non-Labor Capital Costs	Total Annual Costs
New Minor Sources	41	296	12,136	\$198	\$7,598	\$8,118	\$311,518
Modifications to Minor Sources	16	296	4,736	\$198	\$7,598	\$3,168	\$121,568
New Major Sources in Nonattainment Areas	0	296	0	\$198	\$7,598	\$0	0
Major Modifications to Major Sources in Nonattainment Areas	0	296	0	\$198	\$7,598	\$0	0
Minor Modifications to Major Sources	1	296	296	\$198	\$7,598	\$198	\$7,598
Synthetic Minor Sources	0	296	0	\$198	\$7,598	\$0	0
Totals	58		17,168			\$11,484	\$440,684

Notes:

a) The annualized cost of capital for the capital costs and one-time activities (i.e., \$13,088, the sum of all one-time costs shown in Attachment 1) is \$1,863 per year. The annualized non-labor portion of this amount is \$198. This is based on a payment period of 10 years and an interest rate of 7 percent. The annual and reoccurring costs as shown in Attachment 1 amount to a burden cost of \$5,735; the total annual burden cost is estimated at \$7,598 per year per affected source.

Table 3. Estimated Recurrent Burden and Cost to the Agency to Implement Reporting and Recordkeeping Requirements During Years 1, 2, and 3.

Affected Source Type	Number of Affected Sources per Year	Average Total Hours per Source	Total Hours per Year	Average Cost per Source	Total Annual Costs
New Minor Sources	41	48	1,968	\$3,110	\$127,510
Modifications to Minor Sources	16	48	768	\$3,110	\$49,760
New Major Sources in Nonattainment Areas	0	48	0	\$3,110	\$0
Major Modifications to Major Sources in Nonattainment Areas	0	48	0	\$3,110	\$0
Minor Modifications to Major Sources	1	48	48	\$3,110	\$3,110
Synthetic Minor Sources	0	48	0	\$3,110	\$0
Totals	58		2,784		\$180,380

Notes:

a) The average total annualized cost to the agency per affected source given in Attachment 2, including the cost of labor, capital, operation, and maintenance, is \$3,110 per year.

Attachment 1. (continued)

Attachment 1. Tribal Minor Source NSR Respondent (Facility) Burden and Cost

Facility NSR Program Activity	(A) Labor Hours per Activity per Labor Category				(B) Activities per Respondent per Year	(C) Total Number of Respondents	(D) Total Hours	(E) Labor Costs per Labor Category (A x B x C x Rate)				(F) Total Labor Costs	(G) Associated Non-Labor Costs	(H) Total Costs (F+G)
	Legal	Managerial	Technical	Clerical				Legal	Managerial	Technical	Clerical			
								\$89	\$89	\$59	\$39			
1.Preparation and Planning														
a.Determination of compliance requirements (#)	0	2	8	0	1	1	10	\$0	\$177	\$471	\$0	\$648	\$0	\$648
b. Obtain guidance on data needs (#)	0	0	2	0	1	1	2	\$0	\$0	\$118	\$0	\$118	\$0	\$118
c.Preparation of MSCT engineering analysis (#)	0	4	16	2	1	1	22	\$0	\$354	\$941	\$77	\$1,373	\$0	\$1,373
2.Data Collection and Analysis (Surveys & Studies)														
a.Conduct ambient air modeling (#)	0	2	40	4	1	0.02	1	\$0	\$4	\$47	\$3	\$54	\$200	\$254
3.Permit Application														
a.Preparation and submittal of permit application (#)	2	4	40	16	1	1	62	\$177	\$354	\$2,353	\$619	\$3,503	\$25.00	\$3,528
b. Public hearing (#)	4	4	16	8	1	0.05	2	\$18	\$18	\$47	\$15	\$98	\$1.25	\$99
c.Revisions to permit (#)	1	1	4	2	1	0.2	2	\$18	\$18	\$47	\$15	\$98	\$5.00	\$103
4.Acquisition, Installation, and Use of Technology and Systems														
a.Control device operating parameter (emission) monitoring system (#)	0	4	20	2	1	0.05	1	\$0	\$18	\$59	\$4	\$80	\$0	\$80
5.Reporting Requirements														
a.Read instructions (#)	0	2	4	0	1	1	6	\$0	\$177	\$235	\$0	\$413	\$0	\$413
b. Required activities (#)														
c.Create information														
i. Conduct control device performance test (#)	0	8	40	8	1	0.02	1	\$0	\$14	\$47	\$6	\$67	\$1,000	\$1,067
d. Gather existing information (#)	0	0	8	2	1	1	10	\$0	\$0	\$471	\$77	\$548	\$0	\$548
e.Write reports														
i. Initial notification of intent to constr/modify (#)	1	2	4	2	1	1	9	\$89	\$177	\$235	\$77	\$579	\$25.00	\$604
ii.Notification of anticipated startup (#)	0	1	2	1	1	1	4	\$0	\$89	\$118	\$39	\$245	\$25.00	\$270
iii. Notification of actual startup (#)	0	0	1	1	1	1	2	\$0	\$0	\$59	\$39	\$97	\$25.00	\$122
iv. Notification of special compliance requirements	2	4	16	4	1	0.05	1	\$9	\$18	\$47	\$8	\$81	\$1.25	\$83
v. Compliance extension request	2	2	8	2	1	0.1	1	\$18	\$18	\$47	\$8	\$90	\$2.50	\$93

Attachment 1. (continued)

Facility NSR Program Activity	(A) Labor Hours per Activity per Labor Category				(B) Activities per Respondent per Year	(C) Total Number of Respondents	(D) Total Hours	(E) Labor Costs per Labor Category (A x B x C x Rate)				(F) Total Labor Costs	(G) Associated Non-Labor Costs	(H) Total Costs (F+G)
	Legal	Managerial	Technical	Clerical				Legal	Managerial	Technical	Clerical			
	\$89	\$89	\$59	\$39										
vi. Performance test notification (#)	0	0	2	1	1	0.02	0	\$0	\$0	\$2	\$1	\$3	\$0.50	\$4
vii. Site-specific test plan (#)	0	1	16	8	1	0.02	1	\$0	\$2	\$19	\$6	\$27	\$0.50	\$27
viii. Initial compliance status determination (#)	1	4	8	4	1	1	17	\$89	\$354	\$471	\$155	\$1,068	\$25.00	\$1,093
ix. Performance test reports (#)	0	4	16	4	1	0.02	0	\$0	\$7	\$19	\$3	\$29	\$0.50	\$30
x. Compliance report (#)	1	2	8	4	1	1	15	\$89	\$177	\$471	\$155	\$891	\$25.00	\$916
xi. Deviation report (##)	1	2	4	2	1	0.1	1	\$9	\$18	\$24	\$8	\$58	\$2.50	\$60
xii. Startup/shutdown/malfunction reports (##)	0	1	8	1	1	0.01	0	\$0	\$1	\$5	\$0	\$6	\$0.25	\$6
6. Recordkeeping Requirements														
a. Read instructions (##)	1	2	8	0	1	1	11	\$89	\$177	\$471	\$0	\$737	\$0	\$737
b. Plan activities (##)	0	2	8	2	1	1	12	\$0	\$177	\$471	\$77	\$725	\$0	\$725
c. Implement activities														
i. Prepare startup/shutdown/malfunction plan (#)	0	2	16	8	1	0.02	1	\$0	\$4	\$19	\$6	\$29	0.5	\$29
ii. Prepare maintenance plan (#)	0	2	16	8	1	0.05	1	\$0	\$9	\$47	\$15	\$71	1.25	\$73
iii. Prepare documentation for exempted sources (#)	4	2	20	8	1	0.1	3	\$35	\$18	\$118	\$31	\$202	2.5	\$204
iv. Monitor control device parameters (##)	0	0	1	0	52	0.1	5	\$0	\$0	\$306	\$0	\$306	\$0	\$306
v. Inspect control device (##)	0	0	1	0	12	1	12	\$0	\$0	\$706	\$0	\$706	\$0	\$706
d. Develop record system (#)	0	2	4	16	1	1	22	\$0	\$177	\$235	\$619	\$1,031	25	\$1,056
e. Time to enter information (##)	0	0	1	0	52	1	52	\$0	\$0	\$3,059	\$0	\$3,059	\$0	\$3,059
f. Time to train personnel (#)	0	0	40	4	1	0.1	4	\$0	\$0	\$235	\$15	\$251	2.5	\$253
g. Time to perform audits (##)	0	2	20	0	1	0.1	2	\$0	\$18	\$118	\$0	\$135	\$0	\$135
TOTAL							296						\$1,396	

Notes: # = One-time costs that are incurred and treated as capital costs.

= Annual or reoccurring cost included as an annual cost.

Totals may equal sum of columns precisely due to rounding. For example, numbers in Column (D) add to 295 due to rounding, but actual value is 296. For Paperwork Reduction Act Submission, we used the actual value, 296. (Item 6 Recordkeeping Requirements adds to 125 due to rounding, but is actually 126). Based on the above costs, the average capital cost per facility for the one-time activities is \$13,088 per source (i.e., the sum of those items identified as one-time costs (#)); annualized this cost is \$1,863 per year per source. The average non-labor capital cost is \$1,396; annualized this cost is \$198 per year per source. The total of the various annual and reoccurring costs (##) plus the annualized capital cost is an average of \$7,598 (i.e., \$1,863 + \$5,735) per year per source.

Attachment 2. Tribal Minor Source NSR Agency Burden and Cost

Agency NSR Program Activity	(A) Labor Hours per Activity per Labor Category				(B) Activities per Respondent per Year	(C) Total Number of Respondents	(D) Total Hours	(E) Labor Costs per Labor Category (A x B x C x Rate)				(F) Total Labor Costs	(H) Associated Annual Costs	(I) Total Costs per year
	Legal	Managerial	Technical	Clerical				Legal (\$89/hr)	Managerial (\$89/hr)	Technical (\$60/hr)	Clerical (\$39/hr)			
1. Permit Review														
a. Initial permit review	0	1	8	0	1	1	9	\$0	\$89	\$479	\$0	\$567	\$0	\$567
b. Public Hearing	0	1	8	8	1	0.05	1	\$0	\$4	\$24	\$15	\$44	\$5	\$49
c. Permit Revisions	1	1	4	0		0.2	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2. Report review														
a. Initial notification of intent to constr/modify	0	1	4	0	1	1	5	\$0	\$89	\$239	\$0	\$328	\$0	\$328
b. Notification of anticipated startup	0	1	2	0	1	1	3	\$0	\$89	\$120	\$0	\$208	\$0	\$208
c. Notification of actual startup	0	1	2	0	1	1	3	\$0	\$89	\$120	\$0	\$208	\$0	\$208
d. Notification of special compliance requirements	0	1	4	0	1	0.05	0	\$0	\$4	\$12	\$0	\$16	\$0	\$16
e. Compliance extension request	1	1	4	0	1	0.1	1	\$9	\$9	\$24	\$0	\$42	\$0	\$42
f. Performance test notification	0	1	2	0	1	0.02	0	\$0	\$2	\$2	\$0	\$4	\$0	\$4
g. Site-specific test plan	0	1	8	0	1	0.02	0	\$0	\$2	\$10	\$0	\$11	\$0	\$11
h. Initial compliance determination	0	1	8	0	1	1	9	\$0	\$89	\$479	\$0	\$567	\$0	\$567
i. Performance test reports	0	2	16	0	1	0.02	0	\$0	\$4	\$19	\$0	\$23	\$0	\$23
j. Compliance report	0	2	8	0	1	1	10	\$0	\$177	\$479	\$0	\$656	\$0	\$656
j. Deviation report	0	2	4	0	1	0.1	1	\$0	\$18	\$24	\$0	\$42	\$0	\$42
k. Startup/shutdown/malfunction reports	0	1	4	0	1	0.1	1	\$0	\$9	\$24	\$0	\$33	\$0	\$33
3. Site compliance inspections (a,b)														
a. Pre-inspection review of facility information	0	1	8	1	1	0.10	1	\$0	\$9	\$48	\$4	\$61	\$0	\$61
b. Travel to and from facility (b)	0	0	8	0	1	0.10	1	\$0	\$0	\$48	\$0	\$48	\$10	\$58
c. Inspection of air control equipment used to comply with rule requirements	0	0	4	0	1	0.10	0	\$0	\$0	\$24	\$0	\$24	\$0	\$24
d. Review site records	0	0	4	0	1	0.10	0	\$0	\$0	\$24	\$0	\$24	\$0	\$24
e. Prepare inspection report	0	4	16	4	1	0.10	2	\$0	\$35	\$96	\$15	\$147	\$3	\$149
4. Enforcement actions (c,d)														
a. Inform facility of noncompliance	4	4	20	8	1	0.01	0	\$4	\$4	\$12	\$3	\$22	\$0	\$22
b. Follow-up site inspection	0	4	20	4	1	0.01	0	\$0	\$4	\$12	\$2	\$17	\$1	\$18
TOTAL ANNUAL COST PER SOURCE							48					\$3,092	\$19	\$3,110
5. Litigation Cost per Tribal Agency	40	40	100	40	1	0.33	73	\$1,180	\$1,180	\$1,992	\$515	\$4,868	\$17	\$4,885
TOTAL							121							
6. EPA Overview of Tribal Agency	8	8	40	8	1	1	64	\$709	\$709	\$2,393	\$309	\$4,120	\$100	\$4,220

Totals may equal sum of columns precisely due to rounding. For example, numbers in Column (D) add to 47 due to rounding, but actual value is 48. For Paperwork Reduction Act Submission, we used the actual value, 48.