

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

1. Identification of the Information Collection

1(a) Title of the Information Collection

Federal Plan Requirements For Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991 (40 CFR part 62, subpart GGG) (Renewal)

1(b) Short Characterization/Abstract

The Federal plan published at 40 CFR part 62, subpart GGG promulgated on November 8, 1999, applies to any existing municipal solid waste (MSW) landfill located in a state that is not covered by an approved and effective state plan. The United States Environmental Protection Agency (EPA) Federal plan also applies to existing MSW landfills located on Indian land. EPA anticipates that fewer than 12 MSW landfills located in Indian country will come under EPA's Federal plan, which will be large enough to warrant controls. Additionally, the Federal plan applies to existing landfills that handled everyday household waste and were in operation from November 8, 1987, to May 30, 1991, or had capacity available for future waste disposition. MSW landfills constructed on or after May 30, 1991 or MSW landfills which had changes in design capacities on or after May 30, 1991, are subject to EPA's new source performance standards and not this rule. This information is being collected to assure compliance with 40 CFR part 62, subpart GGG.

In general, all Federal plan standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to the Federal plan. For subpart GGG, it is expected that all potential sources subject to this requirement have already performed all initial performance tests and reports. Since subpart GGG only applies to existing sources and no more sources are expected to trigger the requirements, only the routine reporting and recordkeeping requirements currently apply. Landfills that were required to install collection and control systems must submit annual compliance reports. Any owner or operator subject to the provisions of this part shall maintain records for at least 5 years. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

Approximately 173 sources are subject to this regulation. It is estimated that no additional sources will become subject to this regulation in the next three years. It is not possible for a facility to qualify as an existing source, since it would have to be operational and exceed the design capacity requirements before May 30, 1991.

Owners or operators are required to keep continuous monitoring records of the parameters reported in the initial performance report, and records of monthly monitoring of surface methane concentrations. All MSW landfills are required to maintain records for the time specified in the recordkeeping chart in section 4(b) "data items." Annual compliance reports include: descriptions of any period in which the value of any of the monitored operating parameters fell outside the established ranges, and any period when the collection system or air pollution control equipment malfunctioned, or when the collected gas was diverted from the control device.

All reports are submitted to the respondent's state or local agency. EPA delegated the enforcement authority to the state and local agencies. The information is used to determine that all sources subject to the Federal emission guidelines are achieving the standards.

The Office of Management and Budget (OMB) approved the currently active Information Collection Request (ICR) with no Terms of Clearance.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The EPA is charged under section 111 of the Clean Air Act, as amended, to establish procedures by which:

. . . each State shall submit to the Administrator a plan which (A) establishes standards of performance for any existing source for any air pollutant. . . to which a standard of performance would apply, if such existing source were a new source; and (B) provides for the implementation and enforcement of such standards of performance.

In this case, the Administrator has authority to: (1) prescribe a plan for a state in cases where the state fails to submit a satisfactory plan..., and (2) enforce the provisions of such a plan where the state fails to enforce them under sections 113 and 114, with respect to an implementation plan.

In addition, section 114(a)(1) states that:

. . . the Administrator may require any person who owns or operates any emission source or who is subject to any requirement of this Act. . . to (A) establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment or methods; (D) sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Administrator shall prescribe); and (E) provide other such information as may be reasonably required.

In the Administrator's judgment, emissions from MSW landfills that cause or contribute to air pollution may be reasonably anticipated to endanger public health or welfare. Therefore, Federal emission guidelines were promulgated for the control of existing MSW landfills for States in which the state failed to submit an approved plan. Certain reports are necessary to enable the Administrator to identify existing sources subject to the emission guidelines and to determine if the standards are achieved.

2(b) Practical Utility/Users of the Data

The information generated by the monitoring, recordkeeping and reporting requirements described in this ICR is used by the Agency to ensure that facilities affected by the NES continue to operate the control equipment and achieve compliance with the regulation. Adequate monitoring, recordkeeping, and reporting is necessary to ensure compliance with the applicable regulations, as required by the Clean Air Act. The information collected from recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

3. Nonduplication, Consultations, and Other Collection Criteria

The requested recordkeeping and reporting are required under 40 CFR part 62, subpart GGG.

3(a) Nonduplication

If the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to the delegated state or local agency. If a state or local agency has adopted their own similar standards to implement the Federal standards, a copy of the report submitted to the state or local agency can be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, no duplication exists.

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

An announcement of a public comment period for the renewal of this ICR was published in the Federal Register on June 21, 2006, 71 FR 35652. No comments were received on the burden published in the Federal Register.

3(c) Consultations

It is our policy to review carefully any comment received since the last ICR renewal including those submitted in response to the first federal register notice and respond appropriately. In this case, no comments were received. The Agency's internal industry experts have been consulted. The Agency's internal data sources and projections of industry growth over the next three years have also been considered.

The primary source of information was the information provided by the industry.

Information provided in the industry reports is housed in the EPA's AFS (Air Facility Subsystem) database. Approximately 173 respondents are currently subject to the regulation. The Agency's information indicates that no new sources will be subject to this standard in the future.

It should be noted that the industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with the standard as it was being developed and the standard has been previously reviewed to determine the minimum information needed for compliance purposes.

3(d) Effects of Less Frequent Collection

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the likelihood of detecting poor operation and maintenance of control equipment and noncompliance would decrease. The Federal plan requirements included a one-time design capacity report and an annual Non-Methane Organic Compound (NMOC) emissions report (for landfills that exceed the design capacity threshold and quarterly surface monitoring for landfills that were required to install collection and control devices).

3(e) General Guidelines

None of these reporting or recordkeeping requirements violates any of the regulations established by OMB at 5 CFR 1320.5.

3(f) Confidentiality

The required information has been determined as non-confidential. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B - Confidentiality of Business Information (see 40 CFR 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).

3(g) Sensitive Questions

None of the reporting or recordkeeping requirements contains sensitive questions. This section is not applicable because this ICR does not involve matters of a sensitive nature.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

The respondents for recordkeeping and reporting requirements are MSW landfills that are

located in those States that do not have an EPA-approved and effective state plan. The North American Industry Classification System (NAICS) code is 92411 (Air and Water Resource and Solid Waste Management) and 562212 (Refuse Systems, Solid Waste Landfills). Under the old Standard Industrial Classification (SIC) reference system, landfills affected by the emission guidelines are code 4953.

4(b) Information Requested

These standards require affected facilities to maintain all records, including the submitted reports and notifications for at least 5 years. This is consistent with the General Provisions as applied to the standards. EPA believes that the 5-year records retention requirement is consistent with the part 70 permit program and the 5-year statute of limitations on which the permit program is based. In addition, the retention of records for 5 years would allow EPA to establish the compliance history of a source and any pattern of compliance for purposes of determining the appropriate level of enforcement action. Historically, EPA has found that the most flagrant violators frequently have violations extending beyond 5 years. EPA would be prevented from pursuing the worst violators due to the destruction or nonexistence of records if records were retained for less than 5 years.

(i) Data Items

All data in this ICR that is recorded and/or reported is required by Federal plan reporting and recordkeeping requirements for existing municipal solid waste landfills, 40 CFR part 62, subpart GGG.

A source must make the following reports:

Notifications and Reports for 40 CFR part 62, subpart GGG	
Reporting of initial design capacity (Year 1 only: reports were submitted). This requirement no longer applies.	62.14355 (a)(1) 60.757(a)
Reporting the initial and annual NMOC emission rate. The initial report requirement no longer applies.	62.14355(a)(2)
Collection and control system design plan. This requirement no longer applies.	62.14355 60.757(b)
Report increments of progress. This requirement no longer applies.	62.14355(b) and (c)
Annual compliance report	60.757(f)
Reporting of landfill closure	60.757(d)
Reporting of equipment removal	60.757(e)

A source must maintain the following records:

Recordkeeping for 40 CFR part 62, subpart GGG	
Records of maximum design capacity, refuse-in-place, year-by-year waste acceptance (maintain 5 years)	62.14355 60.758
Records of system design and initial performance test/compliance determination (maintain 5 years)	62.14355 60.758
Records of monitoring (maintain 5 years)	62.14355; 60.758
Record of a plot map and well locations for the life of the landfill (maintain for life of collection system)	62.14355 60.758
Records of collection & control system exceedances (maintain 5 years)	62.14355; 60.758(c)

Respondents will most likely submit hard copy reports, although some may submit electronic versions. The rule allows records to be retained in hard copy or electronic format to allow flexibility and minimize burden.

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

5(a) Agency Activities

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

Agency Activities
Observe performance tests if necessary.
Review notifications and reports, including performance test reports, and other reports required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Air Facility Subsystem (AFS) database.

5(b) Collection Methodology and Management

Some respondents were required to submit a one-time only design capacity report to EPA. Others also were required to submit additional reports, including annual emission rate reports, control system design plans, progress reports, and annual compliance reports. EPA engineers review the submitted information in the reports to determine whether each landfill is in compliance with the rule. EPA staff reviews the calculations included in those reports to ensure that landfills used the required methodology and that the NMOC emission rate is correctly calculated. Files of hard copy reports are kept at EPA regional offices.

Landfill location and design information contained in the reports is entered into AFS which is operated and maintained by EPA's Office of Air Quality Planning and Standards. AFS is EPA's database for the collection, maintenance, and retrieval of compliance and annual emission inventory data for over 100,000 industrial and government-owned facilities. EPA uses AFS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

5(c) Small Entity Flexibility

There are no small businesses affected by this regulation. The EPA does not expect that small MSW landfills will be adversely impacted by the Federal plan. Small landfills only were required to submit a one-time design capacity report. In choosing 2,500,000 Mg and 2,500,000 cubic meters design capacity as the regulatory cutoff for annual reporting, the EPA exempted landfills that are very unlikely to emit 50 Mg or more of NMOC per year. The EPA also developed a computer model version of the Tier system on floppy disk that is available to any owner or operator subject to the Federal plan. Such tools significantly reduced the burden of the NMOC emission rate calculation.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is quarterly. Reporting is done on an annual basis.

6. Estimating the Burden and Cost of the Collection

Table 1 documents the computation of annual burdens for the recordkeeping and reporting requirements applicable to the industry for 40 CFR part 62, subpart GGG included in this ICR. The individual burdens are expressed under standardized headings are believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The Federal plan for MSW landfills affects 173 landfills. All 173 landfills need to submit annual compliance reports.

The 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.

6(a) Estimating Respondent Burden

The average annual burden to industry for these recordkeeping and reporting requirements is estimated to be 12,456 hours (the number of hours was corrected on August 3, 2006, because there was a mathematical error). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the program, and the previously approved ICR.

6(b) Estimating Respondent Costs

It is estimated that the annual costs to respondents is \$242,000 for monitoring activities. Operating and maintenance costs for the year are estimated at \$1,400 per monitor.

(i) Estimating Labor Costs

This ICR uses the following labor rates: \$85.81 per hour for Executive, Administrative, and Managerial labor; \$57.12 per hour for Technical labor, and \$36.27 per hour for Clerical labor. These rate(s) are from the United States Department of Labor, Bureau of Labor Statistics, March 2001, "Table 10. Private industry, by occupational and industry group." The rates are from column 1, "Total compensation." The wage rates have been increase by 110 percent to account for the benefit packages available to those employed by private industry. It is estimated that 85 percent of the respondent burden hours is technical; 5 percent management; 10 percent clerical.

	Managerial	\$85.81 (\$40.86 + 110%)
Technical		\$57.12 (\$27.20 + 110%)
	Clerical	\$36.27 (\$17.27 + 110%)

Using the above labor rates, the average cost is \$56.47 (\$4.29 management; \$48.55 technical; \$3.63 clerical).

(ii) Estimating Capital/Startup and Operation and Maintenance Costs

Since all requirements for initial design capacity reports and activities were required to be only completed in the first year, there are no startup costs for the remaining years. Operation and maintenance costs for the year are estimated at \$1,400/monitor.

(iii) Capital/Startup vs. Operation and Maintenance (O&M) Costs

Since all the monitors have been previously purchased, there are no more capital costs associated with this ICR. There are operation and maintenance costs for the monitors which are estimated to be \$1400 per monitor/year.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. Publication and distribution of the information are part of the AFS program. Examination of records to be maintained by the respondents will occur as part of the periodic inspection of sources, which is part of EPA's overall compliance and enforcement program.

The average annual Agency cost during the three years of the ICR is estimated to be \$25,749.32 (see Table 2). This cost is based on the average hourly labor rate at a GS-12, Step 1, times a 1.6 benefits multiplication factor to account for government overhead expenses for a total

of 729 hours as follows:

Managerial \$51.62 (GS-13, Step 5, \$32.26 x 1.6):
Total 35 management person hours

Technical \$38.30 (GS-12, Step 1, \$23.94 x 1.6):
Total technical person hours 692

Clerical \$20.72 (GS-6, Step 3, \$12.95 x 1.6)]
Total clerical person hours 2

Using these rates, it is estimated that the average cost is \$37.21. These rates are from the Office of Personnel Management (OPM) "2002 General Schedule" which excludes locality rates of pay.

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

Respondent Universe and Number of Responses Per Year						
Regulation Citation	(A) Average Number of New Respondents per Year	(B) Number of Reports for New Sources	(C) Number of Existing Respondents	(D) Number of Reports for Existing Sources	(F) Number of Respondents that keep records but do not submit reports	(E) Total Annual Responses = (AxB)+(Cx D)+ F
40 CFR, part 62, subpart GGG	0	0	173	1	N/A	173

The number of total respondents is 173. This number is the sum of column A and column C of the Respondent Universe and Number of Responses Per Year table. This represents the number of existing sources and no new sources averaged over the three-year period (i.e., number of new respondents per year multiplied by 3 years divided by two).

The number of Total Respondents is 173. This is the number in column D of Table 1: Annual Respondent Burden & Cost of Monitoring/Record Keeping/Reporting.

The total annual labor hours are 12,456. Details upon which this estimate is based appear in Table 1. Annual Respondent Burden and Cost.

The total annual capital and O&M costs to the regulated entity are \$242,000.

6(e) Bottom Line Burden Hours Burden Hours And Cost Tables

The bottom line burden hours and cost tables for both the Agency and the respondents appear in the two tables attached to this supporting statement.

6(f) Reasons for Change in Burden

There has not been any change in burden except for corrections due to a mathematical error.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 72 hours per response. 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.

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 Number EPA-HQ-OECA-2006-0440, which is available for public viewing at the Enforcement and Compliance Docket and Information (ECDIC), Email: docket.oeca@epa.gov; mail code 2220T in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:00 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 Enforcement and Compliance Docket and Information (ECDIC), Docket is (202) 566-1514. An electronic version of the public docket is available through www.regulations.gov. Use www.regulations.gov 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 Number EPA-HQ-OECA-2006-0440 and OMB control number 2060-0430 in any correspondence.

NOTE: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to visit the Public Reading Room to view documents. Consult EPA's Federal Register notice at 71 FR 38147 (July 5, 2006) or the EPA website at www.epa.gov/epahome/dockets.htm for current information on docket status, locations and telephone numbers.

Part B of the Supporting Statement

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

TABLE 1: ANNUAL RESPONDENT BURDEN & COST OF MONITORING/RECORD KEEPING/REPORTING

Burden Item	Person-hours per occurrence	Occurrences per Respondents	Person-hours per respondent	Respondents	Total person-hours	Cost\$
	(A)	(B)	(C)=(AxB)	(D)	(E)=(CxD)	(H) ^a
1. Applications	N/A					
2. Surveys and Studies	N/A					
3. Reporting Requirements						
A. Read Instructions	N/A					
B. Required Activities						
- Submit Design Plan	N/A					
- Initial performance test report	N/A					
- Annual Compliance Report	2	1	2	173	346	19,538.62
- Quarterly surface methane monitoring ^b	14	4	56	173	9,688	547,081.36
- O&M of portable monitor ^c						
C. Create Information	See 3B					
D. Gather Existing Information	See 3E					
E. Write Report						
- Initial design capacity report	N/A					
- Annual report of NMOC flow rate (Tier 1 calculation)	N/A					
- Report of Tier 2 and 3 Sampling	N/A					
- Report of initial performance test	See 3B					
- Semi-annual compliance report	See 3B					
4. Recordkeeping Requirements						
A. Read Instructions	See 3A					
B. Plan Activities	N/A					
C. Implement Activities	N/A					
D. Develop Record System	N/A					
E. Time to Enter Information						
- Records of control system monitoring ^b	0.5	12	6	173	1,038	58,616.00
- Records of accumulated refuse	8	1	8	173	1,384	78,154.48
F. Time to train Personnel						
G. Time for Audits	N/A					
Total BURDEN AND COST					12,456	703,390

^a It's estimated that 85% of the respondent burden hours is technical; 5% management; 10% clerical. The average cost is \$56.47. Costs are based on 1989 CAIR labor rates adjusted using the latest Employment Cost Index which yields the following March 1998 hourly rates: technical at \$57.12, management at \$85.81 and clerical at \$36.27.

^b Monitoring hours include operating and maintenance time.

^c Operating and maintenance costs for the year is estimated at \$1400/monitor.

Table 2. Annual Burden and Cost for the Federal Government

Activity	EPA hours per occurrence	Occurrences per Respondent	Person- hours per Respondent	Respondents	Total person- hours	Cost \$ Yr
	(A)	(B)	(C)=(AxB)	(D)	(E)=(CxD)	(H) ^a
Review initial design capacity report	N/A					
Review report of initial performance test.	N/A					
Review Design Plan	N/A					
Observe initial performance tests	N/A					
Review annual NMOC emission rate report	2	1	2	173	346	12,874.66
Review Tier 2 Calculations	N/A					
Review Tier 3 Calculations	N/A					
Review annual compliance report	2	1	2	173	346	12,874.66
Travel expenses for tests attended	N/A					
					692	25,749.32

^a It's estimated that 85% of the respondent burden hours is technical; 5% management; 10% clerical. Using The average cose is \$56.47. Costs are based on 1989 CAIR labor rates adjusted using the latest Employment Cost Index which yields the following March 1998 hourly rates:

technical at \$38.30, management at \$51.62 and clerical at \$20.72