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**SUPPORTING STATEMENT**  
**Air Emissions Reporting Requirements (AERR) (Final Rule)**  
**EPA ICR # 2170.03**

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**PART A**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title of the Information Collection**

Air Emissions Reporting Requirements (AERR)

**1(b) Short Characterization/Abstract**

The United States (U.S.) Environmental Protection Agency (EPA) is promulgating the Air Emissions Reporting Requirements (AERR) rule that includes new reporting requirements and combines these new requirements with existing requirements from the Consolidated Emissions Reporting Rule (CERR), the Emission Reporting Requirements for Ozone State Implementation Plan (SIP) Revisions Relating to Statewide Budgets for NO<sub>x</sub> Emissions to Reduce Regional Transport of Ozone (NO<sub>x</sub> SIP Call) and the Acid Rain Program under Title IV of the CAA Amendments of 1990. Each of these three existing requirements has an approved ICR in place (CERR - ICR Number 0916.12 OMB Control Number 2060-0088; NO<sub>x</sub> SIP Call - ICR Number 1857.04, OMB Control Number 2060-0445; Acid Rain Program - ICR Number 1633.14, OMB Control Number 2060-0258).

This supporting statement and ICR is being submitted to account for the incremental burden associated with the AERR. As such, this supporting statement references the burden analysis included in ICR #s 0916.12, 1857.04 and 1633.14 and estimates the change in burden resulting from the final AERR on each of these ICRs.

EPA is publishing a Notice of Final Rulemaking in the Federal Register that among other things, details the changes to reporting requirements associated with the AERR. These changes revise or consolidate existing requirements for emission reporting under the CERR and NO<sub>x</sub> SIP Call.

Taken together, the existing emissions reporting requirements under the CERR and NO<sub>x</sub> SIP Call are already rather comprehensive in terms of the States covered and the information required. Therefore, the practical impact of the changes is to impose several new requirements and to accelerate the overall calendar for emission reporting.

In all States, the AERR expands the definition of what sources must be reported in point source format, so that fewer sources will be included in nonpoint source emissions. The AERR

will base the requirement for point source format reporting on whether the source is a major source under 40 CFR part 70 for the pollutants for which reporting is required, i.e., for CO, VOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, lead and ammonia but without regard to emissions of hazardous air pollutants. Currently, the requirement for point source reporting is based on actual emissions in the inventory year. This change may require more sources than at present to be reported as point sources every third year. The new approach will make it possible to better track source emissions changes, shutdowns, and start ups over time. It will result in a more stable universe of reporting point sources, which in turn will facilitate elimination of overlaps and gaps in estimating point source, as compared to nonpoint source, emissions. Under the final rulemaking, States will know well in advance of the start of the inventory year which sources will need to be reported. The new AERR requirements begin with the 2009 inventory year, the report for which will be due to EPA by December 31, 2010.

Several changes will alter reporting requirements on States or provide them with additional options:

- The NO<sub>x</sub> SIP Call rule requires the affected States to submit emission inventory reports for a given ozone season to EPA by December 31 of the following year, 12 months after the end of the inventory year. The CERR requires similar but not identical reports from all States by the following June 1, 17 months after the end of the inventory year. The EPA believes that harmonizing these dates would be efficient for both States and EPA. We are moving the June 1 reporting requirement to the previous December 31 beginning with the 2009 inventory year. The first reports under this new requirement will be due by December 31, 2010.
- We are requiring that all emissions from sources for the triennial year 2011 and all following years be reported within 12 months from the end of the inventory year, i.e., by December 31 of the year following.
- We are removing a requirement in the existing CERR for reporting annual and typical ozone season day biogenic emissions.
- We are adding a new provision that will allow States the option of providing emission inventory estimation model inputs in lieu of actual emission estimates, for source categories for which prior to the submission deadline EPA develops or adopts suitable emission inventory estimation models and by guidance defines their necessary inputs. This option will be available starting with the reports on 2007 emissions, which will be due June 1, 2009.
- We are revising the existing requirement that all States report emissions for a winter work week day to only require reporting of CO emissions for CO nonattainment areas and attainment areas with CO maintenance plans.
- We are adding several required data elements. These are contact name, contact phone number, emission release point type, emission type, and method accuracy description (MAD) codes.

The NO<sub>x</sub> SIP Call rule and the CERR contain detailed lists of required data elements in addition to emissions, and each rule has its own set of definitions. The two sets of data elements overlap but are not identical. The NO<sub>x</sub> SIP Call rule required a few more data elements to be reported and named or defined some data elements differently than the CERR. The EPA has reviewed both lists in light of more recent experiences and insight into the difficulty States face in collecting and submitting these data elements and their utility to EPA, other States, and other users. We are combining the separate lists of required elements into a single new list of required data elements. A few data elements have been eliminated.

We are retaining the requirement for reporting of summer day emissions from all sources (except biogenic sources) at 3-year intervals, but restricting it to only States with ozone nonattainment areas (including sources in counties that are covered by the modeling domain used to demonstrate RFP) and NO<sub>x</sub> SIP Call areas. The NO<sub>x</sub> SIP Call requires the reporting of only NO<sub>x</sub> emissions for a typical summer day, while the CERR requires the reporting of all pollutants. We are restricting the requirement to VOC and NO<sub>x</sub> emissions.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

One of the goals of this rulemaking is to consolidate the emission inventory reporting requirements found in the NO<sub>x</sub> SIP Call and CERR and streamline the activities involved in submitting the emissions data to EPA. This will enable the EPA to achieve uniformity and completeness in emission inventories used to support national, regional, and local air quality planning and attainment.

While the CAA does not provide a specific authorization for a national emissions database, the CAA provides the EPA ample legislative authority for acquiring such data. Emissions data are of vital importance to the EPA for fulfilling a host of monitoring, standard-setting, rulemaking, reviewing, and reporting duties. Section 110 and 301(a) of the CAA provide a primary authority for a national emissions database. Section 110 requires each State to prepare a plan which provides for implementation, maintenance, and enforcement of the primary standard for each pollutant for which air quality criteria have been issued. This plan must include provisions for periodic reports identifying sources and listing amounts of emissions. Section 301(a) authorizes the Administrator to promulgate necessary regulations.

Congressional support for collecting and reporting emissions data is demonstrated in three sections of the CAA. Section 110(a)(2)(F) requires that each State provide for periodic reports on the nature and amounts of emissions of criteria pollutants from stationary sources.

Sections 182(a)(3)(A) and 187(a)(5) of the CAA specify periodic inventory requirements for ozone and CO nonattainment areas, respectively. Section 182(a)(3)(A) requires States with ozone nonattainment areas to submit a current inventory of actual emissions of VOC, NO<sub>x</sub>, and CO every 3 years. Section 187(a)(5) requires a similar inventory of actual CO emissions for CO nonattainment areas. Periodic inventories include emission estimates for all point, nonpoint, onroad mobile, nonroad mobile, and biogenic sources. Section 172(c)(3) also provides the

Administrator with discretionary authority to require other emissions data as deemed necessary for State Implementation Plan (SIP) development in nonattainment areas to meet the NAAQS. In 1998, EPA promulgated the NO<sub>x</sub> SIP Call which requires the affected States and the District of Columbia to submit SIP revisions providing for NO<sub>x</sub> reductions to reduce their adverse impact on downwind ozone nonattainment areas (63 FR 57356, October 27, 1998). As part of that rule, codified in 40 CFR 51.122, EPA established emissions reporting requirements to be included in the SIP revisions required under that action. Another set of emissions reporting requirements, termed the Consolidated Emissions Reporting Rule (CERR), was promulgated by EPA in 2002, and is codified at 40 CFR part 51 subpart A. (67 FR 39602, June 10, 2002). These requirements replaced the requirements previously contained in subpart Q, expanding their geographic and pollutant coverages while simplifying them in other ways.

As noted above, at present, two sections of title 40 of the CFR contain emissions reporting requirements applicable to States: subpart A of part 51 (the CERR) and section 51.122 in subpart G of part 51 (the NO<sub>x</sub> SIP Call reporting requirements). The final rulemaking consolidates these, with modifications as noted below. The modifications are intended to harmonize the emissions reporting requirements under the NO<sub>x</sub> SIP Call and CERR, to reduce and simplify them, and to make them more easily understood.

Under the NO<sub>x</sub> SIP Call requirements in section 51.122, emissions of NO<sub>x</sub> for a defined 5-month ozone season (May 1 through September 30) from sources that the State has subjected to emissions control to comply with the requirements of the NO<sub>x</sub> SIP Call are required to be reported by the affected States to EPA every year. However, emissions of sources reporting directly to EPA as part of the NO<sub>x</sub> trading program are not required to be reported by the State to EPA every year. The affected States are also required to report ozone season emissions and typical summer daily emissions of NO<sub>x</sub> from all sources every third year (2005, 2008, etc.). Section 51.122 also requires that a number of data elements be reported in addition to ozone season NO<sub>x</sub> emissions. These data elements describe certain of the source's physical and operational parameters.

Emissions reporting under the NO<sub>x</sub> SIP Call as first promulgated was required starting for the emissions reporting year 2002, the year prior to the start of the required emissions reductions. The reports are due to EPA on December 31 of the calendar year following the inventory year. For example, emissions from all sources and types in the 2002 ozone season were required to be reported on December 31, 2003. However, because the Court which heard challenges to the NO<sub>x</sub> SIP Call delayed the implementation by 1 year to 2004, no State was required to start reporting until the 2003 inventory year. In addition, EPA promulgated a rule to subject Georgia and Missouri to the NO<sub>x</sub> SIP Call with an implementation date of 2007. (See 69 FR 21604, April 21, 2004.) For them, emissions reporting began with 2006. These emissions reporting requirements under the NO<sub>x</sub> SIP Call affect the District of Columbia and 20 States.

As noted above, the other set of emissions reporting requirements is codified at subpart A of part 51. Although entitled the CERR, this rule left in place the separate '51.122 for the NO<sub>x</sub> SIP Call reporting. The CERR requirements were aimed at obtaining emissions information to support a broader set of purposes under the CAA than were the reporting requirements under the NO<sub>x</sub> SIP Call. The CERR requirements apply to all States.

Like the requirements under the NO<sub>x</sub> SIP Call, the CERR requires reporting of all sources at 3-year intervals (2002, 2005, etc.). It requires reporting of certain large sources every year. However, the required reporting date under the CERR is 5 months later than under the NO<sub>x</sub> SIP Call reporting requirements. Also, emissions must be reported for the whole year, for a typical day in winter, and a typical day in summer, but not for the 5-month ozone season as is required by the NO<sub>x</sub> SIP Call. Finally, the CERR and the NO<sub>x</sub> SIP Call differ in what non-emissions data elements must be reported.

## **2(b) Practical Utility/Users of the Data**

Emissions data and related information on stationary point and nonpoint sources, as well as nonroad mobile and onroad mobile sources, are routinely used by OAQPS and the EPA Regional Offices in carrying out a variety of activities. These activities support regulatory functions as well as functions that are more programmatic in nature such as trends analyses. Such projects include:

- Evaluation of existing control strategies, such as the NO<sub>x</sub> SIP Call for States and larger areas;
- Evaluation of proposed control strategies for States and larger areas, including applications of regional scale models;
- Development of national control strategies and preparation of Regulatory Impact Analyses (RIA);
- Preparation and publication of national summaries of emissions including trend analyses;
- As a database to assist in the identification of important source categories for future regulation; and
- Preparation of the stationary source portion of a report to Congress on SO<sub>2</sub> emissions. This report is required by Section 406 of the CAA and is due on a 5-year cycle that began on January 1, 1995. The report must contain an inventory of national annual SO<sub>2</sub> emissions from industrial sources (as defined in Title IV of the CAA).

EPA's Office of Research and Development (ORD) uses emissions source data in determining priorities for control technology research and as a key data component in the application of regional scale models. EPA's Regional Offices use emissions and other source parameters to support source inspections and to analyze the impact of new or modified sources within an area. The Emission Inventory and Analysis Group (EIAG) of EPA uses the data to assess and analyze trends in criteria pollutant emissions over time.

In addition to supporting projects and initiatives internal to EPA, both OAQPS and the Regional Offices respond to numerous requests for reports on emission sources. Typically this is done under the Freedom of Information Act. Most requests come from contractors and consultants involved in special studies; a smaller number come from the press and universities and others involved in research.

The collection of emissions data specific to nonattainment areas for certain criteria air pollutants is necessary to comply with requirements specified in Title I of the CAA. States with nonattainment areas rely on current information for point, nonpoint, and mobile sources to revise their SIPs and to plan for emission reductions mandated by the CAA. In addition, a statewide inventory compiled at least every 3 years for all point, nonpoint, and mobile sources is considered to be a key tool to assist States in meeting CAA requirements that address emissions tracking, compliance issues, and mid-course adjustments. Statewide emission inventories can be used by States affected by pollution transport from upwind areas to develop more efficient control strategies to meet the NAAQS. Statewide emission inventories that were developed by EPA (the NEI) are being used by the Regional Planning Organizations (RPOs) as the starting point for the development of statewide emission inventories used in the regional haze program to define control strategies.

### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Nonduplication**

Previous reporting requirements have occasionally forced State agencies into inefficient collecting and reporting activities. The AERR seeks to simplify emission inventory reporting by States to EPA, offer options for data collection and exchange, and unify reporting dates for various categories of inventories to avoid duplication of effort. For example, under the NO<sub>x</sub> SIP Call rule, the EPA is requiring States to submit annual inventories for all NO<sub>x</sub> sources for which States adopt control measures to meet their NO<sub>x</sub> budget. Every 3 years, statewide NO<sub>x</sub> inventories of all controlled and uncontrolled sources are required. The CERR rule also requires annual and triennial emission inventory reporting of many of the same data elements. Aligning reporting dates and combining data from these collection activities will avoid duplication of information collected from sources, minimize the burden on industry, and reduce the effort for State and local government agencies to compile the data.

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

Public Notice of this ICR was provided in the preamble to both the proposed and final rules.

#### **3(c) Consultations**

The emission reporting requirements for AERR were developed after comments were received on the Clean Air Interstate Rule (CAIR) supplemental notice of proposed Rulemaking. The decision to issue a separate notice of proposed rulemaking (AERR) was a direct result of the consultative process through the comments received. The primary motivation of the AERR notice of proposed rulemaking was to allow the regulated community ample time to review and respond to the revised emissions reporting requirements.

### **3(d) Effects of Less Frequent Collection**

The submittal dates required for reporting of emissions data to EPA have been established to minimize the burden on State and local agencies, but also to ensure that State and local agencies are collecting timely and sufficient emission inventory data to support their air pollution control efforts. A statewide inventory compiled at least every 3 years for all point, nonpoint, and mobile sources is considered important to assist States in meeting various CAA requirements.

If the information collection were not carried out every 3 years for all sources and annually for major point sources, the EPA would not be able to maintain a central, national repository of emissions data from which to extract updated information needed to fulfill EPA mandates.

### **3(e) General Guidelines**

This ICR does not violate any of OMB's guidelines for information collections.

### **3(f) Confidentiality**

Any data that is submitted to EPA under this proposed rule will be considered in the public domain and cannot be treated as confidential.

### **3(g) Sensitive Questions**

This information collection does not ask any questions concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents/North American Industry Classification System (NAICS) Codes**

The emissions data required by the proposed rule will generally be submitted by State air pollution control agencies. Under the CERR, there are 55 State and Territorial air pollution control agencies, as well as 49 local air agencies that will be subject to the national reporting requirements and will be required to compile and report emissions information for large stationary point sources on an annual basis, and for smaller point sources, stationary nonpoint and mobile sources on a 3-year basis. The NO<sub>x</sub> SIP Call requires 20 States to report NO<sub>x</sub> emission related data on an annual and triennial basis. The affected NAICS code is *924110 – Administration of Air and Water Resources and Solid Waste Management Programs*, which includes governmental environmental protection and control agencies, and pollution control agencies.

### **4(b) Information Requested**

The CERR and NO<sub>x</sub> SIP Call established the basic emission reporting requirements. The AERR will change some of these requirements such that the previously accounted for reporting burden will also change. Only the changes to the CERR and NO<sub>x</sub> SIP Call reporting requirements that will change the reporting burden are discussed here.

The following section describes the required data items that will be changed by the AERR.

*(i) Data items, including recordkeeping requirements*

The AERR will revise the following data related items from previous requirements:

- All data items required for the reporting of annual and ozone season biogenic emissions will be eliminated;
- Winter work weekday emissions will be limited to triennial reporting of CO for CO nonattainment areas and CO attainment areas with maintenance plans.

*(ii) Respondent activities*

For the emission inventory reporting requirements of the AERR, respondent activities are very similar to what has been required to satisfy reporting under the CERR and NO<sub>x</sub> SIP Call . The specific State respondent activities associated with the AERR that are changes from the existing CERR and NO<sub>x</sub> SIP Call requirements are outlined below, and are grouped into one-time, annual, and triennial activities.

The one-time State burden items include:

- Reading the reporting requirements of the rule;

Annual State activities include:

- Adopting the definition of a point source as being a major source under 40 CFR part 70 for the pollutants for which reporting is required, *i.e.*, for CO, VOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub> and NH<sub>3</sub> but without regard to emissions of hazardous air pollutants
- Harmonizing the reporting dates under CERR and NO<sub>x</sub> SIP Call.

Triennial State activities include:

- Adopting the definition of a point source as being a major source under 40 CFR part 70 for the pollutants for which reporting is required, *i.e.*, for CO, VOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub> and NH<sub>3</sub> but without regard to emissions of hazardous air pollutants
- Harmonizing the reporting dates under CERR and NO<sub>x</sub> SIP Call.

## **5. THE INFORMATION COLLECTED B AGENCY ACTIVITIES, COLLECTION METHODS, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities**

The EPA activities associated with the rule include:



- Receiving, reviewing, and storing emission inventory data submitted by each State;
- Processing and updating data submitted by States, including performing quality assurance of data, and coordinating efforts to resolve errors and anomalies; and
- Fulfilling information requests.

### **5(b) Collection Methodology and Management**

The EPA has established a central repository of inventory data for all States termed the National Emission Inventory (NEI) database. Emissions inventory data reported electronically will be stored in the NEI database and used by the EPA and by other States for air modeling, tracking progress in meeting CAA requirements, setting policy and answering questions from the public.

The EPA has created and maintains the NEI database as a central repository of inventory data for all States, but the data must be supplied by the States in electronic form. The EPA currently requires that States use the NEI Input Format (NIF) or eXtensible Markup Language (XML) schema for electronic data reporting using EPA's Central Data Exchange (CDX).

### **5(c) Small Entity Flexibility**

State and Territorial control agencies are not considered to be small entities. According to EPA's ICR Handbook, OMB's definition for a small entity includes small governmental jurisdictions with populations of less than 50,000. According to 1999 population data from the U.S. Census Bureau, no State or Territory has a population below this threshold. However, certain local air pollution agencies may be in charge of individual counties or multi-county areas whose population is less than 50,000.

These local agencies have had experience compiling their 2002 inventories that were submitted to EPA in June 2004 as required by the CERR. The emission reporting requirements in AERR are estimated to result in a net burden reduction for the reporting agencies.

### **5(d) Collection Schedule**

There is one requirement in the AERR that will impact the reporting schedule for the States. EPA is harmonizing the reporting due dates in the CERR and NO<sub>x</sub> SIP Call beginning with the 2009 inventory year. Instead of having a due date of 12 months following the end of the year for the NO<sub>x</sub> SIP Call and 17 months for CERR required reporting, a due date of 12 months will be required for both. The 2011 inventory year will be the first triennial inventory reported under the new 12 month reporting due date. Because there is no change in what is required to be reported, EPA did not estimate any change in burden resulting from the proposed schedule change.

## 6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

### 6(a) Estimating Respondent Burden

The respondent burden for complying with the reporting requirements of the AERR is estimated incremental to the burden associated with existing annual inventory and periodic inventory reporting requirements.

In general, States already have mechanisms in place for reporting emissions data to EPA under the existing CERR and NO<sub>x</sub> SIP Call inventory requirements. The changes to the existing reporting requirements are specified in Section 4(b)(i) of this supporting statement.

Other ongoing State activities that support existing inventory reporting requirements include:

- Collecting emissions data and other associated information;
- Training staff in coding and submissions techniques;
- Quality-assuring emissions data and resolving errors and anomalies identified by EPA;
- Maintaining records associated with data submitted by sources; and
- Preparing and submitting required inventory data items in approvable format.

The following sections discuss the assumptions used to develop burden hour estimates for one-time only activities, annual activities, and triennial activities. Table 6-1 lists the burden items included under these categories, and presents their associated burden hours for 1 year. In general, managerial time was estimated to be 5 percent of technical staff time. Burden hours and associated costs were estimated for the first 3-year period that the affected States will have to start reporting emissions data to EPA. In this case, that period corresponds to the years 2009, 2010, and 2011. Table 6-2 shows the required activities that a State must perform each year, beginning in the year 2009 through 2011. Table 6-3 presents the State and local respondent annual burden hours and costs by activity.

#### *One-time activity*

The time for States, Territorial, and local agencies to read and interpret the reporting requirements of the rule was estimated to be 1 hour for technical staff and 1 hour for managerial staff.

### *Annual activities*

There are two annual burden items associated with this ICR. In the first, the AERR will adopt the definition of a point source as being a major source under 40 CFR part 70 for the pollutants for which reporting is required, *i.e.*, for CO, VOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, lead and NH<sub>3</sub> but without regard to emissions of hazardous air pollutants. Annual burden for this change was estimated as follows. EPA has done an analysis of the change in the number of sources that the States will be required to report under the new major source definition. This analysis looked at the number of point sources that were actually reported to EPA by the States in their 1999 emission inventory submittal and compared these with the number of sources that would have been required to report under the CERR definition and the number that will be required using the 40 CFR part 70 definition for major source. (Note: States were not required to report under the CERR until the 2002 inventory year. The 2002 point source results were not available in time for the analysis conducted to support the proposed AERR. The 1999 results are believed to be representative and have been retained in this burden estimate for the final AERR.) The results of this analysis are given in Table 6-4. Nationally, the States are reporting a total of 52,277 point sources. The CERR definition would require that 7,385 point sources be reported. Using the 40 CFR part 70 definition in the AERR, the reporting requirement will increase to 17,316, still well below the number of the sources that are being reported. On a State level basis, there are seven states, AK, AR, FL, GA, HI, IA and SD, plus the District of Columbia that report fewer point sources to the NEI than will be required under the major source definition in 40 CFR part 70. Since each of these eight respondents is required to maintain records on the sources under 40 CFR part 70, the additional burden to estimate emissions from these sources and report them to EPA should be modest. EPA estimates that each respondent will spend 40 hours of technical staff time and 2 hours of managerial staff time.

The second item will result in a decrease in reporting burden to the States by harmonizing the reporting dates under the CERR and the NO<sub>x</sub> SIP Call. EPA estimated that each of the 20 respondents subject to the NO<sub>x</sub> SIP Call reporting requirements will save 40 hours of technical staff time and 2 hours of managerial time by having to make a single emissions report instead of the two currently required.

The AERR will revise reporting requirements for certain data elements (only winter work week day emissions of CO will be required and only for certain areas and start time in the day has been deleted) and add others (contact name, contact phone number, emission release point type, emission type and method accuracy description codes). EPA believes that these changes in burden are small and did not estimate them.

### *Triennial activities*

The major items that impact triennial burden are the same as for annual burden. The discussion under Annual activities<sup>6</sup> is repeated here for completeness. The AERR adopts the definition of a point source as being a major source under 40 CFR part 70 for the pollutants for which reporting is required, *i.e.*, for CO, VOC, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, lead and NH<sub>3</sub> but without regard to emissions of hazardous air pollutants. Annual burden for this change was estimated as follows. EPA has done an analysis of the change in the number of sources that the States would be required to report under this proposed change. This analysis looked at the number of point sources that were actually reported to EPA by the States in their 1999 emission inventory submittal and compared these with the number of sources that would have been required to report under the CERR definition and the number that will be required using the 40 CFR part 70 definition of major source. (Note: States were not required to report under the CERR until the 2002 inventory year. The 2002 point source results were not available in time for the analysis conducted to support the proposed AERR. The 1999 results are believed to be representative and have been retained in this burden estimate for the final AERR.) The results of this analysis are given in Table 6-4. Nationally, the States are reporting a total of 52,277 point sources. The CERR definition would require that 7,385 point sources be reported. Using the 40 CFR part 70 definition in the AERR, the reporting requirement will increase to 17,316, still well below the number of the sources that are being reported. On a State level basis, there are seven states, AK, AR, FL, GA, HI, IA and SD, plus the District of Columbia that report fewer point sources to the NEI than will be required under the major source definition in 40 CFR part 70. Since each of these eight respondents is required to maintain records on the sources under 40 CFR part 70, the additional burden to estimate emissions from these sources and report them to EPA should be modest. EPA estimates that each respondent will spend 40 hours of technical staff time and 2 hours of managerial staff time.

The second item will result in a decrease in reporting burden to the States by harmonizing the reporting dates under the CERR and the NO<sub>x</sub> SIP Call. EPA estimated that each of the 20 respondents subject to the NO<sub>x</sub> SIP Call reporting requirements will save 40 hours of technical staff time and 2 hours of managerial time by having to make a single emissions report instead of the two currently required. The burden reduction associated with harmonizing the reporting dates is not shown for triennial inventories in Tables 6-2 and 6-3 since the first reporting year for which this occurs will be 2011.

In addition to these two items, there is one other item that will impact triennial burden. The AERR will eliminate the CERR reporting requirement that States report annual and ozone season biogenic emissions to EPA. The CERR ICR estimated this burden to be 40 hours of technical staff and 2 hours of managerial staff time for each of the 55 State and Territorial respondents.

There are several additional AERR changes that will impact triennial reporting burden. The AERR will change the summer day emissions reporting requirement by restricting it to States that have ozone nonattainment areas (including sources in counties that are covered by the modeling domain used to demonstrate RFP) and NO<sub>x</sub> SIP Call areas. The AERR will also revise the requirement to report certain data elements (only winter work week day emissions of CO will be required and only for certain areas and start time in the day will be eliminated) and add others (contact name, contact phone number, emission release point type, emission type and method accuracy description codes). EPA believes that these changes in burden are small and did not estimate them.

### **6(b) Estimating Respondent Costs**

Table 6-3 presents state and local respondent annualized hours and costs for each information collection activity. To estimate annualized hours and costs for one-time and triennial activities, the burden estimate is divided by 3 to estimate the burden over a 3-year period.

#### *(i) Estimating Labor Costs*

For this ICR, the labor rate used for technical staff at State agencies is \$34.36 per hour, and the labor rate for managerial employees at State agencies is \$41.63. These labor rates include benefits and overhead. These labor rates are derived from data shown on the U. S. Department of Labor, Bureau of Labor Statistics, Web site at [http://www.bls.gov/news.release/archives/ecec\\_06242004.pdf](http://www.bls.gov/news.release/archives/ecec_06242004.pdf) . Wage and salary rates are given in Employee Costs for Employee Compensation "Table 3. State and local government, by major occupation and industry group (March 2004)." The wage and salary rates from this table account for benefits provided to workers. When considering both technical and managerial hours, labor costs for State and Territorial agencies are estimated to be \$46,000 per year per respondent, and labor costs for local agencies are estimated to be \$30,000 per year per respondent.

#### *(ii) Estimating Capital and Operations and Maintenance Costs*

EPA has concluded that the Capital and Operations and Maintenance Costs estimated under the CERR and the NO<sub>x</sub> SIP Call are sufficient to accommodate the modest changes in reporting burden for the AERR. Therefore, no estimate of Capital and Operations and Maintenance Costs were made for this ICR.

### **6(c) Estimating Agency Burden and Costs**

No cost for development of the information collection requirements, operational costs, or cost for publication and distribution of the reported emissions data are attributable to this ICR. No travel costs are associated with Agency activities associated with this ICR. The only costs that the Federal government will incur are user costs associated with analysis of the reported information. The proposed amendments will not significantly increase EPA's activities, labor hours, or costs beyond the current level.

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

The number of respondents is estimated to be 51 States (including DC), 4 Territories and 49 local agencies, resulting in 104 total respondents. Most of the activities detailed in Table 6-1 apply to a subset of the 104 potential respondents. The total hourly burden for all respondents is estimated to be a decrease of 1,373 hours per year from the approved ICRs for the CERR and NO<sub>x</sub> SIP Call. During the first 3-year period that the rule is in effect, the respondents should save \$47,450.

## 6(e) Bottom Line Burden Hours and Cost Tables

(i) Respondent tally

### Total Estimated Respondent Burden and Cost Summary

	Number of Respondents	Number of Activities <sup>1</sup>	Total Hours Per Year	Total Labor Costs Per Year
State Respondents	104	215	(1,373) DECREASE	(\$47,450) DECREASE

<sup>1</sup>On average, each State respondent is assumed to perform 6 discrete activities associated with the AERR emission reporting requirements, as indicated in Table 6-3. This total is the sum of the ANumber of Respondents column in Table 6-3.

(ii) Variations in the annual bottom line. This section does not apply since no significant variation is expected.

## 6(f) Reasons for Change in Burden

The net change in emission reporting burden as compared with the approved ICRs for the CERR and NO<sub>x</sub> SIP Call is a decrease of 1,373 hours. The change in the AERR point source definition resulted in an increase in burden, but this change only impacts 8 respondents. By combining the reporting dates for both the CERR and the NO<sub>x</sub> SIP Call, a burden reduction results that impacts 20 respondents. The elimination of the CERR triennial requirement that States report biogenic emissions will impact 55 respondents.

### Burden Change

	Currently Approved (Transferred)	Change Due to Agency Discretion	Total Requested
Annual Responses	124	(20)	104
Annual Hour Burden	52,468	(1,373)	51,095
Annual Cost Burden	4,108,026	(47,450)	4,060,576

## 6(g) Burden Statement

Reporting of emissions data required by the AERR is estimated to involve an average decrease of 13 hours per year for each State, Territorial and local air pollution control agency. 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-2004-0489, 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-2004-0489 and OMB Control Number 2060-NEW in any correspondence.

## **PART B**

This section is not applicable because statistical methods are not used in data collection associated with the proposed amendments.

**Table 6-1. Emission Reporting Requirements - State Respondent Burden Hours by Activity**

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Information Collection Activity	Hours Per Respondent		
	Managerial Hours	Technical Hours	Total
<b>One-time</b>			
Read the reporting requirements of the rule	1	1	2
<b>Annual</b>			
Revised definition of a point source to conform to the definition in 40 CFR part 70 exclusive of hazardous air pollutants	2	40	42
Harmonize reporting dates under the CERR and NO <sub>x</sub> SIP Call (DECREASE)	2	40	42
<b>Triennial</b>			
Revised definition of a point source to conform to the definition in 40 CFR part 70 exclusive of hazardous air pollutants	2	40	42
Elimination of the CERR reporting requirement for biogenic emissions (DECREASE)	2	40	42

**Table 6-2. Emission Reporting Requirements - Activities Required by States Every Year During the Period 2009 through 2011**

Information Collection Activity	2009	2010	2011
<b>One-time (Annualized)</b>			
Read the reporting requirements of the rule	0		
<b>Annual</b>			
Revised definition of a point source to conform to the definition in 40 CFR part 70 exclusive of hazardous air pollutants]		0	0
Harmonize reporting dates under the CERR and NO <sub>x</sub> SIP Call (DECREASE)	0	0	
<b>Triennial</b>			
Revised definition of a point source to conform to the definition in 40 CFR part 70 exclusive of hazardous air pollutants	0		
Harmonize reporting dates under the CERR and NO <sub>x</sub> SIP Call (DECREASE)			0
Elimination of the CERR reporting requirement for biogenic emissions (DECREASE)			0



**Table 6-3. Annual State Respondent Burden and Cost by Activity**

Information Collection Activity	Hours and Costs Per Respondent				Total Hours and Costs		
	Mgr. \$41.63/Hr <sup>1</sup>	Tech. \$34.36/Hr <sup>1</sup>	Respondent Hours/Year	Labor Cost/Year	Number of Respondents	Total Hours/Year <sup>2</sup>	Total Cost/Year <sup>3</sup>
<b>One-time (Annualized)</b>							
Read the reporting requirements of the rule	0.33	0.33	0.66	25.08	104	69	2,608
<b>Annual</b>							
Revised definition of a point source to conform to the definition in 40 CFR part 70 exclusive of hazardous air pollutants	2.00	40.00	42.00 <sup>4</sup>	1,458	8	336	11,664
Harmonize reporting dates under the CERR and NO <sub>x</sub> SIP Call (DECREASE)	2.00	40.00	42.00	(1,458)	20	(840)	(29,160)
<b>Triennial</b>							
Revised definition of a point source to conform to the definition in 40 CFR part 70 exclusive of hazardous air pollutants	0.67	13.33	14	486	8	112	3,888
Harmonize reporting dates under the CERR and NO <sub>x</sub> SIP Call (DECREASE)	0.67	13.33	14	(486)	20	(280)	(9,720)
Elimination of the CERR reporting requirement for biogenic emissions (DECREASE)	0.67	13.33	14	(486)	55	(770)	(26,730)
<b>Total</b>					varies	(1,373)	(47,450)

<sup>1</sup> See Section 6 (b) (i) for labor and overhead rates.

<sup>2</sup> Hours per year are rounded to the nearest hour.

<sup>3</sup> Costs per year are rounded to the nearest dollar.

<sup>4</sup> Includes the following activities associated with annual point source reporting: 1) Train staff in coding and submissions techniques; 2) Resolution of errors and anomalies identified by EPA; 3) Maintain log of magnetic tape or other media submitted; and 4) Prepare automated submission to EPA (includes burden associated with 3<sup>rd</sup> party disclosure activities which are assumed to be 25% of hours for point source reporting).

Table 6-4. Analysis Results of Point Source Definition Change

State	Facilities Reported to >99 NEI	Facilities Required by CERR	Facilities Required Using 40 CFR part 70
AL	989	231	301
<b>AK</b>	<b>28</b>	<b>13</b>	<b>245</b>
AZ	283	49	115
<b>AR</b>	<b>180</b>	<b>127</b>	<b>292</b>
CA	9642	261	1193
CO	4661	134	131
CT	175	36	95
DE	106	20	85
<b>DC</b>	<b>9</b>	<b>5</b>	<b>34</b>
<b>FL</b>	<b>1063</b>	<b>194</b>	<b>1653</b>
<b>GA</b>	<b>304</b>	<b>169</b>	<b>374</b>
<b>HI</b>	<b>84</b>	<b>36</b>	<b>128</b>
ID	59	41	51
IL	7843	354	723
IN	1201	305	716
<b>IA</b>	<b>67</b>	<b>60</b>	<b>294</b>
KS	698	230	363
KY	1829	181	315
LA	953	401	578
ME	159	41	73
MD	179	59	165
MA	2167	79	164
MI	1620	228	489
MN	833	123	329
MS	608	269	317
MO	718	124	390
MT	206	48	59
NE	635	44	133
NV	102	16	48
NH	90	27	53
NJ	717	83	405
NM	323	136	183
NY	553	151	532
NC	2307	281	415
ND	58	27	50
OH	713	261	712
OK	1047	224	376
OR	168	62	150
PA	1461	287	786
RI	77	14	49
SC	690	115	299
<b>SD</b>	<b>16</b>	<b>13</b>	<b>200</b>
TN	913	294	322
TX	1891	856	1532
UT	426	55	74
VT	53	13	20
VA	779	175	289
WA	318	81	129
WV	413	123	178
WI	1677	136	557
WY	186	93	152
TOTAL	52277	7385	17316