



---

**Executive Summary**

Title V of the Clean Air Act requires each State to develop and submit to EPA for approval an operating permit program that meets the requirements of title V. Where a State fails to submit an approvable program, title V requires EPA to implement a program instead. [See § 502(d).] Moreover, EPA must implement a program in any area where a State, local or tribal program is not effective, including Indian country and the Outer Continental Shelf (OCS), where States generally do not have jurisdiction, and in any location with an approved program, subsequent to a finding by EPA that implementation or enforcement of the program has been deficient with respect to title V. Also, EPA issues individual title V permits in situations where there is an approved State program, but EPA has objected to the issuance of a particular permit, and the State has failed to resolve the objection. For any existing rule, § 3507(g) of the Paperwork Reduction Act limits how long a Director may approve a collection of information to 3 years. On November 1, 2004, OMB approved the ICR for part 71 (OMB number 2060-0336, EPA tracking number 1713.05) for 30 months (it was scheduled to expire on March 31, 2007, but an emergency extension granted by OMB on March 13, 2007 extended the expiration date to June 30, 2007). This ICR is a renewal of the November 2004 ICR.

**TABLE E-1**  
**BURDEN CHANGE FROM 2004 ICR TO CURRENT ICR (in hours)**

	Average Annual Burden in 2004 ICR Renewal	Average Annual Burden in Current ICR Renewal	Difference
<b>Sources</b>	<b>24,077</b>	<b>27,218</b>	<b>3,141</b>
<b>Federal</b>	<b>36,392</b>	<b>12,373</b>	<b>(24,019)</b>
<b>TOTAL</b>	<b>60,469</b>	<b>39,591</b>	<b>(20,878)</b>

This ICR represents an overall reduction in expected burden of over 33 percent for respondents (sources) and the Federal government compared to that reported in the November 2004 ICR. Table E-1 displays the expected annual burden and the expected change in annual burden for sources and the Federal government for implementation of the title V Federal Operating Permits Program between July 2007 and June 2010. In the

**CONCLUSION:**

**This ICR represents an INCREASE IN BURDEN FOR SOURCES and a DECREASE IN BURDEN FOR THE FEDERAL GOVERNMENT, relative to the prior ICR.**

**Because these changes are “adjustments” due to changes in assumptions, the Agency has determined there is NO SIGNIFICANT IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES.**

November 2004 ICR, the Agency estimated the annualized burden to Indian country and other sources subject to permitting by EPA (since the majority of these sources are located in Indian country, we will refer to them as “Indian country sources” for convenience sake) at 24 thousand hours. The current ICR estimates the annualized burden to Indian country sources at about 27 thousand hours due to changes in the number of major sources subject to permitting and an increase in the number of permits subject to permit renewal processing. The 2004 ICR included 1,717 sources, while this update expects 123 sources will be subject to permitting by EPA, including in Indian country, Outer Continental Shelf, and Deepwater port sources,<sup>1</sup> and any part 70 sources with unresolved EPA objections to draft part 70 permits. Thus, there is a small increase in respondent (source) burden in this ICR compared to the 2004 ICR (an increase of just under 13%) due to changes in assumptions to better reflect the numbers of sources and the activities they will be performing during the period of the analysis. The Agency estimated the total 3-year Federal burden for administering a part 71 permit program at 109 thousand hours in the last ICR (36 thousand hours annually), while this update predicts about one third of that, 37 thousand hours (12 thousand hours annually). The reasons for this reduction include a substantial reduction in the number of permits EPA expects to administer, specifically part 70 (State) permits EPA would administer after a finding that a State program is deficient. Thus, there is a substantial decrease in Federal government burden in this ICR compared to the 2004 ICR (about a 2/3 decrease) due to changes in assumptions to better reflect program implementation experience. Because the cost per hour for the 2004 ICR and this update are similar (with some changes to reflect wage inflation), the reduction in burden translates into a similar reduction in cost.

---

<sup>1</sup> Offshore oil and natural gas terminals located in areas of exclusive federal jurisdiction under the Deepwater Ports Act, 33 U.S.C. § 1501 et seq.

---

## **Table of Contents**

	<b>Executive Summary.....</b>	<b>E-1</b>
<b>1.</b>	<b>Identification of the Information Collection.....</b>	<b>1</b>
<b>2.</b>	<b>Need and Use of the Collection.....</b>	<b>5</b>
<b>3.</b>	<b>Non-Duplication, Consultation, and Other Collection Criteria.....</b>	<b>7</b>
<b>4.</b>	<b>The Respondents and the Information Requested.....</b>	<b>11</b>
<b>5.</b>	<b>The Information Collected - Collection Methodology and Information Management.....</b>	<b>14</b>
<b>6.</b>	<b>Estimating the Burden and Cost of the Collection.....</b>	<b>16</b>
	<b>Attachment 1</b>	
	<b>The Statutory Requirements for Respondent Information .....</b>	<b>31</b>
	<b>Attachment 2</b>	
	<b>February 9, 2007 Federal Register Notice.....</b>	<b>43</b>

---

## 1 Identification of the Information Collection

### 1.1 Title

This analysis is titled: “Information Collection Request for Part 71 Federal Operating Permit Regulations.” It fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) to determine, report, and periodically update the regulatory burden associated with the Federal Operating Permits Program, codified in title 40 of the Code of Federal Regulations (40 CFR) part 71. It has been assigned EPA tracking number ICR # 1713.06 and OMB tracking number 2060-0336.

**EPA TRACKING  
NUMBER:  
1713.06**

**OMB TRACKING  
NUMBER:  
2060-0336**

### 1.2 Description

The part 71 program is a Federal operating permits program implemented by EPA (or a delegate agency) for sources located in areas where there is no State, local or Tribal program, such as in Indian country, the Outer Continental Shelf, Deepwater ports, in areas where there is a deficient State or local permit program (under part 70), and in cases where EPA has objected to a draft part 70 permit and the State has failed to adequately resolve the objection. Title V of the Clean Air Act imposes on State or local permitting authorities (agencies), the duty to develop, administer and enforce operating permit programs which comply with title V and requires EPA to administer and enforce a permit program when State, local, or Tribal agencies do not establish such a program, or where they establish such a program but they fail to perform their duties consistent with title V. Section 502(b) of the Act requires EPA to promulgate regulations setting forth provisions under which State, local, or tribal agencies will develop operating permit programs and submit them to EPA for approval. Pursuant to this section, EPA promulgated 40 CFR part 70 on July 21, 1992 (57 FR 32250) which specifies the minimum elements of State operating permit programs.

**1.2.1 Federal Program Where There Is No State, Local or Tribal Program**

Pursuant to regulations promulgated by EPA on February 19, 1999 (64 FR 8,247) EPA has authority to establish part 71 programs within Indian country, and EPA began administering the program in Indian country on March 22, 1999. Since many Indian tribes lack the resources and capacity to develop operating permit programs under part 70, EPA will administer and enforce part 71 programs in the areas that comprise Indian country in order to protect the air quality of areas under tribal jurisdiction.

The EPA intends to protect tribal air quality through the development of implementation plans, permits programs and direct assistance to tribes in developing comprehensive and effective air quality management programs. The EPA will consult with tribes to identify their particular needs for air program development assistance and will provide ongoing assistance as necessary. There are approximately 113 sources in Indian country that require part 71 permits. This is an increase from the last ICR renewal, due to an increase in the estimate of the number of major sources located on Indian country, rather than due to any changes in EPA mandates.

EPA is the permitting authority for sources located beyond 25 miles (40 km) of the States' seaward boundaries (Outer Continental Shelf or OCS sources), and the provisions of part 71 apply to the permitting of those sources, as well. There are currently no OCS sources permitted by EPA and no OCS sources that have submitted applications for such permits, but it is conceivable that there will be such sources needing title V permits during the period covered by this analysis (e.g., offshore oil and gas exploration or production platforms), therefore this analysis assumes there may be up to 3 such OCS sources. This is a change from the last ICR update, where EPA assumed there might be up to 5 OCS sources.

Deepwater port sources are fixed or floating structures that are located beyond State seaward boundaries, intended for the transportation, storage

and handling of oil or natural gas. An offshore source may be either an OCS or a deepwater port source (they may be one or the other, but not both). Because these sources are required by the Deepwater Ports Act (DPA) to be treated as if they are located in an “area of exclusive federal jurisdiction within a State,” EPA must issue the title V permit for them [see § 1518(a)(1) of the DPA]. Note that previous ICRs for title V rules did not estimate burdens from these sources because they are new sources. There are currently 4 DPA applications approved by the U.S. Coast Guard, and 10 DPA applications submitted for processing (note that these are not the same as Title V applications). At this time, EPA has issued 1 operating permit for a DPA source and there are no additional title V permit applications under review. However, it is reasonable to expect that a number of DPA sources may submit title V permit applications within the period covered by this ICR renewal, thus EPA assumes that up to 3 additional DPA source may become subject to the program, bringing the total included in this analysis up to 4.

### **1.2.2 Federal Program as a Backstop for Deficient State Programs**

Section 502(i)(4) of the Act requires EPA to promulgate, administer, and enforce a title V program if EPA makes a determination that a State or local permitting authority is not adequately administering or enforcing their EPA-approved title V permitting program. This requirement is implemented through regulations promulgated by EPA on July 1, 1996 (61 FR 34,202), specifically by §§ 71.4(c) and 71.10(b)(1). The process described in these regulations can take up to 2 years after a formal finding by EPA published in the Federal Register that the State part 70 program is deficient in its implementation or enforcement (this notice is called a “notice of deficiency” or “NOD”).

For the 3-year period covered by this ICR, it is unlikely that any State or local permitting program under part 70 will be replaced by a part 71 program administered by EPA, and thus this ICR renewal does not include such scenarios. This is a change from the previous ICR where EPA

assumed up to 4 State and local part 70 programs could be replaced by part 71 programs because of outstanding NOD issues. These NOD issues have all been resolved to EPA's satisfaction, and there are no part 71 permits being issued for this reason at this time. Also, EPA has just completed a round of part 70 programs evaluations, which did not result in the issuance of any new NODs. This is the third round of program reviews EPA has performed within the last decade and the State programs had gained experience and matured to the point where EPA believes such scenarios are much less likely to occur.

### **1.2.3 Federal Program for Deficient State Permits**

Section 505(c) of the Clean Air Act provides that if a permitting authority fails to submit a permit to EPA that satisfies an EPA objection, then the EPA shall issue a permit that meets the requirements of the Act. The part 71 rules implement this provision by providing that if the State or local permitting authority fails to satisfy an EPA objection to a part 70 permit then EPA shall issue a part 71 permit instead. There is currently 1 part 70 source that has been notified that it needs to submit an application to EPA for a part 71 permit, and it is conceivable that this circumstance, although rare, may happen again in the next 3 years, thus this analysis assumes that there may be an additional 2 such part 71 permits necessary, for a total of 3 such permits within the period covered by this ICR



---

## 2 Need and Use of the Collection

- 2.1 Need / Authority for the Collection** When EPA is the permitting authority under title V, a source subject to the program must prepare an application and submit it within 1 year of becoming subject (section 503). EPA must then issue the permit within 18 months of receiving a complete application (section 503(c)) and thereafter administer (including revising, reopening, and enforcing the permit terms, as needed) and renew such permits at no more than 5-year intervals (section 502(b)(5)). Sources must periodically (no less often than annually) certify that they are in compliance with applicable requirements and promptly report deviations from permit requirements to the permitting authority (section 503(b)(2)), and permits are required to set forth requirements for sources to conduct monitoring and reporting to assure compliance with permit terms and conditions (section 504(b)). The permit and all information submitted by a source shall be available for public review except for confidential information which will be protected from disclosure (section 503(e)), and the public shall be given public notice of, and an opportunity for comment on, permit actions (section 502(b)(6)). A copy of sections 502 through 504 of title V of the Act are in Attachment 1.
- 2.2 Practical Utility / Users of the Data** For EPA to carry out its required oversight function of reviewing proposed permits and permit revisions and assuring adequate implementation of the program, it must have available to it information on permit applications and issuance, permit revisions and renewals, and source data reports. The burden estimates included in this ICR provides emissions, source, and control information for the title V program.
- 2.3 Caveats and Considerations** The information included in this ICR is based upon the best data available to the Agency at this time. However, inconsistencies in permitting authority reporting techniques, incomplete data sets, and sampling limitations imposed upon the Agency by the Paperwork Reduction Act necessitated a certain amount of extrapolation and “best-guess” estimations by permitting authority and Agency experts. Consequently, the reader should not consider the conclusions to be an exact representation of the level of burden or cost that will occur during the

three years of this ICR. Instead, this ICR should be considered a directionally correct assessment of the impact the Federal Operating Permits Program will have over the next three years.

Throughout this ICR, the reader will observe estimated values that show accuracy to the single hour or dollar. However, reporting values at the single unit level can be misleading. In most situations, the proper way to present estimated data would be to determine an appropriate level of precision and truncate values accordingly, usually in terms of thousands or millions of units. For instance, a spreadsheet generated estimation of \$5,456,295 could be presented in the text as \$5.5 (millions) or \$5,456 (thousands). One problem with such an approach is the loss of data richness when the report contains a mixture of very large and very small numbers. Such was the case with this ICR, where source values are consistently in the millions and Federal values in the tens of thousands. Consequently, to avoid the loss of information through rounding, this ICR reports all values at the single unit level and reminds the reader that there is no implied precision inherent in this style of reporting.

---

### **3 Non-Duplication, Consultation, and Other Collection Criteria**

**3.1 Non-Duplication** The need for the data required by the part 70 and part 71 operating permits programs has been well documented in prior ICRs for both programs. While much of the information requested under this ICR existed prior to the creation of the operating permits program, an operating permit is a compilation of existing requirements; the purpose being to bring all requirements applicable to a source into one document. The intent of this compilation is to (1) resolve any questions of applicability at the time of permit issuance, (2) provide certainty to sources as to their obligations, and (3) provide the public access to a source's obligations and compliance status. The Agency cannot ignore its requirement for such previously existing information under this ICR since consolidation of the information into the operating permit and providing public access is the whole purpose of the statute. To the extent that similar information was previously collected (e.g., State permits under State plans), the program may replace those activities and avoid duplication of efforts.

**3.2 Public Notice Requirements** For any existing rule, § 3507(g) of the PRA limits the length of time for which the Director may approve a collection of information to 3 years.

The last ICR renewal (EPA tracking number 1713.05) was granted on November 1, 2004 for the period ending March 31, 2007. An emergency extension was granted by OMB on March 13, 2007, extending the expiration date to June 30, 2007.

Except for information collection in notices of proposed rules or those exempted under the emergency processing provisions of 44 U.S.C. § 3507(j), the PRA requires EPA to solicit comment on each proposed information collection, including the renewal or modification of any existing ICR. On February 9, 2007 (72 FR 6233) EPA published a notice soliciting comment on an analysis of burden for the part 71 program for the 3-year period of this ICR (i.e., July 1, 2007 to June 30, 2010). A copy of the February 2007 notice is included in this ICR as Attachment 2. No public comments were received.

**3.3 Consultations** The current ICR was prepared using data on the numbers of sources and numbers of permits that are updated on a quarterly basis by each of EPA's ten Regional Offices. It is these Regional Offices where the part 71

permitting activities are carried out. The actual rates of permit issuance and permit renewal are reported by the Regional Offices into an EPA database every three months. Data for each quarter from January 2001 up to September 2006 were incorporated into the derivation of estimates for future permitting activities to occur during the three years of this ICR.

The previous ICR discussed three consultative activities that we believed would provide additional details on the burden associated with this program. They include a series of title V program evaluations, a request of the State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials (STAPPA/ALAPCO) permitting authorities (now called the National Association of Clean Air Agencies or NACAA) to provide their experiences on title V burden, and an external taskforce on title V.

The first activity is a series of comprehensive permit program evaluations for most of the nation's 112 title V operating permitting programs. These evaluations, now completed, did not result in quantitative data that would cause us to make any major changes to the burden and cost assumptions we have used in the past for these ICRs, but they did result in information generally consistent with past responses to surveys we have received from State and local agencies and that are consistent with the assumptions we make in this ICR. However, the information does support a minor change in assumptions: we are changing the percentage of public comments that lead to changes to draft permits from 10% to 2%, consistent with the frequency that the public requests public hearing on draft permits.

The second activity is a request to review EPA's burden hour assumptions by members of NACAA's subcommittee on permitting. During a conference call with them, EPA received input on the draft ICR renewal for part 70 released for public comment. Consistent with NACAA's input during that consultation, changes have been made to burden estimates for certain activities performed by EPA when it is the permitting authority under title V as described in this ICR. This is described more fully in section 6.2. Also, consistent with NACAA's concerns, in section 4.2.2, we are providing more detailed descriptions of permitting authority activities.

The third activity falls under the purview of the Clean Air Act Advisory Committee. A taskforce (known as title V taskforce) was convened to hear testimony from industry, State government and environmentalists on the performance of title V programs and to identify elements of the programs that are working well or poorly. The taskforce effort resulted in a list of recommendations to EPA on changes to policy and rulemakings to make the permit programs more effective; they did not result in any quantitative data on burden and cost of permitting, thus, this effort did not result in any data useful for purposes of this ICR. (See <http://www.epa.gov/oar/oaqps/permits/taskforce.html>)

**3.4 Effects of Less Frequent Collection**

In general, collection of the information included in this ICR occurs once per activity (e.g., permit application or permit issuance). Periodic activities include a semi-annual compliance monitoring data report and an annual compliance certification from each source required by section 503(b)(1) and (2), respectively, of the Act. EPA has no leeway to require less frequent reporting.

**3.5 General Guidelines**

The CAA requires retention of all monitoring data and support information and all permit applications, proposed permits, and final permit records for a period of 5 years. These records are necessary to fulfill the intent of title V to assure compliance with applicable requirements. Questions regarding the obligations of a source and its status of compliance can be resolved through such records.

**3.6 Confidentiality**

All information related to the permitting of sources under this program and related to compliance monitoring is required by section 503(e) of the Act to be subject to public review at all times. Information entitled to protection under 114(c) of the Act may be required to be submitted directly to EPA. Such information will be stored in EPA's Confidential Business Information office.

---

## 4 The Respondents and the Information Requested

**4.1 Respondents** Respondents to this information collection come from sources of pollution in locations where EPA is the permitting authority (e.g., in Indian country, OCS, Deepwater ports, and where there are unresolved EPA objections to part 70 permits). For the purposes of this ICR, the Agency identified 113 source permits in Indian country. There may also be up to 3 OCS sources and up to 4 Deepwater port sources subject to permitting by EPA. Finally, EPA assumes in this analysis that there may be up to 3 part 71 permits issued because of EPA objections to part 70 permits (assuming the State will not adequately resolve the objection). Thus, this analysis includes a total of 123 sources subject to permitting by EPA.

For this update, EPA is not assuming that we will take over any entire State permitting programs due to findings of program deficiencies. The last ICR update assumed EPA would be issuing up to about 1,600 permits in 4 hypothetical State or local jurisdictions because of permit program deficiencies. Since that time, all NODs for State programs have been resolved to EPA's satisfaction and no part 71 permits were issued in response to such programs deficiencies in the interim. Also, at this time EPA has no active NODs and we believe it unlikely that we will be issuing any permits for this reason during the period covered by this ICR renewal.

### **SIC and NAICS Codes for Part 71 Sources in Indian Country (as of 10/30/06)**

<b>SIC Code</b>	<b>NAICS Code</b>
1021	212234
1221	212111
1311	211111
1321	211112
1389	213112
2421	321
2431	32191
2436	321212

<b>SIC Code</b>	<b>NAICS Code</b>
2493	321219
2819	325
2842	325612
2875	325314
2879	32532
2899	325
3341	331
3354	331316
4911	2211
4922	48621
4925	22121
4953	562
4961	22133
5171	42271
7011	7211
9711	92811

**4.2 Information Requested**

All activities associated with EPA issuance of operating permits are information collection activities and are reflected in this ICR. The following are lists of the data items submitted by sources and permitting authorities for ICR purposes under part 70. These activities represent the Agency’s best representation of the burdens experienced by sources and permitting authorities for part 70 and 71 requirements.

#### **4.2.1 Required Data Items**

**Under Operating Permits rules, the following data items must be submitted by permitting authorities to the EPA:**

1. Applications for permits, permit revisions, and permit renewals
2. Draft / proposed permits, permit revisions, or permit renewals
3. Final permits
4. Annual reports of enforcement activities
5. Semi-annual reports on compliance monitoring

For this analysis, these submittals are not necessary because EPA assumes the role of permitting authority. This analysis also assumes we are not delegating any part 71 permitting program functions

**Under Operating Permit rules, the following data items must be submitted by sources to permitting authorities:**

1. Applications for permits, permit revisions, and permit renewals
2. Semi-annual periodic monitoring reports
3. Annual compliance certification reports

When the Agency assumes the role of the permitting authority as assumed under this ICR, sources will submit these data directly to the EPA for action. Attachment 1 includes these statutory requirements for reference purposes.



---

## 5 The Information Collected – Collection Methodology and Information Management

### 5.1 Collection Methodology and Management

For the Federal Operating Permits program, EPA will receive data from sources in much the same manner as that established for sources reporting to State and local agencies in the part 70 State program. Thus, when EPA is the permitting authority, we will retain copies of each permit application (including any application for permit modification), each draft permit, and each final permit.

### 5.2 Small Entity Flexibility

Title V provides few ways to mitigate the effects of operating permit regulations on small entities. Under section 502(a) of the Act, the Agency has exempted or deferred applicability of title V to most non-major source categories (up to 50,000 small sources) for which compliance with title V will be impracticable, infeasible, or unnecessarily burdensome. (For example, see a recent final rule, 70 FR 75320, December 19, 2005, which exempted a large number of small sources.) The Agency has not analyzed how many of these non-major sources will be small businesses, but believes that a large percentage may fall under that definition.

In accordance with the analytical requirements established under the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Agency has determined that, because this ICR represents a reduction of burden primarily due to a smaller number of sources subject to permitting by EPA, there are no adverse effects to be identified *vis a vis* small entities and small businesses.

### 5.3 Collection Schedule

Items identified in section 4.2.1 are listed below with their schedule for submission.

#### **Sources** (submitted to permitting authority):

- New permit applications are due within 1 year after a source becomes subject to the program
- Permit revision applications are submitted by a source when it wishes to make a change to its permit. There is no schedule for these submissions in that they are triggered by modifications by the source

- Permit renewal applications are due at least 6 months prior to expiration of the permit
- Semi-annual periodic monitoring reports are due to be submitted to the permitting authority twice a year on dates specified by the permitting authority
- Annual compliance certification reports are due annually on a date specified by the permitting authority

## 6 Estimating the Burden and Cost of the Collection

### 6.1 Estimating the Number of Respondents

Table 1 lists all of the affected sources subject to permitting by EPA included in this analysis and the date they begin being subject to permitting by EPA.

**There are 123 affected sources in this ICR:**

**113 Sources in Indian Country**

**3 Sources in Outer Continental Shelf**

**4 Deepwater Port Sources**

**3 Sources due to EPA Objections to Part 70 Permits**

**TABLE 1  
IMPLEMENTATION SCHEDULE FOR SOURCES PERMITTED BY EPA**

	Indian Country	OCS	Deepwater Ports	Due to Objection
July 1, 2007	113	0	1	0
January 1, 2008	0	0	0	0
July 1, 2008	0	1	1	1
January 1, 2009	0	0	0	0
July 1, 2009	0	1	1	1
January 1, 2010	0	0	0	0
June 30, 2010	0	1	1	1
<b>Total</b>	<b>113</b>	<b>3</b>	<b>4</b>	<b>3</b>

During three years of this ICR, the Agency will manage 113 sources in Indian country, up to 3 OCS sources, up to 4 Deepwater port sources, and up to 3 permits issued because of EPA objection to a draft part 70 permit.

The EPA has issued part 71 permits to 80 of the 114 sources that will be subject to EPA permitting by July 2007. Thus, at the beginning of this ICR, there will be a backlog of 34 existing sources that have not yet received their initial permits. (These sources have submitted their initial permit applications, so this ICR includes no burden for preparation of these applications.) The Agency projects that the backlogged permits will all be issued during the 3 years of this ICR, 12 in the first year and 11 each in years 2 and 3.

As shown in Table 1, EPA projects that 9 new sources will become subject to EPA permitting during the course of this ICR (3 OCS sources, 4 Deepwater port sources, and 2 sources with part 70 permits to which EPA objects). We calculate the burden for these sources to include all the activities associated with obtaining an initial permit.

Also during the period of this ICR, a number of existing sources' initial part 71 permits will have to be renewed. (The term of a part 71 permit is 5 years.) The EPA estimates that there will be 42 backlogged permit renewals by July 2007 when this ICR begins. In addition, we estimate that another 30 part 71 permits will be nearing expiration and have to be renewed during the period of this ICR. The Agency projects that these 72 permit renewals will be issued in equal numbers each year (i.e., 24 renewals per year).

## **6.2 Estimating Burden**

Table 2 displays the expected source burden for permitting when EPA is the permitting authority. Burden means the total time, effort, and financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information; processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply

with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The Agency derived its estimates in Tables 2 and 3 from previous consultations with fewer than nine respondents from the regulated community on the burdens and costs of the permit programs, data collected by EPA from permitting authorities on the numbers of permits issued, renewed, and modified in the course of program administration, and based on our analysis of data submitted within the context of State and local permitting program evaluations. In the initial ICR for part 71, the Agency assumed sources are indifferent (from an effort perspective) between reporting to the Federal government and reporting to a State permitting authority.<sup>2</sup> Consequently, Table 2 is the same for both part 70 estimates and this ICR.

**TABLE 2  
SOURCE BURDEN BY ACTIVITY**

<b>ACTIVITY</b>	<b>BURDEN PER SOURCE OR PERMIT</b>
Prepare Initial Permit Application	300 hrs
Draft Permit Interaction	40 hrs
Gap-filling Monitoring Development (50% of permits)	40 hrs
Public Hearing Participation (2% of permits)	10 hrs
Operate Gap-filling Periodic Monitoring (50% of permits)	200 hrs / yr
Prepare Monitoring Reports and Compliance Certification	80 hrs / yr
Permit Revisions Significant Permit Modifications (10% of Permits) Minor Permit Modifications (50% of Permits) Administrative Amendments (50 % of Permits)	80 hrs 40 hrs 8 hrs
Prepare Permit Renewal Application	200 hrs
Other Permit Renewal Activities	20 hrs

The following tables and descriptions concern burden estimates for specific activities required of sources and EPA when EPA is the permitting authority. In all cases, the activities listed for source-level activities match

<sup>2</sup> May, 1995, United States Environmental Protection Agency, Part 71 Information Collection Request, p 19.

those for sources under the part 70 operating permits programs and the activities for the permitting authority (in this case EPA) match those for State and local permitting authorities under the part 70 program.

## **PERMITTING AUTHORITY ACTIVITIES**

1. **Program administration:** Responding to inquiries about the program, developing internal and external program guidance, developing rules, forms, and other mechanisms to implement the program, planning, attending program training, permit fee collection, providing source training, attending meetings and conferences, providing public education, and other program related activities.
2. **Permit application review,** including discussions with a source concerning the completeness of the permit application, review of applications for completeness and technical approach, and requests for additional information, when necessary.
3. **Draft permit preparation,** including contact with the source to clarify the specific requirements that apply, drafting the “statement of basis,” drafting gap-filing monitoring, when necessary, and drafting permit terms and conditions to reflect existing requirements.
4. **Comment period notification:** Providing notice to the public, and affected States of the comment period on a draft permit (for initial permit issuance, permit renewal and significant permit modification). Affected State notification is also required for minor permit modification.

## **SOURCE-SPECIFIC ACTIVITIES**

1. **Permit application preparation,** including internal meetings, permitting authority discussions, management and legal department involvement, responsible official certification, contractor services
2. **Draft permit development:** Interaction with the permitting authority on draft permit development
3. **Gap-filling development:** Development of periodic monitoring gap-filling, if applicable
4. **Public hearing participation**
5. **Operate gap-filling periodic monitoring:** Operation of monitoring equipment and the taking and keeping of records, where necessary

6. **Monitoring reports:** Preparing semi-annual monitoring data reports, including data analysis, responsible official certification, and report submission (annual burden for both reports). Includes preparing and submitting annual compliance certification
7. **Permit revisions:** Preparing applications for permit revisions
8. **Permit renewal:** Preparing permit renewal applications
9. **Other activities associated with permit renewal,** including discussions with permitting authority and public hearing participation

Table 3 displays the expected burden for all of the specific tasks necessary for EPA to perform its permit program functions when EPA is the permitting authority under title V. We made changes to the burden estimates in table 3 since the last ICR renewal, including revising the burden for EPA to issue permit renewals and significant modifications from 60 hours per activity to 90 hours per activity for both, and changed the burden for EPA to issue minor permit modification from 20 hours per activity to 30 hours per activity. These changes were made to more accurately reflect the burdens of public notification, public comment, public hearing, and affected State review for these activities, consistent with changes we made to the recent part 70 ICR renewal, and consistent with NACAA input on these ICRs.



**TABLE 3  
PERMITTING AUTHORITY BURDEN BY ACTIVITY**

<b>ACTIVITY</b>	<b>PART 70 BURDEN PER PERMIT OR PROGRAM</b>
Program Administration	3,500 hrs / PA / yr
Initial Permit Application Review	100 hrs / permit
Draft Permits Preparation	150 hrs / permit
Comment Period Notification	10 hrs / permit
Hold Public Hearings (2% of permits)	100 hrs / hearing
Analyze Public Comments (2% of permits)	40 hrs / permit
Permit Issuance	8 hrs / permit
Permit Revision Significant Permit Modification Minor Permit Modification Administrative Amendment	90 hrs / permit 30 hrs / permit 5 hrs / permit
Permit Renewal	90 hrs / permit
Review Reports: Monitoring (2 reports / yr) Compliance Certification	10 hrs / permit 5 hrs / permit

### 6.3 Estimating Wages

#### 6.3.1 Estimating Source Costs

Historically, the Agency had assumed 70% of all source burden categories would be performed in-house, with the remaining 30% delegated to contractors.<sup>3</sup> However, this renewal incorporates the previous ICR reassessment of that assumption which is based on allocation of contractor support for only the initial permit application task. This analysis assumes one-third of the source's initial permit application preparation would be performed by contracted labor. The remainder of the source's tasks would be done entirely in-house.

In the 2000 ICR renewal, EPA determined source wage rates based on data from the 1997 Statistical Abstract of the United States, adjusted to 1999 dollars using the Employment Cost Index (ECI). The Agency estimated the total hourly cost of in-house labor using the wage rates for technical support staff (at full time), administrative staff (at one-eleventh time), and administrative support staff (at one-eighth time), adding in the costs for benefits, sick leave/vacation, and general overhead. The resulting hourly

<sup>3</sup> United States Environmental Protection Agency, Regulatory Impact Analysis and Regulatory Flexibility Act Screening for Operating Permits Regulations, EPA-450/2-91-011, June 1992, pp. 16-17.

cost was \$32 per hour for in-house labor. In the 2004 ICR renewal, EPA calculated an updated hourly cost for in-house labor using the same methodology. At that time, the hourly cost was \$34 per hour.

For this ICR renewal, the Agency was unable to duplicate the methodology used in 2000 and 2004 because the Bureau of the Census has changed the data reported in the Statistical Abstract of the United States. Instead, EPA updated the hourly cost for in-house labor by adjusting the 2004 value (in 2003 dollars) to 2006 dollars using the ECI for white-collar workers in private industry. This calculation resulted in an hourly cost of \$38 for in-house labor as detailed below in Table 4.

**TABLE 4  
DETERMINATION OF SOURCE IN-HOUSE BURDEN COSTS**

$$\begin{aligned}
 Cost_{2006} &= Cost_{2003} * \left( \frac{ECI_{2005}}{ECI_{2003}} \right) * ECI_{2006 \text{ factor}} \\
 &= \$34.40 / \text{hour} * \frac{183.8}{172.0} * 1.029 \\
 &= \$37.83 / \text{hour}
 \end{aligned}$$

ECI<sub>2003</sub> and ECI<sub>2005</sub> from U.S. Census Bureau, Statistical Abstract of the United States, 2007, Table 632, Private industry workers, white-collar occupations. Available at [www.census.gov/compendia/statab/labor\\_force\\_employment\\_earnings/compensation\\_wages\\_and\\_earnings/](http://www.census.gov/compendia/statab/labor_force_employment_earnings/compensation_wages_and_earnings/)  
ECI<sub>2006factor</sub> from U.S. Department of Labor, Bureau of Labor Statistics at [www.bls.gov/new.release/eci.t05.htm](http://www.bls.gov/new.release/eci.t05.htm). Index for September 2006 relative to December 2005 for private industry workers, white-collar occupations excluding sales.

For contracted labor, operating permit management and reporting require the same skills employed by the EPA's consultants. For the 2000 ICR, as an estimation of a source's consulting costs, the Agency averaged the fully loaded cost of three environmental contractors at the PL 2 (secretarial support), PL 3 (technical), and PL 4 (administration) levels, applying the methodology employed below in Table 5 for establishing a Federal and PA FTE wage rate. The fully loaded hourly cost calculated at that time for Industry-hired consultants was \$268 (1999 dollars). Therefore, the hourly rate for preparing the initial permit application was set at \$111 for the 2000 ICR (1/3 of \$268 plus 2/3 of \$32). All other source tasks were estimated using the in-house hourly cost of \$32 per hour.

Because of the confidential nature of the values used to estimate contractor hourly costs, the exact methodology was not documented in the 2000 ICR. As a result, for the 2004 ICR renewal EPA used the ECI to update the hourly cost for preparing initial permit applications, calculating a value of \$131 per hour. For the current ICR renewal, EPA has used the same approach. The Agency used the methodology detailed above in Table 4,

except that we started with the value in 1999 dollars (\$111 per hour) and used the ECI for 1999 (146.9) in place of the ECI for 2003. This resulted in an hourly cost for preparing an initial permit application of \$143. All other source tasks are estimated at the in-house hourly cost of \$38 per hour, as discussed above.

### 6.3.2 Estimating PA and Agency Costs

Historically, the Agency applied a \$34 per hour rate for Federal and State full time employee (FTE) wage rates. During the development of the ICR for the part 71 Federal Operating Permit Regulations, the Agency was instructed by the Office of General Council (OGC) to compute more accurate estimations of these hourly costs. To determine the appropriate hourly wage to apply for each respondent burden estimation, OGC instructed the Agency to assume the appropriate FTE rate to apply would be a GS-11 Step 3, fully loaded to account for overhead, benefits, and all other appropriate costs. To fully incorporate the cost of that FTE's support staff and managerial costs, the Agency also assumed one-eleventh of a manager's time (at a GS-13, Step 3 level), and one-eighth of a secretary's time (at a GS-6, Step 6 level). Applying the same process for this ICR renewal, the Agency has determined the appropriate cost of Federal and permitting authority burden at \$45 per hour. Table 5 displays the calculation of this rate.

**TABLE 5  
DETERMINATION OF FEDERAL AND PERMITTING AUTHORITY BURDEN COSTS**

Annual Salary of Permit Staff, GS 11 Step 3 (FY 06 Schedule)*		\$49,269.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 06 Schedule )*	\$70,220.00	
Factor (1/11)	<u>0.09</u>	\$6,319.80
Annual Cost of Admin. Support Staff, GS 6 Step 6 (FY 06 Schedule)*	\$32,765.00	
Factor (1/8)	<u>0.13</u>	<u>\$4,259.45</u>
Annual Applicable Salary of Permit Staff		\$59,848.25
Benefits (at 16%)		\$9,575.72
Sick Leave/Vacation (at 10%)		\$5,984.83
General Overhead		<u>\$18,511.67</u>
Total Cost Per FTE		\$93,920.47
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$45.15

\* <http://www.opm.gov/oca/06tables/html/gs.asp>, January 4, 2007

### 6.4 Estimating Costs for the Federal Program

#### **6.4.1 Estimating Source Costs**

Table 6 lists the burden categories, expected number of occurrences for each, and the associated burden and costs for sources when EPA is the permitting authority. The quantities in the “affected permits” column are from direct assessments of the 123 permits EPA expects to administer during the period covered by this ICR (113 Indian country sources, 3 OCS sources, 4 Deepwater ports sources, and 3 due to EPA objection). Each activity in Table 6 is based on the burden estimates from Table 2.

**TABLE 6  
TOTAL AND AVERAGE BURDEN AND COST OF SOURCE ACTIVITIES  
UNDER EPA ADMINISTRATION**

<b>ACTIVITY</b>	<b>BURDEN PER PERMIT (HOURS)</b>	<b>RATE PER HOUR</b>	<b>AFFECTED PERMITS</b>	<b>TOTAL THREE-YEAR BURDEN (HOURS)</b>	<b>AVERAGE ANNUAL BURDEN (HOURS)</b>	<b>TOTAL THREE-YEAR COST (\$2006)</b>	<b>AVERAGE ANNUAL COST (\$2006)</b>
Initial Permit Application*	300	\$143	9	2,700	900	\$386,100	\$128,700
Draft Permit Interaction**	40	\$38	43	1,720	573	\$65,360	\$21,787
Gap Filling Monitoring Development (50% of permits)**	40	\$38	22	880	293	\$33,440	\$11,147
Public Hearing Participation (2% of permits)**	10	\$38	1	10	3	\$380	\$127
Operate Gap Filling Monitoring (50% of permits)***	200	\$38	year 1 40 year 2 48 year 3 55	year 1 8,000 year 2 9,600 year 3 <u>11,000</u> <u>7,000</u> 28,600	2,667 3,200 <u>3,667</u> 9,534	\$304,000 \$364,800 <u>\$418,000</u> \$1,086,800	\$101,333 \$121,600 <u>\$139,333</u> \$362,266
Prepare Monitoring Reports and Compliance Certifications (all permits)***	80	\$38	year 1 80 year 2 95 year 3 109	year 1 6,400 year 2 7,600 year 3 <u>8,720</u> 22,720	2,133 2,533 <u>2,907</u> 7,573	\$243,200 \$288,800 <u>\$331,360</u> \$863,360	\$81,067 \$96,267 <u>\$110,453</u> \$287,787

**TABLE 6  
TOTAL AND AVERAGE BURDEN AND COST OF SOURCE ACTIVITIES  
UNDER EPA ADMINISTRATION**

Permit Revisions*** Significant Permit Mods (10% of existing permits)	80	\$38	year 1	8	year 1	640	213	\$24,320	\$8,107	
			year 2	10	year 2	800	267	\$30,400	\$10,133	
			year 3	11	year 3	880	293	\$33,440	\$11,147	
	Minor Permit Mods (50% of existing permits)	40	\$38		29		2,320	773	\$88,160	\$29,387
				year 1	40			533	\$60,800	\$20,267
				year 2	48	year 1	1,600	640	\$72,960	\$24,320
	Admin Amendments (50% of existing permits)	8	\$38	year 3	55	year 2	1,920	733	\$83,600	\$27,867
					143	year 3	2,200	1,906	\$217,360	\$72,454
				Revision Subtotal			5,720	3,061	\$348,992	\$116,332
				year 1	40					
				year 2	48	year 1	320			
				year 3	55	year 2	384			
					143	year 3	440			
						1,144				
						9,184				
Renewal Permit Application	200	\$38		72		14,400 15,000	4,800	\$547,200	\$182,400	
Other Renewal Activities	20	\$38		72		1,440	480	\$54,720	\$18,240	
<b>TOTALS</b>						81,654	27,218	\$3,386,352	\$1,128,784	

\* This activity applies only to the new sources that must be permitted during the period of this ICR.

\*\* These activities apply to all initial permits issued during the period of this ICR, i.e., 9 new + 34 backlogged = 43 permits.

\*\*\* These activities apply to the existing sources that have a part 71 permit at the beginning of each year of this ICR: 80 sources as of July 2007, 95 sources as of July 2008, and 109 sources as of July 2009.

### 6.4.2 Estimating Federal Costs

Table 7 lists the burden categories when the EPA (Federal government) acts as the permitting authority under title V, the expected number of permits involved, and the expected cost for each category, based on the burden estimations from Table 3.

**TABLE 7  
THE BURDEN AND COST OF EPA ACTIVITIES WHEN EPA IS THE PERMITTING AUTHORITY**

ACTIVITY	Burden Hours per Permit**	Affected Permits or Programs	Total 3-Year Burden (Hours)	Total 3-Year Cost (\$2006)*
Program Administration	3,500 per year	1	10,500	\$472,500

Permit Application Review	100	9	900	\$40,500
Draft Permit Preparation	150	43	6,450	\$290,250
Comment Period Notification	10	43	430	\$19,350
Public Hearing (by Hearing) (2% of permits)	100	1	100	\$4,500
Analyzing Public Comments (2% of permits)	40	1	40	\$1,800
Permit Issuance	8	43	344	\$15,480
Permit Revisions				
Significant (10% of permits)	90	29	2,610	\$117,450
Minor (50% of permits)	30	143	4,290	\$193,050
Administrative (50% of permits)	5	143	715	\$32,175
Revision Subtotal			7,615	\$342,675
Permit Renewals	90	72	6,480	\$291,600
Review Monitoring and Compliance Reports				
Year 1	15	80	1,200	\$54,000
Year 2	15	95	1,425	\$64,125
Year 3	15	109	1,635	\$73,575
			4,260	\$191,700
Totals			37,118	\$1,670,355

\* The wage rate applied was \$45 per hour, see Section 6.3.2 Estimating PA and Agency Costs for details.

\*\* Units are per permit except program administration (per PA) and public hearings (per hearing)

### 6.4.3 Capital and O&M Costs

There are no expected capital or O&M costs for this ICR. Moreover, the regulations do not mandate the purchase of any capital equipment, nor do they require any O&M procedures. Although EPA does not have separate estimates for capital and O&M costs, we believe past input from State permitting authorities on the burdens of part 70 programs may have considered such costs within their estimates for the burden of program activities (e.g., the costs of obtaining computers to aid in program administration).

### 6.4.4 Bottom Line Burden Hours and Cost

**TABLE 8  
BOTTOM LINE MARGINAL BURDEN AND COST\* (\$2006)  
2007 – 2010**

	Number of Affected Entities	Total ICR (1 Year) Burden Hours	Total ICR (3 Year) Burden Hours	Average Annual Burden Per Source (Hours)	Total ICR (1 Year) Cost	Total ICR (3 Year) Cost	Average Annual Cost Per Source
<b>Sources</b>	123**	27,218	81,654	221	\$1,128,784	\$3,386,352	\$9,177
<b>Federal</b>	1	12,373	37,119	101	\$556,785	\$1,670,355	\$4,527
<b>Total</b>			118,773			\$5,056,707	

\* Cost and burden values are from Tables 6 and 7.

\*\* 113 Indian country, 4 Deepwater port, 3 OCS and 3 part 70 permits

Tables 2 and 3 display the activities of the title V permit programs for sources, and the Federal government (EPA) as the permitting authority. Tables 6 and 7 display the costs associated with each of these categories using data from Tables 2 and 3, and use updated wage rates as shown in Tables 4 and 5. Table 8, above, summarizes the costs for the affected entities in 2006 dollars.

This ICR contains no estimated burden for permitting authorities other than for EPA in its role as the permitting authority, when necessary. Any burden attributable to a State or local permitting program under title V is a component of the part 70 Operating Permits Program and not applicable to this ICR. Also, EPA oversight activities under part 70 programs, such as reviewing part 70 permits, are addressed separately in the ICR for part 70.

On average, the Agency estimates the 3-year cost to major sources under part 71 (123 sources) at about \$3.4 million with burden hours totaling 82 thousand (27 thousand hours per year), or about 221 hours per year per source over the three years of the ICR. This is about 3.5% lower on a per-source basis than the expected burden for sources reported in the 2004 part 71 ICR.

The burden EPA expects to incur in its role as permitting authority under title V is estimated over the 3-year period covered by this ICR at about 37 thousand hours, or around 101 hours per source per year.



## 6.5 Reasons for Changes in the Burden

The title V program has been evolving since its inception, beginning with promulgation of the part 70 regulations in 1992. Consequently, the activities associated with implementing the part 70 and part 71 programs have changed since the previous ICR. With the experience gained through program implementation, EPA and permitting authorities have a sense of the activities associated with the program and the burden of those activities. The activities in this ICR have been developed based on this knowledge. The burden (in hours) in this ICR can be accurately compared to the approved burden levels in its predecessor on an activity-by-activity basis, since these burdens are independent of changes in the wage rates used to compute the costs for each activity.

One relatively significant change in assumptions is a change in the burden hour estimates (burden hours per activity) for the EPA activities of processing permit revisions and significant modifications (both were increased to 90 hours per occurrence), and for minor permit modification, which increased to 30 hours per occurrence, based on NACAA input on the draft ICR renewal, and consistent with the part 70 ICR.

One relatively minor change in assumptions is in the percentage of public comments that lead to changes to the draft permits. The evaluations of part 70 programs EPA has performed suggests that such changes are rare, consistent with the frequency that public hearings occur, since the standard for changing the permit and for holding a public hearing are similar. Thus, we are changing the frequency for finalizing drafts permit with public comment to 2% from 10% within the burden estimates for EPA as the permitting authority. This change has an insignificant effect on these estimates.

Table 9 compares the burden in the previous ICR with the burden in this ICR. The approved burden level in the previous ICR was 24 thousand hours per year for sources and 36 thousand burden hours per year for Federal oversight; for a total of 60 thousand hours. This ICR estimates total annual burden at 42 thousand hours with sources accounting for 30 thousand burden hours per year and Federal oversight burden hours estimated at 12 thousand hours. The change in burden from the previous ICR is due to expected changes in program activities that have occurred as a result of

evolution of the program and are considered “adjustments” (they are not the result of new or revised Federal mandates).

**TABLE 9  
BURDEN CHANGE FROM 2004 ICR TO CURRENT ICR (in hours)**

	Average Annual Burden in 2004 ICR Renewal	Average Annual Burden in ICR Renewal	Difference
<b>Sources</b>	24,077	27,218	<b>3,141</b>
<b>Federal</b>	36,392	12,373	<b>(24,019)</b>
<b>TOTAL</b>	60,469	39,591	<b>(20,878)</b>

During the 3-year period of this ICR there will be a slight increase in the source burden compared to the previous ICR due to the larger number of sources that will be subject to non-delegated program administration by EPA as a consequence of there being more major sources subject to the program and as a normal consequence of changes in the mix of source activities over time. These changes are not due to any EPA actions to revise regulations or policy since the last ICR update. In the last ICR there were 105 sources subject to non-delegated permit administration by EPA, while this one assumes there will be 123 sources. Also, during the 3 years of this analysis there will be a significant reduction in Federal (EPA) burden due to a change in assumptions to eliminate the scenario where EPA issues an NOD and takes over permitting in a State due to poor implementation or enforcement of a part 70 program. Also, there is an overall reduction in burdens in this analysis compared to the last one because of the elimination of EPA oversight activities for delegated part 71 programs (also related to EPA takeover of State programs), which is only partially offset by revisions to increase burden estimates for certain EPA activities (e.g., permit renewals). For these reasons, in this ICR period (2007-2010), Federal burden hours will decrease from the 2004 ICR and result in a 21 thousand hour reduction in total burden.

## 6.6 Burden Statement

Due to the large number of respondents, the variation in the circumstances for each respondent, and the varied nature of the activities of the program, it is impractical to attempt to delineate burden by respondent and activity. Following is the apportioned burden for each respondent, derived from the

total permitting authority (i.e., EPA) hourly burden divided by the number of permitting authorities (i.e., 1), and similarly for sources.

**TABLE 10  
BURDEN STATEMENT**

	<b>Number of Respondents</b>	<b>Total Annual Burden (hours)</b>	<b>Average Annual Burden per Respondent (hours)</b>
<b>Sources</b>	123	27,218	221
<b>Federal</b>	1	12,373	12,373

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 Number EPA-HQ-OAR-2004-0016, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. 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 and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used 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. When 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, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2004-0016 and OMB Control Number 2060-0336 in any correspondence.

**ATTACHMENT 1**

**THE STATUTORY REQUIREMENTS FOR RESPONDENT INFORMATION**

## SECTIONS 502 THROUGH 504 OF TITLE V OF THE CLEAN AIR ACT

### SEC. 502. PERMIT PROGRAMS

(a) Violations.- After the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate an affected source (as provided in title IV), a major source, any other source (including an area source) subject to standards or regulations under section 111 or 112, any other source required to have a permit under parts C or D of title I, or any other stationary source in a category designated (in whole or in part) by regulations promulgated by the Administrator (after notice and public comment) which shall include a finding setting forth the basis for such designation, except in compliance with a permit issued by a permitting authority under this title. (Nothing in this subsection shall be construed to alter the applicable requirements of this Act that a permit be obtained before construction or modification.) The Administrator may, in the Administrator's discretion and consistent with the applicable provisions of this Act, promulgate regulations to exempt one or more source categories (in whole or in part) from the requirements of this subsection if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.

(b) Regulations.- The Administrator shall promulgate within 12 months after the date of the enactment of the Clean Air Act Amendments of 1990 regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include each of the following:

(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of applications.

(2) Monitoring and reporting requirements.

(3)(A) A requirement under State or local law or interstate compact that the owner or operator of all sources subject to the requirement to obtain a permit under this title pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title, including section 507, including the reasonable costs of -

(i) reviewing and acting upon any application for such a permit,

(ii) if the owner or operator receives a permit for such source, whether before or after the date of the enactment of the Clean Air Act Amendments of 1990, implementing and enforcing

the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

- (iii) emissions and ambient monitoring,
- (iv) preparing generally applicable regulations, or guidance,
- (v) modeling, analyses, and demonstrations, and
- (vi) preparing inventories and tracking emissions.

(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in subparagraphs (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than \$25 per ton of each regulated pollutant, or such other amount as the Administrator may determine adequately reflects the reasonable costs of the permit program.

(ii) As used in this subparagraph, the term "regulated pollutant" shall mean (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

(iii) In determining the amount under clause (i), the permitting authority is not required to include any amount of regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

(iv) The requirements of clause (i) shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will meet the requirements of subparagraph (A).

(v) The fee calculated under clause (i) shall be increased (consistent with the need to cover the reasonable costs authorized by subparagraph (A)) in each year beginning after the year of the enactment of the Clean Air Act Amendments of 1990 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. For purposes of this clause -

(I) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and

(II) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(C)(i) If the Administrator determines, under subsection (d), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under subsection (i), that the permitting authority is not adequately

administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under subparagraph (A). Such fees shall be designed solely to cover the Administrator's costs of administering the provisions of the permit program promulgated by the Administrator.

(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes).

(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State, local, or interstate agency under this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph (A).

(4) Requirements for adequate personnel and funding to administer the program.

(5) A requirement that the permitting authority have adequate authority to:

(A) issue permits and assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act;

(B) issue permits for a fixed term, not to exceed 5 years;

(C) assure that upon issuance or renewal permits incorporate emission limitations and other requirements in an applicable implementation plan;

(D) terminate, modify, or revoke and reissue permits for cause;

(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than \$10,000 per day for each violation, and provide appropriate criminal penalties; and

(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under this title.

(6) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, for processing such applications, for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications, renewals, or revisions, and including an opportunity for judicial review in State court of the final permit action by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of that action under applicable law.



(7) To ensure against unreasonable delay by the permitting authority, adequate authority and procedures to provide that a failure of such permitting authority to act on a permit application or permit renewal application (in accordance with the time periods specified in section 503 or, as appropriate, title IV) shall be treated as a final permit action solely for purposes of obtaining judicial review in State court of an action brought by any person referred to in paragraph (6) to require that action be taken by the permitting authority on such application without additional delay.

(8) Authority, and reasonable procedures consistent with the need for expeditious action by the permitting authority on permit applications and related matters, to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 503(e), subject to the provisions of section 114(c) of this Act.

(9) A requirement that the permitting authority, in the case of permits with a term of 3 or more years for major sources, shall require revisions to the permit to incorporate applicable standards and regulations promulgated under this Act after the issuance of such permit. Such revisions shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations. No such revision shall be required if the effective date of the standards or regulations is a date after the expiration of the permit term. Such permit revision shall be treated as a permit renewal if it complies with the requirements of this title regarding renewals.

(10) Provisions to allow changes within a permitted facility (or one operating pursuant to section 503(d)) without requiring a permit revision, if the changes are not modifications under any provision of title I and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions: *Provided*, That the facility provides the Administrator and the permitting authority with written notification in advance of the proposed changes which shall be a minimum of 7 days, unless the permitting authority provides in its regulations a different time frame for emergencies.

(c) Single Permit.- A single permit may be issued for a facility with multiple sources.

(d) Submission and Approval.- (1) Not later than 3 years after the date of the enactment of the Clean Air Act Amendments of 1990, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality, or the interstate compact provide adequate authority to carry out the program. Not later than 1 year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator may approve a program to the extent that the program meets the requirements of

this Act, including the regulations issued under subsection (b). If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within 180 days after receiving notification.

(2)(A) If the Governor does not submit a program as required under paragraph (1) or if the Administrator disapproves a program submitted by the Governor under paragraph (1), in whole or in part, the Administrator may, prior to the expiration of the 18-month period referred to in subparagraph (B), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(B) If the Governor does not submit a program as required under paragraph (1), or if the Administrator disapproves any such program submitted by the Governor under paragraph (1), in whole or in part, 18 months after the date required for such submittal or the date of such disapproval, as the case may be, the Administrator shall apply sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(C) The sanctions under section 179(b)(2) shall not apply pursuant to this paragraph in any area unless the failure to submit or the disapproval referred to in subparagraph (A) or (B) relates to an air pollutant for which such area has been designated a nonattainment area (as defined in part D of title I).

(3) If a program meeting the requirements of this title has not been approved in whole for any State, the Administrator shall, 2 years after the date required for submission of such a program under paragraph (1), promulgate, administer, and enforce a program under this title for that State.

(e) Suspension.- The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may, in such notice, retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this subsection should be construed to limit the Administrator's ability to enforce permits issued by a State.

(f) Prohibition.- No partial permit program shall be approved unless, at a minimum, it applies, and ensures compliance with, this title and each of the following:

(1) All requirements established under title IV applicable to "affected sources."

(2) All requirements established under section 112 applicable to "major sources", "area sources," and "new sources."

(3) All requirements of title I (other than section 112) applicable to sources required to have a permit under this title. Approval of a partial program shall not relieve the State of its

obligation to submit a complete program, nor from the application of any sanctions under this Act for failure to submit an approvable permit program.

(g) Interim Approval.- If a program (including a partial permit program) submitted under this title substantially meets the requirements of this title, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than 2 years after such approval, and may not be renewed. For the period of any such interim approval, the provisions of subsection (d)(2), and the obligation of the Administrator to promulgate a program under this title for the State pursuant to subsection (d)(3), shall be suspended. Such provisions and such obligation of the Administrator shall apply after the expiration of such interim approval.

(h) Effective Date.- The effective date of a permit program, or partial or interim program, approved under this title, shall be the effective date of approval by the Administrator. The effective date of a permit program, or partial permit program, promulgated by the Administrator shall be the date of promulgation.

(i) Administration and Enforcement.- (1) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, the Administrator shall provide notice to the State and may, prior to the expiration of the 18-month period referred to in paragraph (2), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(2) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, 18 months after the date of the notice under paragraph (1), the Administrator shall apply the sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(3) The sanctions under section 179(b)(2) shall not apply pursuant to this subsection in any area unless the failure to adequately enforce and administer the program relates to an air pollutant for which such area has been designated a nonattainment area.

(4) Whenever the Administrator has made a finding under paragraph (1) with respect to any State, unless the State has corrected such deficiency within 18 months after the date of such finding, the Administrator shall, 2 years after the date of such finding, promulgate, administer, and enforce a program under this title for that State. Nothing in this paragraph shall be construed to affect the validity of a program which has been approved under this title or the authority of

any permitting authority acting under such program until such time as such program is promulgated by the Administrator under this paragraph. [42 U.S.C. 7661a]

### **SEC. 503. PERMIT APPLICATIONS.**

(a) **APPLICABLE DATE.**-Any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the following dates-

(1) the effective date of a permit program or partial or interim permit program applicable to the source; or

(2) the date such source becomes subject to section 502(a).

(b) **COMPLIANCE PLAN.**-(1) The regulations required by section 502(b) shall include a requirement that the applicant submit with the permit application a compliance plan describing how the source will comply with all applicable requirements under this Act. The compliance plan shall include a schedule of compliance, and a schedule under which the permittee will submit progress reports to the permitting authority no less frequently than every 6 months.

(2) The regulations shall further require the permittee to periodically (but no less frequently than annually) certify that the facility is in compliance with any applicable requirements of the permit, and to promptly report any deviations from permit requirements to the permitting authority.

(c) **DEADLINE.**-Any person required to have a permit shall, not later than 12 months after the date on which the source becomes subject to a permit program approved or promulgated under this title, or such earlier date as the permitting authority may establish, submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted. The permitting authority shall approve or disapprove a completed application (consistent with the procedures established under this title for consideration of such applications), and shall issue or deny the permit, within 18 months after the date of receipt thereof, except that the permitting authority shall establish a phased schedule for acting on permit applications submitted within the first full year after the effective date of a permit program (or a partial or interim program). Any such schedule shall assure that at least one-third of such permits will be acted on by such authority annually over a period of not to exceed 3 years after such effective date. Such authority shall establish reasonable procedures to prioritize such approval or disapproval actions in the case of applications for construction or modification under the applicable requirements of this Act.

(d) **TIMELY AND COMPLETE APPLICATIONS.**-Except for sources required to have a permit before construction or modification under the applicable requirements of this Act, if an applicant has submitted a timely and complete application for a permit required by this title

(including renewals), but final action has not been taken on such application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant timely to submit information required or requested to process the application. No source required to have a permit under this title shall be in violation of section 502(a) before the date on which the source is required to submit an application under subsection (c).

(e) COPIES; AVAILABILITY.-A copy of each permit application, compliance plan (including the schedule of compliance), emissions or compliance monitoring report, certification, and each permit issued under this title, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit shall not be entitled to protection under section 114(c).

#### **SEC. 504. PERMIT REQUIREMENTS AND CONDITIONS.**

(a) CONDITIONS.-Each permit issued under this title shall include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every 6 months, the results of any required monitoring, and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan.

(b) MONITORING AND ANALYSIS.-The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance. Nothing in this subsection shall be construed to affect any continuous emissions monitoring requirement of title IV, or where required elsewhere in this Act.

(c) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.-Each permit issued under this title shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulation under subsection (b). Any report required to be submitted by a permit issued to a corporation under this title shall be signed by a responsible corporate official, who shall certify its accuracy.

*§70.5(c) Standard applications form and required information.* The State program under this part shall provide for a standard application form or forms. Information as described below for

each emissions unit at a part 70 source shall be included in the application. The Administrator may approve as part of a State program a list of insignificant activities and emissions levels which need not be included in permit applications. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the schedule approved pursuant to §70.9 of this part. The permitting authority may use discretion in developing application forms that best meet program needs and administrative efficiency. The forms and attachments chosen, however, shall include the elements specified below:

(1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated alternative scenario identified by the source.

(3) The following emission related information:

(i) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this paragraph (c) of this section. The permitting authority shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule approved pursuant to §70.9(b) of this part.

(ii) Identification and description of all points of emissions described in paragraph (c)(3)(i) of this section in sufficient detail to establish the basis for fees and applicability of requirements of the Act.

(iii) Emissions rate in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(iv) The following information to the extent it is needed to determine to regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules.

(v) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(vi) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the part 70 source.

(vii) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act.)

(viii) Calculations on which the information on paragraphs (c)(3)(i) through (c)(3)(vii) of this section is based.

(4) The following air pollution control requirements:

(i) Citation and description of all applicable requirements, and

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(5) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of this part or to determine the applicability of such requirements.

(6) An explanation of any proposed exemptions from otherwise applicable requirements.

(7) Additional information as determined to be necessary by the permitting authority to define alternative operating scenarios identified by the source pursuant to § 70.6(a)(9) of this part or to define permit terms and conditions implementing § 70.4(b)(12) or § 70.6(a)(10) of this part.

(8) A compliance plan for all part 70 sources that contains all the following:

(i) A description of the compliance status of the source with respect to all applicable requirements.

(ii) A description as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(C) For requirements for which the source is not in compliance at the time or permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(iii) A compliance schedule as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(C) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that

contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to and shall not sanction noncompliance with, the applicable requirements on which it is based.

(iv) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(9) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph (d) of this section and section 114(a)(3) of the Act;

(ii) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods;

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority; and

(iv) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

(10) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the Act.

(d) Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.



**ATTACHMENT 2**

**February 9, 2007 FEDERAL REGISTER NOTICE  
72 FR 6233**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OAR-2004-0015 and EPA-HQ-OAR-2004-0016; FRL-8277-3]**

**Agency Information Collection Activities; Proposed Collections; Comment Request; Part 70 Operating Permit Regulations, EPA ICR No. 1587.07, OMB Control No. 2060-0243; Part 71 Federal Operating Permit Regulations, EPA ICR No. 1713.06, OMB Control No. 2060-0336**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew two existing approved Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). These ICRs are scheduled to expire on March 31, 2007. Before submitting these ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before April 10, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2004-0015 (part 70 ICR) or EPA-HQ-OAR-2004-0016 (part 71 ICR), by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- **Fax:** (202) 566-7944.
- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket Information Center, 1200 Pennsylvania Avenue, NW., Mail Code 2822T, Washington, DC 20460.
- **Hand Delivery:** EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are accepted only during the Docket's normal hours of operation—8:30 a.m. to 4:30 p.m., Monday through Friday. Special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OAR-2004-0015 or EPA-HQ-OAR-2004-0016.

EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov> including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise to be protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to us without going through [www.regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**FOR FURTHER INFORMATION CONTACT:** Jeff Herring, Office of Air Quality Planning and Standards, Air Quality Policy

Division (C504-05), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-3195; fax number: (919) 541-5509; e-mail address: [herring.jeff@epa.gov](mailto:herring.jeff@epa.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **How Can I Access the Docket and/or Submit Comments?**

The EPA has established public dockets for these ICRs under Docket ID Nos. EPA-HQ-OAR-2004-0015 (part 70

ICR) and EPA-HQ-OAR-2004-0016 (part 71 ICR) which are available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. The EPA/DC 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 and Radiation Docket is (202) 566-1742. Use [www.regulations.gov](http://www.regulations.gov) to obtain a copy of the draft collections of information, submit or view public comments, access the index listing of the contents of the 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 numbers identified in this document.

#### **What Information Particularly Interests EPA?**

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) enhance the quality, utility, and clarity of the information to be collected; and
- (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

#### **What Should I Consider When I Prepare My Comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID numbers assigned to these actions in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

#### **To What Information Collection Activity or ICR Does This Apply?**

Docket ID Nos. EPA-HQ-OAR-2004-0015 (part 70 ICR) and EPA-HQ-OAR-2004-0016 (part 71 ICR).

*Affected entities:* Entities potentially affected by this action are those which must apply for and obtain an operating permit under title V of the Clean Air Act (Act). These, in general, include sources which are defined as "major" under any title of the Act.

*Titles:* Part 70 Operating Permit Regulations; Part 71 Federal Operating Permit Regulations.

*ICR numbers:* For the part 70 regulations, EPA ICR No. 1587.07 and OMB Control No. 2060-0243. For the part 71 regulations, EPA ICR No. 1713.05 and OMB Control No. 2060-0336.

*ICR status:* These ICRs are currently scheduled to expire on March 31, 2007. 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 in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Title V of the Act requires States to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of "major" and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those State operating permits programs, to oversee implementation of the State programs, and to operate a Federal operating permits program in areas not subject to an approved State program. The EPA regulations setting forth requirements for the State operating permits programs are at part 70, title 40, chapter I of the Code of Federal Regulations. These are referred to as the "Part 70 Operating Permit Regulations," which are the subject of one of the ICRs addressed in this notice. The EPA regulations for the Federal operating permits program are at part 71, title 40, chapter I of the Code of Federal Regulations. These are referred to as the "Part 71 Federal Operating Permit Regulations," which are the subject of the second ICR addressed in this notice. The part 71 program is being implemented for sources located in Indian country, Outer Continental Shelf sources, and in areas that do not have part 70 programs. In implementing title V of the Act and EPA's part 70 operating permits regulations, State and local permitting agencies must develop programs and submit them to EPA for approval (section 502(d)), and sources subject to the program must develop operating permit applications and submit them to the permitting authority within 1 year after program approval (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(d)). Permit

applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). All information submitted by a source and the issued permit shall also be available for public review except for confidential information which will be protected from disclosure (section 503(e)). Sources will semi-annually submit compliance monitoring reports to the permitting authorities (section 504(a)). The EPA has the responsibility to oversee implementation of the program and to administer a Federal operating permits program in the event a program is not approved for a State (section 502(d)(3)) or if EPA determines the permitting authority is not adequately administering its approved program (section 502(i)(4)). The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating permits program. This notice provides updated burden estimates from previously approved ICRs. *Burden Statement:* The annual public reporting and recordkeeping burden for the part 70 collection of information is estimated to average 248 hours per permitted source, and the annual burden for permitting authorities to administer a part 70 program is estimated to average 10,179 hours. The annual public reporting and recordkeeping burden for the part 71 collection of information is estimated to average 221 hours per permitted source.

#### **Are There Changes in the Estimates From the Last Approval?**

There is an increase of 206 thousand hours in the part 70 total estimated respondent annual burden compared with that identified in the ICR currently approved by OMB. This increase in part 70 burden for sources and permitting authorities is an adjustment due to changes in burden estimates, primarily an increase in permit renewal activities. These changes in burden are not program changes, as no federal mandates, including the part 70 and part 71 regulations, have changed in any way that would affect these ICRs since the last ICR updates. For the part 71 program, there is a decrease of 22 thousand hours in the total estimated annual burden compared with that identified in the ICR currently approved by OMB. This burden reduction is also an adjustment, due to changes in assumptions, primarily due to a reduction in expected EPA oversight activities for delegated part 71 programs.

#### **What Is the Next Step in the Process for This ICR?**

The EPA will consider the comments received and amend the ICRs as appropriate. The final ICR packages will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICRs to OMB and the opportunity to submit additional comments to OMB. If you have any questions about these ICRs or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 31, 2007.

**Jenny Noonan Edmonds,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. E7-2180 Filed 2-8-07; 8:45 am]

**BILLING CODE 6560-50-P**