

EPA

Office of Air and Radiation
Office of Air Quality Planning and Standards
Air Quality Policy Division
Geographic Strategies Group

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**INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT FOR
EPA ICR NUMBER 1813.07,
RENEWAL OF THE ICR FOR THE
REGIONAL HAZE RULE**



Executive Summary

This ICR, EPA Form 1813.07, is an update of the Office of Management and Budget (OMB) Control Number 2060-0421; EPA Form 1813.06 which expires on October 31, 2009. The current approved collection is for 860 respondents, 32,551 hours per year, and \$1,856,000 per year. This renewal requests approval for 859 respondents (50 State agencies, 1 group of FLMs, and 808 industrial sources), 31,841 hours per year, and \$2,563,000 per year. The difference in costs is due to revised labor and wage rates and the fact that no tribes elected to submit regional haze SIPs, reducing the number of respondents to 859. Table E.1 summarizes the total annual respondent burden for this renewal.

Table E-1 Estimated State, Source, and FLM Respondent Burden to Implement Requirements

Task Element	States		Source		FLMs	
	Average Annual Hours	Average Annual Cost (\$1000)	Average Annual Hours	Average Annual Cost (\$1000)	Average Annual Hours	Average Annual Cost (\$1000)
Total Burden by Respondent	17,132	1359	13,975	1,169	734	35
Total for Respondent Universe	31,841 hours; \$2,563,000					

1 Identification of the Information Collection

1.1 Title

This document fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) with regards to determining the regulatory burden associated with the implementation of the Regional Haze program (40 CFR 51.308) and requirements related to the Grand Canyon Visibility Transport Commission (40 CFR 51.309). It has been assigned EPA tracking number 1813.07. The title of this Information Collection Request (ICR) is "Information Collection Request Supporting Statement for EPA ICR Number 1813.07, Renewal of The ICR for the Regional Haze Rule."

<p>EPA TRACKING NUMBER: 1813.07</p> <p>E-TRACKING NUMBER: OMB-2060-0421</p>

1.2 Description

Description

Subpart P, Protection of Visibility, also known as the Regional Haze Rule, is the subject of this clearance request. In the next 3 years, activities conducted by the states, industry, Federal Land Managers (FLMs), Regional Planning Organizations (RPOs), and EPA will focus on the two major paths identified in the rule to address regional haze. One path is 40 CFR 51.308, which requires states to develop long-term strategies up to and including the year 2064. These strategies must be shown to make reasonable progress in improving visibility in Class I areas inside the State and in neighboring jurisdictions. The second path, 40 CFR 51.309, is an option selected by 4 states, Arizona, New Mexico, Utah, and Wyoming to adopt Regional Haze strategies for the period from 2003 to 2018 for sulfur dioxide emissions. These strategies are based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting the 16 Class I areas on the Colorado Plateau area.

On June 15, 2005, EPA finalized amendments to the July 1999 Regional Haze Rule. These amendments apply to the provisions of the Regional Haze Rule that require emission controls known as best available retrofit technology, or BART, for industrial facilities emitting air pollutants that reduce visibility by causing or contributing to regional haze. The pollutants that reduce visibility include fine particulate matter (PM_{2.5}), and compounds which contribute to PM_{2.5} formation, such as nitrogen oxides (NO_x), sulfur dioxides (SO₂), and under certain conditions volatile organic compounds (VOC), and ammonia.

The BART requirements of the Regional Haze Rule apply to facilities built between 1962 and 1977 that have the potential to emit more than 250 tons a year of visibility-impairing pollution. Those facilities fall into 26

categories, including utility and industrial boilers, and large industrial plants such as pulp mills, refineries and smelters. Many of these facilities have not been previously subject to Federal pollution control requirements for these pollutants.

On October 13, 2006, EPA finalized another amendment to the regional haze rule which established an alternative to source-specific BART. States could elect to satisfy the BART requirements of the regional haze plans through an alternative means, such as trading, as long as the alternative plan was shown to make greater progress than case specific BART.

Under the 1999 Regional Haze Rule, states are required to set periodic goals for improving visibility in the 156 Federal Class I areas. As states work to reach these goals, they must develop regional haze implementation plans that contain enforceable measures and strategies for reducing visibility-impairing pollution. The 2005 amendments include guidelines, known as BART guidelines, for states to use in determining which facilities must install controls and the type of controls the facilities must use. The deadline for states to develop their implementation plans was December 17, 2007. As part of those plans, states are required to identify the facilities that will have to reduce emissions under BART and then set BART emissions limits for those facilities. As of April, 2009, only 15 states had submitted their required plans. Eleven of those 15 states are from states that were in the region subject to the Clean Air Interstate Rule (CAIR) and due to a remand of CAIR, uncertainties exist in the regional haze plans for those states. Accordingly, we are assuming that the burden estimates remain essentially unchanged from the 2006 estimates.

2 Need and Use of the Collection

2.1 Need / Authority for the Collection

Section 169A of the Clean Air Act (CAA) sets forth a national goal for visibility. The goal is the “prevention of any future, and the remedying of any existing, impairment in visibility in mandatory Class I Federal areas which impairment results from man-made air pollution.” This section of the Act also calls for EPA regulations to assure that states provide for reasonable progress toward meeting the national goal. The original regulations on protection of visibility in mandatory Class I Federal areas, developed in 1980, addressed visibility that is “reasonably attributable” to a single source or small group of sources. Actions under those regulations are triggered by a FLM. The Regional Haze Rule, promulgated in 1999, added new sections to the code of federal environmental regulations. These included sections 40 CFR 51.308 and 40 CFR 51.309. This ICR renewal request provides for continued implementation of the Regional Haze Rule. During this clearance period, we anticipate that the 40 CFR 51.308 and 51.309 will be the major program focus.

2.2 Practical Utility / Users of the Data

The data collected from respondents include state implementation plans. These data confirm progress in assessing visibility impairment and source contribution. The data provide the foundation for the identification of progress goals, control strategies, and BART requirements. Those goals, strategies, and requirements will be developed during the course of this period (October 31, 2009 – October 30, 2012.)

2.3 Caveats and Considerations

The information in this ICR is based upon the best data available to the Agency at this time. However, incomplete data, and sampling limitations imposed necessitated a certain amount of extrapolation and “best-guess” estimations. Consequently, the reader should not consider the conclusions to be an exact representation of the level of burden or cost that *will* occur. Instead, this ICR should be considered a directionally correct assessment of the impact the programmatic changes included in this rulemaking *may* have over the next 3 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. 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

There are two parts of the information collection for this renewal request. One is related to the 40 CFR 51.308 provisions. This includes State submittal of an implementation plan, draft BART regulations, and assessment of alternative progress goals and regional strategies. The other part is related to the SO₂ provisions of 40 CFR 51.309 in which four western states have elected to adopt Regional Haze strategies to implement the GCVTC recommendations. These states may submit separate SO₂ implementation plans. The implementation plans required by the Regional Haze Rule are unique and do not duplicate other implementation plan requirements. In the case of the 40 CFR 51.309 plans, they will build upon information gathered in the process of developing the report of the GCVTC, the Annex to that report prepared by the Western Regional Air Partnership (WRAP), and the initial 2003 submittals.

3.2 Public Notice Requirements

For any existing rule, § 3507(g) of the PRA limits how long a Director may take to approve a collection of information to 3 years. The ICR for the Regional Haze Rule was revised last in October 2006. We solicited public comments on this ICR prior to submitting it to OMB. We issued a Federal Register notice requesting comments on the ICR renewal on May 8, 2009 (74 FR 21680). No significant comments were received.

3.3 Consultations

We consulted with the EPA Region 8 Office for comment, review, and suggestions on this ICR renewal. The point of contact for the regional offices is Ms. Laurel Dygowski, regional haze coordinator for EPA region 8, (303)312-6944. Ms. Dygowski had no comments.

We also contacted the state of Virginia Department of Environmental Quality (DEQ), explained the requirements of the ICR renewal, and solicited comment. The point of contact is Mr. Michael Kiss, chief, modeling group, Virginia DEQ, Richmond, VA, (804) 698-4460. Mr. Kiss had no comments.

3.4 Less Frequent Collection

The information collection requested under this ICR is necessary to ensure implementation of the 40 CFR 51.308 and 40 CFR 51.309 requirements.

3.5 General Guidelines

OMB's general guidelines for information collections must be adhered to by all Federal Agencies for approval of any rulemaking's collection methodology. In accordance with the requirements of 5 CFR 1320.5, the Agency believes:

1. The Regional Haze regulations do not require periodic reporting more frequently than annually.
2. The Regional Haze regulations do not require respondents to participate in any statistical survey.

3. Written responses to Agency inquiries are not required to be submitted in less than 30 days.
4. Respondents do not receive remuneration for the preparation of reports required by the Act or part 51.
5. To the greatest extent possible, the Agency has taken advantage of automated methods of reporting.

The recordkeeping and reporting requirements contained in the current Regional Haze program and the changes proposed in this rulemaking do not exceed any of the Paperwork Reduction Act guidelines contained in 5 CFR 1320.5, except for the guideline which limits retention of records by respondents to 3 years. The Act requires both respondents and State or local agencies to retain records for a period of 5 years. The justification for this exception is found in 28 U.S.C. 2462, which specifies 5 years as the general statute of limitations for Federal claims in response to violations by regulated entities. The decision in U.S. v. Conoco, Inc., No. 83-1916-E (W.D. Okla., January 23, 1984) found that the 5-year general statute of limitations applied to the Clean Air Act.

3.6 Confidentiality

Confidentiality is not an issue for this rulemaking. In accordance with the Clean Air Act Amendments of 1990, any monitoring information to be submitted by sources is a matter of public record. To the extent that the information required is proprietary, confidential, or of a nature that could impair the ability of the source to maintain its market position, that information is collected and handled subject to the requirements of §503(e) and §114(c) of the Act. Information received and identified by owners or operators as confidential business information (CBI) and approved as CBI by EPA, in accordance with Title 40, Chapter 1, Part 2, Subpart B, shall be maintained appropriately (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

3.7 Sensitive Questions

The consideration of sensitive questions, (i.e., sexual, religious, personal or other private matters), is not applicable to this rulemaking. The information gathered to develop an implementation plan does not include personal data on any owner or operator.

3.8 Environmental Justice Considerations

Because the Regional Haze program operates nation-wide and potentially across all different industry classifications, the Agency does not believe there is a disproportionate EJ effect in the Regional Haze program.

4 The Respondents and the Information Requested

4.1 Respondents/SIC and NAICS Codes

The major categories of respondents directly affected include the states, and FLMs. The states are developing implementation plans under 40 CFR 51.308. In addition 4 Western states elected to develop Regional Haze strategies for SO₂ emissions under 40 CFR 51.309.

In addition, during this ICR renewal period, other entities, at the discretion of the states and tribes, may respond to a request of the states or tribes to fulfill obligations of the 1999 Regional Haze Rule. For example, there may be private sector respondents in particular Standard Industrial Classification (SIC) and North American Industrial Classification System (NAICS) Codes and production process categories that are asked to assess and determine if they are BART eligible sources and make a preliminary BART determination.¹ These source categories and their corresponding SIC and NAICS codes are listed in Table 4.1.

The FLMs are evaluating the SIPs and providing comments to the states. The states are required to consult with the FLM and explain how they addressed the FLM comments in their final SIPs.

¹ Sources that are part of categories listed in the Clean Air Act (Section 169A) and emitting more than 250 tons per year and constructed during the August 1962 to August 1977 time period are BART eligible.

Table 4.1 Categories and Corresponding SIC/NAICS Codes for Potentially Affected Respondents

Industry Group	SIC	NAICS
Fossil Fuel Steam Electric Plants >250 million BTUs	4911	221112
Coal Clean Plants Thermal Dryers (assumed to be part of the coal mining industry)	1221, 1222, 1231	21211
Kraft Pulp Mills (assumed part of pulp, paper, and paperboard mills)	2611	32211
Portland Cement Plants	3241	327310
Primary Zinc Smelters	3339	331419
Iron & Steel Plants	3312	331111
Primary Aluminum Ore Reduction Plants	3334	331312
Primary Copper Smelter	3331	331411
Municipal Incinerators Capable of Charging >50tpd refuse	4953	562219
Hydrofluoric Acid Plants	2819	325188
Sulfuric Acid Plants	2819	325199
Nitric Acid Plants	2819	325199
Petroleum Refineries	2911	324110
Lime Plants	3274	327410
Phosphate Rock Processing Plants	1475	212392
Coke Oven Batteries	3312	324199
Sulfur Recovery Plant (assumed to be part of natural gas processing operations)	2819	211112
Carbon Black Plants Furnace Process	2816	325182
Primary Lead Smelters	3339	331419
Fuel Conversion Plants (none are known to exist)	n.a.	n.a.
Sintering Plants	3312	331314, 331423, 331492
Chemical Process Plants (this is a 2 digit SIC)	28	
Fossil Fuel Boilers of >250 BTUs/hour heat input (industrial boilers; this encompasses many SICs & NAICS)		
Petroleum Storage and Transfer Facilities cap.>300,000 bbls	5150	422710
Taconite Ore Processing Facilities	1011	21210
Glass Fiber Processing Plants (assumed to not include container plants)	3229	327212

Charcoal Production Facilities (assumed to not include activated charcoal manufacture)	2861	325191
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4.2 Information Requested

The information required under this ICR renewal provides for a continuation of the process initiated with previous ICRs for the Regional Haze Rule. In this stage of the process, the states are working toward establishment of progress goals and strategies that will be part of the October 31, 2009 to October 30, 2012 reporting period.

The information that is requested under this renewal period under the 40 CFR 51.308 provisions includes:

Develop and Submit Regional Haze Implementation Plan

- Develop RH implementation plan template
- Conduct 2002 Baseline Visibility Modeling
- Calculate natural visibility conditions
- Conduct 2018 baseline modeling
- Prepare attribution of haze report
- Identify reasonable progress goals
- Develop long term strategies
- Submit monitoring strategy

Some of this information has been completed by the RPOs and states. Many states are still working to prepare and submit implementation plans.

Make BART Determinations

- Identify BART-eligible sources
- Identify BART-exempt sources
- Make BART determinations
- Consult with FLMs
- Identify BART controls
- Determine degree of visibility improvement

Activities required to make the source-specific BART determinations are well underway as well. The states may request sources to provide information to help make these determinations and identify BART controls.

Report Annual Emissions. Sources with BART determinations will be required to report annual emissions to the states in order to track progress. The states will then prepare an annual emissions report for EPA.

The information that is requested under this renewal period under 40 CFR 51.309 provisions includes:

Report Annual SO₂ Emissions. In each year of the clearance period, sources with BART determinations will be required to report annual SO₂ emissions to the states in order to track progress. The states will then prepare an annual emissions report for EPA.

Section 51.309 contains a number of provisions related to the backstop trading program that states must have in place in case a regional SO₂ milestone is exceeded. The Agency does not provide any burden estimates for implementing the backstop trading program. This omission is appropriate because there is no indication that the milestone will be exceeded during the clearance period.

5 The Information Collected - Agency Activities, Collection Methodologies, and Information Management

5.1 Agency Activities

EPA. EPA will work in the policy and technical area. With respect to policy, the EPA's Office of Air Quality Planning and Standards (OAQPS) will provide direction and facilitate resolution of major issues. The lead EPA region will work with the states and RPOs to identify issues and provide recommendations. In the technical area, OAQPS will deliver data, tools, and training to the states and RPOs. EPA will review the implementation plans submitted by participating state governments.

5.2 Collection Methodology and Management

This section discusses the development of burden estimates and their conversion into costs, which are separated into burden costs and capital and O&M costs. According to the latest guidance for ICRs (EPA 2/99), capital and O&M costs display the cost of any new capital equipment the respondent may have to purchase solely for information collection, assimilation, and storage purposes. For example, if a source had to purchase a new mini-computer to store and manipulate data, that computer would be a cost of administration subject to reporting in the ICR. In addition, the latest guidance instructs the Agency to differentiate the burden associated with a source's labor and that which it hires through outside contractors. To the extent a source contracts out for administrative purposes (e.g., employing consultants to perform visibility modeling), the burden associated with those contracted tasks are not a burden to the source - but they still remain a cost. The reader should read this section with the following considerations in mind:

- The Agency believes the time necessary to perform a task is independent of the origins of its labor. In other words, if a source would employ 20 hours of burden to fully perform a function, then a contractor hired by the source would also take 20 hours to perform that same task. Furthermore, the Agency assumes no economies or diseconomies of scale. The linear combination of any amount of contractor and source effort will also sum to 20. Therefore, the burden estimates in this ICR act as an accurate assessment of the total burden to respondents.
- For some burden categories, the Agency believes the hours assigned to them will be divided between the source and outside contractors. For these categories, the Agency established a composite cost per hour by developing a weighted average of the source and contractor wages, with the weight defined by the percentage of total effort each burden source applied. Consequently, the cost developed in this ICR should be interpreted as an upper bound on the actual cost of administration by the source. The methodology for determining cost per hour can be found in greater detail in section 6.2, below.

The section 308 implementation plans prepared by participating states will set forth the specifics regarding the actual methodology and management. The plans must include the following elements:

- Procedures by which monitoring data and other information are used in determining the contribution of emissions from within the State to regional haze visibility impairment at mandatory Class I Federal areas both within and outside the State.
- For a State with no mandatory Class I Federal areas, procedures by which monitoring data and other information are used in determining the contribution of emissions from within the State to regional haze visibility impairment at mandatory Class I Federal areas in other states.
- Reporting of all visibility monitoring data to the Administrator at least annually for each mandatory Class I Federal area in the State. To the extent possible, the State should report visibility monitoring data electronically.
- A statewide inventory of emissions of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal area. The inventory must include emissions for a baseline year, emissions for the most recent year for which data are available, and estimates of future projected emissions. The State must also include a commitment to update the inventory periodically.
- Other elements, including reporting, recordkeeping, and other measures, necessary to assess and report on visibility.

In addition, for State and tribes submitting under 40 CFR 51.309, provisions are made for adjustments in view of changes in emissions monitoring or calculation methods, flow rate measurement methods, adjustments for illegal emissions, adjustment based upon program audits, adjustments for sources opting into the program, documentation of emission calculation methods, record keeping, completion and submission of emissions reports, exceptions reports, and annual comparison of emissions to milestones.

5.3 Small Entity Flexibility

The Regulatory Flexibility Act (RFA) requires regulatory agencies, upon regulatory action, to assess that action's potential impact on small entities (businesses, governments, and small non-governmental organizations) and report the results of the assessments in (1) an Initial Regulatory Flexibility Analysis (IRFA), (2) a Final Regulatory Flexibility Analysis (FRFA), and (3) a Certification. For ICR approval, the Agency must demonstrate that it "has taken all practicable steps to develop separate and simplified requirements for small businesses and other small entities" (5 CFR

1320.6(h)). In addition, the agencies must assure through various mechanisms that small entities are given an opportunity to participate in the rulemaking process.

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with the Regional Haze rule (July 6, 2005, 70 FR 39104). After considering the economic impacts of the final rule on small entities, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any direct requirements on small entities. The rule would apply to states, not to small entities.

BART requirements in the Regional Haze Rule require BART determinations for a select list of major stationary sources defined by section 169A(g)(7) of the CAA. However, as noted in the proposed and final Regional Haze Rules, the State's determination of BART for regional haze involves some State discretion in considering a number of factors set forth in section 169A(g)(2), including the costs of compliance. Further, the Regional Haze Rule allows states to adopt alternative measures in lieu of requiring the installation and operation of BART at these major stationary sources. As a result, the potential consequences of the BART provisions of the regional haze rule at specific sources are speculative. Any requirements for BART will be established by State rulemakings. The states would accordingly exercise substantial intervening discretion in implementing the BART requirements of the Regional Haze Rule and BART guidelines.

5.4 Collection Schedule

States and tribes were required to submit their implementation plans by December 2007. No tribes elected to submit regional haze plans. In addition, the Western states have the option of submitting their SO₂ Regional Haze Strategies by this date. Sources in these states must report their annual emissions.

6 Estimating the Burden and Cost of the Collection

Burden means the total time, effort, of 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 ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information. The burden estimate should be composed of (1) a total capital and start-up cost component annualized over its useful life; (2) a total operation, maintenance and purchases of services component. Each component should be divided into burden borne directly by the respondent and any services that are contracted out.

6.1 Estimating Respondent Burden

Although there have been regulatory changes to the Regional Haze program since the 2003 and 2006 renewals, these changes were largely clarification and do not significantly change the burden associated with developing an implementation plan. Most of the activities associated with making BART determinations have been conducted under the previous collection periods. Table 6.1 summarizes the results for each of the major categories of respondents.

Develop and Submit Regional Haze Implementation Plan. Based on a review of the previous ICR we believe that an estimate of 400 hours per State to complete the Regional Haze SIP is reasonable. Based on discussion with EPA and RPO staff, we believe that the majority of the SIP development effort will be complete by the time this clearance period takes effect.

Make BART Determinations. We believe 80 hours per BART-eligible category is a reasonable estimate of State agency burden to make a BART determination. Once again, much of this work has been done previously in the form of control guidance, emissions analysis for inventory projections, etc. Based on information found in the draft list of BART eligible sources for two RPOs (Midwest RPO and WRAP), there are on average 7.42 BART categories represented in each State. Therefore we have assumed an average of 594 hours per State to make BART determinations. Because some states may request sources to conduct visibility modeling or provide other information, we have included an estimate for 40 hours per source.

Report Calendar Year Emissions. In the third year of this clearance period, we estimate that sources with BART determinations will be reporting their calendar year emissions. Most states currently require

reporting of sources that are 100 tons/year or greater. However, the recently signed consolidated and emissions and reporting rule relaxes Federal requirements for those sources to 2500 tons/year. Whether the states will adjust their reporting accordingly is unknown; we assume they do. Hence, there is an estimate of incremental reporting burden for those sources that emit >100 and <2500 tons/year. Examples of non-complex sources include industrial boilers, lime kilns, cement plants, and natural gas plants. The complex sources include refineries, smelters and other metallurgical operations, and Kraft pulp mills. At these sources, there may be a variety of operations emitting sulfur dioxide. Hence, the higher estimate of burden hours. We estimate non-complex sources will spend 4 hours/year generating their emission reports and complex sources will spend 16 hours/year. We believe that these sources will already have much if not all of the needed information available to them because of other reporting requirements, including Title V permits.

Using the list of BART eligible sources, an assumption that 90 percent of the sources will ultimately be determined to be BART eligible, and the percentages of emissions categories represented by the WRAP states as indicative of the nation as a whole, we estimate there will be 326 “complex” sources and 422 “noncomplex” sources reporting emissions in 2008. As described in Table 6.1, the states also will be required to prepare and submit annual emissions reports to EPA. We believe the states will have an automated system in place to generate these reports and the estimated burden for this activity is 20 hours/State/year.

Prepare Revised SIP for SO₂ Western Backstop Trading Program. The Section 309 burdens are based on the previous renewal, except that the burden associated with developing a Regional Haze Strategy is reduced because the states are expected only to update their previous submittals.

Report Calendar Year SO₂ Emissions. As described in Table 6.1, sources will also be required to report calendar year emissions in the ICR clearance period. Based on the emissions information provided on the WRAP’s list of BART eligible sources and our assumption that 90 percent of these will actually be determined to be BART-eligible in the final analysis, we estimate that there will be 127 “complex” sources and 167 “noncomplex” sources emitting less than 2,500 tons/year. As described above, we estimate non-complex sources will spend 4 hours/year generating their emission reports and complex sources will spend 16 hours/year. We believe that these sources will already have much if not all of the needed information available to them because of other reporting requirements, including Title V permits. Also the four WRAP states will generate annual SO₂ emissions report for an estimated burden of 20/hours/State/year.

Table 6.1. Estimated Respondent Burden to Implement Requirements

Task Element	Hours/State	Hours/Source	Total Hours for FLMs	Year Incurred
Develop and submit §308 Implementation Plan	400	0	2000	2009 - 2010
Make BART determinations	594	40	0	2009 - 2010
Report calendar year emissions	n/a	0 for >2500 tons/year sources; 4 for non-complex sources, 16 for complex sources	n/a	2010
Prepare and submit emissions reports	20	0	0	2010
Develop and submit §309 Regional Haze strategies	80	0	200	2009 - 2010
Report calendar year emissions	n/a	0 for >2500 tons/year sources; 4 for non-complex sources, 16 for complex sources	n/a	2010 - 2011
Prepare and submit annual emissions reports	60	0	0	2010 - 2011

6.2 Estimating Respondent Costs

This ICR uses the most recently available wage values with the wage rate methods established in the New Source Review (NSR) ICRs, which use standard methods based in the Federal Operating Permit Programs ICRs.

6.2.1 Estimating Labor Costs

We estimated industry labor costs using a two-step process. First, we calculated an estimated in-house labor rate using the latest data from the Bureau of Labor Statistics (BLS). We then calculated an industrial respondent’s labor rate reflecting a division between in-house technical staff and contractor staff.

6.2.1.1 Industrial Labor Rates

The labor rate used to calculate the industrial respondent’s labor cost is \$83.65/hr and reflects a division of labor between in-house technical staff and managerial staff, and the involvement of outside consultants. The following steps detail the estimated industrial respondent labor rates:

1. To calculate the in-house labor rate, \$70.89/hr, we have used a graded approach in calculating labor cost as recommended in the ICR handbook. We used wage rates for industry respondents retrieved from the BLS. Because of the breadth of industry categories that could be affected, we used average industry rates for

Engineering Managers (management), Environmental Engineers (technical), and Correspondence Clerks (clerical). Based on current BLS data for private sector benefits compensation, we used 30.3 percent of the total compensation to estimate benefits.² We calculated the overhead rate as 50 percent of the total compensation rate (i.e. salary plus benefits). The addition of benefits and overhead to the hourly rate produces a pay rate that reflects the true cost to employ an industry sector worker. Table 6.2 summarizes this result.

Table 6.2 Calculated In-house Weighted Hourly Labor Rates

Labor Type	Base Salary, Hourly Rate	Benefit Hourly Rate ^a	Overhead Hourly Rate ^b	Adjusted Hourly Rate	In-house Weighting (%)	In-house Weighted Hourly Rate
Management	57.97 ^c	17.56	37.77	113.3	5%	5.67
Technical	37.49 ^d	11.36	24.42	73.27	85%	62.28
Clerical	15.04 ^e	4.56	9.80	29.40	10%	2.94
Total					100%	\$ 70.89

a Benefits are 30.3% of Base Salary Hourly Rate based on Nov 2008 data from the Dept of Labor: Bureau of Labor and Statistics <http://www.bls.gov/news.release/ecec.nr0.htm>

b Overhead rate is 50% of Base Salary Hourly Rate plus Benefit Hourly Rate.

c Dept of Labor: Bureau of Labor and Statistics <http://www.bls.gov/oes/current/oes119041.htm>, May 2008

d Dept of Labor: Bureau of Labor and Statistics <http://www.bls.gov/oes/current/oes172081.htm>, May 2008

e Dept of Labor: Bureau of Labor and Statistics <http://www.bls.gov/oes/current/oes434021.htm>, May 2008

2. The fully loaded weighted consultant rate was calculated using the 1997 NSR ICR which was estimated to be 60 percent higher than the loaded in-house rate. Therefore, we have estimated the current fully loaded weighted consultant rate to be \$113.42 ($\$70.89 \times 1.60 = \113.42).
3. The industrial respondent's labor rate is calculated by taking 70% of the 2008 in-house rate ($\$70.89 \times 0.70 = \49.62). This is derived using fully loaded weighted technical, clerical, and managerial staff wages.
4. This number is added to 30% of the 2008 fully loaded weighted consultant rate for technical, clerical, and managerial staff ($\$113.42 \times 0.30 = \34.03).

² U.S. Department of Labor: Bureau of Labor Statistics: Bureau of Labor Statistics Data. <http://www.bls.gov/news.release/ecec.nr0.htm> Accessed October 2009.

5. The resultant industrial respondent's labor rate equals \$83.65/hr (\$49.62 + \$34.03 = \$83.65).

6.2.1.2 State and Local Respondent Labor Rates

The labor rate used to calculate the State and local respondents' labor cost is \$79.32/hr. This rate was also obtained from BLS data³. Assume 100% overhead for State and Local Agency Labor. The FLMs' labor cost is estimated to be \$47.87 and results from inserting 2009 Federal government pay schedule wage rates for clerical, technical, and managerial staff into the weighting system developed in the 1997 renewal ICR and described in the November 2002 parts 51 & 52 ICR update.⁴ For this ICR, the Agency employed the same methodology to determine 2009 Federal burden costs. Table 6.3 summarizes this result.

Table 6.3 Determination of Federal Wage Rates

Annual Salary of Permit Staff, GS 11 Step 3 (FY 09 Schedule)*		\$52,846.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 09 Schedule)*	\$75,323.00	
Factor (1/11)	0.09	
		\$6,779.07
Annual Cost of Support Staff, GS 6 Step 6 (FY 09 Schedule)*	\$35,145.00	
Factor (1/8)	0.13	
		\$4,568.85
Annual Applicable Salary of Permit Staff		\$64,193.92
Benefits (at 16%)		\$10,271.03
Sick Leave / Vacation (at 10%)		\$6,419.39
General Overhead		\$18,677.78
Total Cost Per FTE		\$99,562.12
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$47.87

a <http://opm.gov/oca/09tables/html/gs.asp> October 2009

6.2.2 Estimating Capital and Operations and Maintenance Costs including Purchase of Services

All of the sources subject to these requirements are existing and should have most, and perhaps all, of the equipment needed to respond to State requests (for example, the computers and basic software) will be part of the source's business operation inventory. Furthermore, much of the data and regulatory and policy information for estimating emissions and visibility impact are available in electronic form from several different EPA bulletin boards for just the communication charges, which are typically absorbed in routine business overhead expenses.

³ U.S. Department of Labor: Bureau of Labor Statistics: Bureau of Labor Statistics Data. <http://www.bls.gov/news.release/ecec.t03.htm> Accessed October 2009.

⁴ U.S., Environmental Protection Agency, Office of Air Quality Planning and Standards, *DRAFT INFORMATION COLLECTION REQUEST FOR CHANGES TO THE 40 CFR PART 51 AND 52 PREVENTION OF SIGNIFICANT DETERIORATION AND NEW SOURCE REVIEW APPLICABILITY REQUIREMENTS FOR MODIFICATIONS TO EXISTING SOURCES*, November, 2002, p. 29.

Since the purchase of capital equipment is believed to be an insignificant factor in responding to State requests, EPA assumes the operation, maintenance, or services for same are negligible.

6.2.3 Annualized Capital Costs

Typically annualized capital cost would be derived from a discounted net present value of the stream of costs that would occur over the life of the activity, or the ICR, whichever is shorter. We anticipate there may be monitoring costs associated with the final BART determinations as sources take steps to ensure they will be in compliance with the BART requirements. However we do not anticipate these expenses will be incurred during this clearance period.

6.3 Estimating Agency Burden and Cost

The Agency Burden is divided between the EPA Regional Offices, who perform the primary review of State submittals, and EPA Headquarters staff, who provide oversight. In addition, EPA funds five RPOs, who address regional haze and related issues. These organizations have provided key support in evaluating technical information to better understand how their states and tribes impact national park and wilderness areas (Class I areas) across the country. They also have developed key implementation tools that they and the states and tribes are using to develop the pending implementation plans to reduce emissions of particulate matter and other pollutants leading to regional haze. In the 2003 ICR (1813.04), the burden associated with RPO activities was excluded because their activities were funded by EPA grants. However, for 2006 and this ICR, we have decided that it is appropriate to include some burden for their activities as part of the overall Agency burden. We recognize that the states also contribute substantial RPO support, in terms of staff hours. We assume this support is reflected in the overall State burden estimates presented earlier in this ICR.

For this ICR, we have assumed the following number of offices will be involved in implementing the Regional Haze requirements.

EPA Regional Offices. We assume that all 10 EPA Regional Offices will be responsible for reviewing implementation plans from the states in their jurisdiction. We assume that 3 Regional Offices (6, 8, and 9) will review 40 CFR 51.309 submittals from 4 states (Arizona, New Mexico, Utah, and Wyoming).

EPA Headquarters. The EPA Headquarters staff will provide oversight and review for Regional Haze submittals.

RPOs. All 5 RPOs will be involved in developing Regional Haze rule submittals. In addition, the WRAP will be involved in helping the 4 western states develop 40 CFR 51.309 submittals.

Table 6.4 presents our estimate of the Agency burden in the ICR clearance period. In developing these estimates, we considered previous estimates for similar activities as well as the fact that much of the development work has already been performed (e.g., inventories, monitoring strategy, control option assessments, etc.).

Table 6.5 summarizes the total annual average burden to the Agency, which is 2,428 hours and \$117,000 during the 3-year clearance period. This annual burden is calculated by taking the total burden from Table 6.4 (years 1 – 3, combined), dividing it by three and multiplying by the number of respondents. As described in section 6.2.1.3, we calculated Federal labor rates using the weighting developed in the 1997 NSR ICR renewal and subsequent updates. The estimated labor rate is \$47.87/hr.

Table 6.4. Estimated Agency Burden to Implement Requirements

Task Element	Hours/EPA Regional Office	Hours/Headquarters	Hours/RPO	Year Incurred
40 CFR 51.308 Requirements				
Develop, submit, and/or review §308 Implementation Plan	200	80	160	2009 - 2010
Make or Review BART determinations	240	40	240	2009 - 2010
Report or review calendar year emissions report	8	0	8	2010
40 CFR 51.309 Requirements				
Develop, submit, and /or review §309 Regional Haze strategies	20	10	160	2009 - 2010
Report or review calendar year emissions report	24	0	24	2009 - 2010
TOTAL	484	130	584	

Table 6.5 Estimated Total Annual Burden to Agency

Task	EPA Regional Office		Headquarters		RPOs	
	Average Annual Hours	Average Annual Cost (\$1000)	Average Annual Hours	Average Annual Cost (\$1000)	Average Annual Hours	Average Annual Cost (\$1000)
40 CFR 51.308 Requirements						
Develop, submit, and/or review §308 Implementation Plan	(200 hrs.*10 regional offices)/3 yrs. = 667 hours x \$47.87/hr	32	80 hrs./3 yrs. = 27 hours	1	(160 hrs.*5 RPOs)/3 = 267 hours	13
Make or review BART determinations	(240*10)/3 = 800	38	40/3 = 13	1	(240*5)/3 = 400	19
Report or review calendar year emissions report	(8*50)/3 = 133	6	0	0	(8*5)/3 = 13	1
40 CFR 51.309 Requirements						
Develop, submit, and /or review §309 Regional Haze strategies	(20*3)/3 = 20	1	10/3 = 3	0	160/3 = 53	3
Report or review calendar year emissions report	(24*3)/3 = 24	2	0	0	24/3 = 8	0
Total Annual Burden by Agency	1,644	79	43	2	741	36
Total for Agency	2,428 hours; \$117,000					

6.4 Estimating the Respondent Universe

For the purpose of estimating burden in this ICR, the respondent universe is determined as follows.

States. We assume that all 50 states will be affected by the 40 CFR 51.308 requirements. Four states will submit 40 CFR 51.309 strategies (Arizona, New Mexico, Utah, and Wyoming).

Tribes. No tribes have opted to develop and implement the Regional Haze plan.

Industry. Using the lists of potential BART eligible sources developed by the RPOs, we compiled a list of 1,107 potential sources. Sixty-three percent of these facilities (698) were located in states subject to the Clean Air Interstate Rule (CAIR). Since the 2006 ICR renewal, the CAIR was remanded to EPA and EPA was instructed to promulgate a replacement rule to fix flaws identified by the court. CAIR required reductions in emissions of SO₂ and NO_x from electricity generating units (EGUs) in 28 eastern states and the District of Columbia. When fully implemented, CAIR was expected to reduce SO₂ emissions in these states by over 70

percent and NO_x emissions by over 60 percent from 2003 levels. The CAIR established an EPA-administered cap and trade program for EGUs in which states may participate as a means to meet these requirements. In the BART rule, EPA presented the results of an analysis showing that controls for EGUs that were subject to CAIR will result in more visibility improvement in Class I areas than BART would have provided. States that adopt the CAIR cap and trade program for SO₂ and NO_x were allowed to apply CAIR controls as a substitute for controls required under BART because the analysis concluded that CAIR controls are “better than BART” for EGUs in the states subject to CAIR. Since the future CAIR replacement is very likely to require at least the same emission reductions as the remanded rule, the burden estimates from the 2006 ICR renewal are used for this renewal.

Using the list of BART eligible sources, we determined that approximately 30 percent of them (209) are EGUs or fossil fuel-fired steam electric plants that are potentially subject to the CAIR. For purposes of this ICR, we have assumed that 90 percent of the remaining sources in the CAIR states (440) and 90 percent of the sources in the non-CAIR states (368) sources will be subject to the BART determination process for a total of 808 sources. We applied the 90 percent factor to account for the fact that the lists of BART eligible sources is not final in all cases and we expect that the final totals will be somewhat less as the states and sources review the draft lists..

FLMs. The burden hours for FLMs are estimated for the group as a whole.

6.5 Bottom Line Burden and Cost

Tables 6.6 summarizes the total annual respondent burden, which is 31,841 hours per year and \$2,563,000 per year. As described in section 6.2.2 and 6.2.3, there are no operation and maintenance costs or capital costs associated with activities to be conducted during this 3-year clearance period. The total number of respondents is 859 (50 State agencies, 1 group of FLMs, and 808 industrial sources.)

Table 6.6 Estimated Annual Respondent Burden to Implement Requirements

Task Element	States		Source		FLMs	
	Average Annual Hours	Average Annual Cost (\$1000)	Average Annual Hours	Average Annual Cost (\$1000)	Average Annual Hours	Average Annual Cost (\$1000)
Develop and submit §308 Implementation Plan	$(400*50)/3=6,666 \times \$79.32/hr = \$319,000$	529	0	0	$2000/3=667 \times \$47.87/hr = \$32,000$	32
Make BART determinations	$(594*50)/3=9,900$	785	$(40*808)/3=10,773 \times \$83.65/hr = \$901,000$	901	0	0
Report calendar year emissions	0	0	$(4*422)/3=563$ $(16*326)/3=1,739$	193	0	0
Prepare and submit emissions reports	$(20*50)/3=333$	26	0	0	0	0
Develop and submit §309 Regional Haze strategies	$(80*5)/3=133$	11	0	0	$200/3=67$	3
Report Calendar Year Emissions	0	0	$(4*167)/3=223$ $(16*127)/3=677$	76	0	0
Prepare and submit annual emissions reports	$(60*5)/3=100$	8	0	0	0	0
Total Burden by Respondent	17,132	820	13,975	1,169	734	35
Total for Respondent Universe	31,841 hours; \$2,563,000					

6.6 Reasons for Change in Burden

The burden estimates for this ICR renewal period cover the same task elements as those for the previous renewal (1813.06). These differences reflect the revisions to the wage and labor rates and the fact that no tribes have elected to submit regional haze SIPs.

6.7 Burden Statement

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. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. 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 through the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OAR-2003-0160, that is available for public viewing at the Air and Radiation Docket and Information Center, in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. An electronic version of the public docket is available through <http://www.regulations.gov>. Use Regulations.gov to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2003-0160 in any correspondence.