

**Information Collection Request
Supporting Statement for the
8-hour Ozone National Ambient Air Quality Standard
Implementation Rule (Renewal)
EPA ICR # 2236.03**

Prepared by:

**Office of Air Quality Planning and Standards
Office of Air and Radiation
U.S. Environmental Protection Agency
Research Triangle Park, North Carolina 27711**

**EPA Information Collection Request for the
8-hour Ozone National Ambient Air Quality Standard
Implementation Rule**

Table of Contents

1. Identification of the Renewal Information Collection Request.....page 1
2. Need for and Use of the Collection.....page 3
3. Non-Duplication, Consultation, and other Collection Criteria..... page 4
4. Respondents and the Information Requested.....page 7
5. Information Collected—Agency Activities, Collection Methodology and Information Management.....page 11
6. Estimating the Burden and Cost of the Collection.....page 12

1. Identification of the Information Collection Request

1(a) Title of the Information Collection

The title of the Information Collection Request is 8-hour Ozone National Ambient Air Quality Standard Implementation Rule (Renewal), Environmental Protection Agency (EPA) number 2236.03, Office of Management and Budget (OMB) number 2060-0594.

1(b) Abstract/Executive Summary

The Paperwork Reduction Act requires the information found in this Information Collection Request (ICR) number 2236.03, to assess the burden (in hours and dollars) of the renewal of the 8-hour Ozone National Ambient Air Quality Standard Implementation (NAAQS) Rule as well as the periodic reporting and record keeping necessary to maintain the rule. The rule was proposed June 2, 2003 (68 FR 32802) and promulgated in two Phases: Phase 1 published April 30, 2004 (69 FR 23951) and Phase 2 published November 29, 2005 (70 FR 71612). In 2007 Phase 1 was vacated and all designated areas subject to subpart 1, part D, title I of the CAA were then made subject to subpart 2. Redesignations of these Former Subpart 1 areas to Subpart 2 Marginal or Moderate classifications were proposed in 2009 (74 FR 2936).

The time period covered in this ICR is a three year period from August 1, 2010 through July 31, 2013. The milestones include the attainment demonstration, Reasonable Further Progress (RFP) State Implementation Plan (SIP) submission, and the Reasonable Available Control Technology (RACT) SIP submission. However, not all of the milestones and associated burden and administrative cost estimates apply to areas with design values in excess of the 8-hour Ozone NAAQS.¹

- **Subpart 2 and former Subpart 1 non-attainment areas able to designate in 2010.** These areas have to prepare an attainment demonstration.

¹ Section 51.905(c) and (d), (published in the phase 1 8-hour ozone implementation rule (69 FR at 23998, April 30, 2004)) set forth requirements for anti-backsliding purposes for areas designated attainment for the 8-hour standard. These provisions require these areas to submit a 10-year maintenance plan under section 110(a)(1) of the Clean Air Act (CAA or Act) if they also were a non-attainment area, or an attainment/unclassifiable area with a section 175A maintenance plan, under the 1-hour ozone standard. For purposes of this ICR, 8-hour attainment areas that were designated nonattainment for the 1-hour standard immediately prior to 8-hour designation are presumed to have the same burden that they would have if we did not revoke the 1-hour standard and the area attained the standard and developed a 10 year maintenance plan for redesignation to attainment of the 1-hour standard. In addition, 8-hour attainment areas that had section 175A maintenance plans under the 1-hour standard immediately prior to 8-hour designation are presumed to have the same burden they would have if we did not revoke the 1-hour standard and the area had to develop its second 10-year maintenance plan under section 175A of the Act. In either case, there would also be a public hearing on the projections. We did not prepare an ICR for the section 51.905(c) and (d) section 110(a)(1) maintenance plan requirement. This requirement was issued under the Phase 1 final 8-hour Ozone NAAQS implementation rule. The preamble to that rule states that the preparation of an ICR is not warranted.

- **Subpart 2 and former Subpart 1 areas with projected attainment after 6-15-09.**
These 8-hour non-attainment areas would have to prepare an RFP SIP submission and an RACT SIP submission.

The incremental administrative burden for the areas and activities covered by this ICR is mitigated by 3 factors.

1. Some states may use some parts of EPA analyses conducted as part of the Clean Air Interstate Rule (CAIR) and 8-hour Ozone NAAQS Implementation Rule. Included in these analyses were emissions projections and air quality modeling design value predictions and interpolations for 2007, 2009, 2010, etc.
2. Promulgated federal rules which reduce future emissions of ozone precursors. As a consequence:
 - i. Some designated non-attainment areas are projected to attain and maintain the 8-hour Ozone NAAQS without additional state emission reducing regulations or programs.
 - ii. Some designated non-attainment areas do not design and adopt additional state rules to fulfill RFP requirements set forth by the 8-hour Ozone NAAQS Implementation rule. The emission reductions associated with federal emission reducing rules are creditable toward RFP requirements.
3. Experience with the 1-hour O₃ NAAQS. Twenty-one of the original 26 subpart 2 moderate and above 8-hour non-attainment areas were also moderate or above for the previous 1-hour Ozone NAAQS. Hence, there is familiarity with SIP activities for an Ozone NAAQS. Furthermore, many of these areas completed attainment demonstrations and fulfilled RFP and some RACT obligations for the 1-hour Ozone NAAQS.

The Agency anticipates additional administrative burden for state governments and the Agency of 20,000 hours and 2,200 hours, respectively. Fifty percent of the hours are expended in the 1st year with the remainder evenly divided between the 2nd and 3rd years of the ICR period. Tribes are not required to conduct attainment demonstrations or submit RFP or RACT SIPs.

The present value of the total additional costs for state governments, the respondents, is estimated at \$1.4 million for the 3 year period. On an equivalent annual basis that is \$434,000 per year during the 3 year period of the ICR.

The present value of the Agency administrative cost burden is estimated at \$156,466 dollars. This is equivalent to an equal annual stream of costs of \$47,740 per year during the three year period.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

Part D of Title I of the Clean Air Act sets forth the plan (implementation) requirements for areas designated non-attainment with a promulgated National Ambient Air Quality Standard. When the Clean Air Act amendments of 1990 were enacted, the Subpart 2 provisions were specific to designated non-attainment areas for the 1-hour Ozone NAAQS, but that standard was revised in 1997. As a result of litigation and subsequent court decisions, an implementation framework was developed for the 8-hour Ozone NAAQS, promulgated in 1997.

The 8-hour Ozone NAAQS Implementation Rule was issued in two phases: Phase 1 was published April 30, 2004 and Phase 2 was published November 29, 2005. When the review and comment periods on the draft and final federal implementation rules closed, the affected parties could begin to assess the milestones and begin the planning process. In 2007 Phase I was vacated and all areas designated as “Subpart 1” areas were redesignated in 2009 as either Subpart 2 Marginal or Subpart 2 Moderate areas.

2(b) User/Users of the Data²

The data collected from respondents include attainment demonstrations, RFP SIP submissions, and RACT SIP submissions. The attainment demonstrations indicate what emission reductions are necessary to attain and maintain the 8-hour Ozone NAAQS. The RFP SIP describes how the RFP obligation will be met by the affected non-attainment areas as emission reductions are phased in over time. The RACT SIP identifies the assessment of present controls on affected sources of emissions to see if they meet RACT requirements and identifies where additional measures and emission reduction requirements are required. The RACT requirements can be used to meet RFP requirements. And, the RACT and RFP requirements can be used to satisfy the emission reduction requirements to attain and maintain the 8-hour Ozone NAAQS. The similarities between the RACT and RFP requirements may be reflected in the attainment demonstration.

The states use the attainment demonstrations, RFP SIP submissions, and RACT SIP submissions to inform their citizenry, including potentially regulated entities. They also use this information and analysis to fulfill federal obligations under Title I, Subpart D of the Clean Air Act and the 8-hour Ozone Implementation Rule.

The potentially regulated entities use this information in assessing future emission reduction requirements.

² Attainment demonstrations as well as RFP and RACT SIP submissions are viewed as analytical products to some; but are regulations to others. In the context of the Paperwork Reduction Act, the attainment demonstration and RFP and RACT SIP submissions are considered data.

The regional and headquarters EPA use the information as part of their review of attainment demonstration, RFP SIP, and RACT SIP adequacy. Emission reducing regulations developed by the states and approved by the EPA are federally enforceable.

3. Non-Duplication, Consultations, and Other Collection Criteria

3(a) Non-Duplication

There are 3 parts to the information collection for this ICR: the attainment demonstration, the RFP SIP submission, and the RACT SIP submission.

There are other activities covered by existing ICRs which complement the activities required for the attainment demonstration, RFP SIP submission, and RACT SIP submission. One example is the Consolidated Emissions Reporting Rule. Salient ICRs and their titles are identified below.

- Requirements for Preparation, Adoption, and Submittal of Implementation Plans
 - o 51.121-51.122 NOx SIP Call.....2060-0445
 - o 51.160-51.166 New Source Review.....2060-0003
 - o 51.321-51.323 Air Quality Data Reporting.....2060-0088
 - o 51.353-51.354 Inspection/Maintenance.....2060-0252
 - o 51.365-51.366 Inspection/Maintenance.....2060-0252
- Approval and Promulgation of Implementation Plans
 - o 52.21 Prevention of Significant Deterioration.....2060-0003
- Ambient Air Monitoring Reference and Equivalent Methods
 - o 53.42080-0005
 - o 53.9(f),(h),(i).....2080-0005
 - o 53.14.....2080-0005
 - o 53.152080-0005
 - o 53.16(a)-(d),(f).....2080-0005
- Outer Continental Shelf Air Regulations
 - o 55.4-55.82060-0249
 - o 55.11-55.142060-0249
- Ambient Air Quality Surveillance
 - o 58.11-58.142060-0084
 - o 58.20-58.232060-0084
 - o 58.25-58.282060-0084
 - o 58.30-58.312060-0084
 - o 58.332060-0084
 - o 58.352060-0084
 - o 58.40-58.412060-0084
 - o 58.432060-0084
 - o 58.452060-0084

- o 58.502060-0084
- Determining Conformity of Federal Actions to State or Federal Implementation Plans
 - o 91.150-93.1602060-0279

Attainment Demonstration. The attainment demonstration requirement appears as 40 CFR 51.908 which implements Clean Air Act subsections 172(c)(1), 182(b)(1)(A), and 182(c)(2)(B). The attainment demonstration for the 8-hour Ozone NAAQS is unique and does not duplicate other implementation plan requirements. However, the states are encouraged to build upon related implementation planning processes they used for the 1-hour Ozone NAAQS, regional haze rule, and/or PM NAAQS. Taking such steps, where appropriate, may reduce the incremental administrative burden and enable identification of control strategies that achieve requisite multi-pollutant environmental progress at a lower cost.

RFP SIP Submission. This unique requirement is described in 40 CFR 51.910. Although the RFP submission does not duplicate other plan requirements, the RFP submission may complement them. For example, the emission reductions associated with the RFP SIP may also demonstrate attainment.

The states are encouraged to build upon related analyses for federal emission reducing rules as well as salient PM NAAQS and regional haze implementation requirements where appropriate. Taking such steps may reduce the incremental administrative burden. For example, the temporal and spatial nature of emission reductions associated with the federal rules may be sufficient to meet the RFP requirements. Hence, the need to identify additional emission reductions to meet RFP requirements may be mitigated in some instances.

In addition, states are encouraged, where appropriate, to take into account similar analyses and planning efforts to meet certain PM NAAQS and regional haze implementation requirements. Such actions may result in RFP plans which achieve requisite multi-pollutant environmental progress at a lower cost.

RACT SIP Submission. This unique requirement is described in 40 CFR 51.912 which implements CAA subsections 172(c)(1) 182(b)(2),(c),(d), and (e). But, it is related to the Best Available Retrofit Technology (BART) requirement for the regional haze rule and RACT requirements for the PM NAAQS implementation rule. The states are encouraged to take into account these related requirements and analyses where appropriate. Taking such steps can reduce administrative burden and foster achievement of multi-pollutant environmental progress at a lower cost.

3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)

On April 8, 2010, EPA published a notice announcing its intention to submit this ICR to the Office of Management and Budget and the availability of the draft supporting statement. In that announcement, EPA sought public comments. At the end of the 60-day comment period, EPA has received no public comments.

3(c) Consultations

EPA contacted the following respondents to directly solicit comments on EPA's proposed ICR renewal: Mr. John Gowins, Kentucky Department of Environmental Protection, Division of Air Quality; Ms. Laura Booth, North Carolina Department of the Environment and Natural Resources, Air Quality Division and Mr. James Capp, Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Branch. No comments were received.

3(d) Effects of Less Frequent Collection

The collections under 40 CFR 51.908, 51.910, and 51.912 are necessary to provide assurances that identified level of emission reductions are adequate to ensure timely attainment and maintenance of the Ozone NAAQS while adhering to the mandatory measures and requirements for Subpart 2 non-attainment areas, as well as former Subpart 1 areas.

3(e) General Guidelines

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, the OMB's implementing regulations, EPA's Information Collection Request Handbook, and other applicable OMB guidance. The final 8-hour Ozone NAAQS implementation rule does not require:

- reporting more than once a year;
- respondents to participate in a statistical survey;
- responses to Agency inquiries in less than 30 days;
- respondents to receive remuneration for preparation of reports;
- records to be kept more than 3 years,³ and,
- manual methods of reporting.⁴

3(f) Confidentiality

The information is requested from the states. To fulfill the attainment demonstration, RFP SIP submission, and RACT SIP submission requirements, the states will use emissions levels and control efficiency data provided by certain facilities in the private and public sector. This information is available from a variety of sources. It is the assimilation and analysis of that data that is required in the attainment demonstration, RFP SIP submittal, and the RACT SIP submittal.

There are 19 non-attainment areas that must prepare an attainment demonstration as well as submit an RFP and RACT SIP and 17 non-attainment areas that will re-designate before the time period covered by this ICR begins and will thus only need to prepare recordkeeping

³ However, the states may choose to retain the information for more than 3 years.

⁴ However, the states must still submit their attainment demonstration, RFP SIP, and RACT SIP.

reports. States should already have information from emission sources, as facilities should have provided this information to meet 1-hour SIP requirements, operating permits, and/or emissions reporting requirements. Such information does not generally reveal the details of production processes. But, to the extent it may, the affected facilities are protected. Specifically, the completion of the emissions and control efficiency information that is confidential, proprietary, and trade secret is protected from disclosure under the requirements of subsections 503(e) and 114 (c) of the Clean Air Act.

3(g) Sensitive Information

The requested attainment demonstration, RFP SIP submission, and RACT SIP submission do not include questions whose answers would require sensitive information.

4.0 The Respondents and the Information Requested

4(a) Respondents and the Non-Attainment areas

Table 1 lists the states and regional offices affected by the attainment demonstration, RFP SIP submission, and RACT SIP submission for the 36 non-attainment areas. Local, state, and federal agencies are part of the North American Industrial Classification System code number 924110.⁵

There are other entities that may be indirectly affected, as they may comment on the draft submissions before they are forwarded to EPA's Regional Offices. These include potentially regulated entities, representatives of special interest groups, and individuals. Consideration of the burden on these entities is beyond the scope of the Paperwork Reduction Act.

⁵ <http://www.census.gov/naics> Code number 924110 includes "administration of air & water resources & solid waste management programs"

Table 1. Classifications of 8-Hour Ozone Non-attainment Areas As of February 02, 2010
 (see <http://www.epa.gov/air/oaqps/greenbk/gnc.html>)

n = area has whole or part county or counties in a previous 1-hr Ozone nonattainment area (as of June 15, 2005) no longer subject to the 1-hour standard

m = area has whole or part county or counties in a previous 1-hr Ozone maintenance area (as of June 15, 2005) no longer subject to the 1-hour standard

* = area has whole or part county or counties in a CO, PM-10, or PM-2.5 nonattainment or maintenance area or previous 1-hr Ozone nonattainment or maintenance area (as of June 15, 2005)

The 1-hour ozone standard, as well as designations and classifications for all 1-hour ozone nonattainment and maintenance areas, have been revoked except for the Greensboro, NC, Nashville, TN, and Denver, CO maintenance areas. See [details here](#).

Category/Classification (Attainment Date)

SEVERE 17 (June 2021)

Los Angeles-South Coast Air Basin Area, CA [n*]

SEVERE 15 (June 2019)

Houston-Galveston-Brazoria Area, TX

SERIOUS (June 2013)

Riverside County (Coachella Valley) Area, CA [n*]

Sacramento Metro Area, CA [n*]

San Joaquin Valley Area, CA [n*]

Ventura County (part) Area, CA

MODERATE (June 2010)

Atlanta Area, GA

Baltimore Area, MD [n*]

Baton Rouge Area, LA [n*]

Boston-Lawrence-Worcester (E. Mass) Area, MA [n*]

Charlotte-Gastonia-Rock Hill Area, NC-SC [m*]

Dallas-Fort Worth Area, TX [n*]

Greater Connecticut Area, CT [n*]

Los Angeles and San Bernardino Cos (W Mojave Desert) Area, CA [n*]

New York-N. New Jersey-Long Island Area, CT-NJ-NY [n*]

Philadelphia-Wilmington-Atlantic City Area, DE-MD-NJ-PA [n*]

Poughkeepsie Area, NY [n*]

Springfield (W. Mass) Area, MA [n*]

St. Louis Area, IL-MO [m*]

Washington Area, DC-MD-VA [n*]

MARGINAL (June 2007)

San Francisco Bay Area, CA [n*]

FORMER SUBPART 1 (June 2009)

Allegan County Area, MI [m*]

Amador and Calaveras Counties (Central Mountain Counties) Area, CA

Buffalo-Niagara Falls Area, NY [n*]

Chico Area, CA [n*]

Denver-Boulder-Greeley-Ft. Collins-Love. Area, CO

Essex County (Whitefact Mtn.) Area, NY [n*]

Jamestown Area, NY

Kern County (Eastern Kern) Area, CA [m*]

Las Vegas Area, NV [*]

Mariposa and Tuolumne Cos (Southern Mountain Counties) Area, CA

Nevada County (Western part) Area, CA
 Phoenix-Mesa Area, AZ [m*]
 Pittsburgh-Beaver Valley Area, PA [m*]
 San Diego Area, CA [m*]
 Sutter County (part) (Sutter Buttes) Area, CA [n*]

As indicated in Table 1, some areas have non-attainment area segments in more than one state. Furthermore, sometimes these multi-state areas span more than 1 EPA Region. For example, the Philadelphia-Wilmington-Atlantic City non-attainment area encompasses part of Pennsylvania, Maryland, Delaware and New Jersey. Pennsylvania, Maryland and Delaware are in EPA Region 3 jurisdiction, while New Jersey is in EPA Region 2 jurisdiction. This could increase the administrative burden of the attainment demonstration, RFP SIP submission, and RACT SIP submission.

The numbers of non-attainment areas or parts of areas in each state and the associated EPA Regional Office are presented in Table 2. There are 36 non-attainment areas resulting in 39 total areas that are affected by proposed designations. These were derived from the January 16, 2009 information at: <http://www.epa.gov/air/oaqps/greenbk/gncs.html>. The numbers of areas predicted to be in attainment were derived by looking at air quality model simulation results.

Table 2. The Numbers of Non-Attainment Areas or Parts of Areas in Each State

State or District	No. of Areas or Parts of Areas	EPA Region	No. of Subpart 1 Areas	No. of Subpart 2 Moderate Areas	No. of Subpart 2 Serious Areas	No. of Subpart 2 Severe-15 Areas	No. of Subpart 2 Severe-17 Areas
Arizona	1	9	1	0	0	0	0
California	13	9	7	1	4	0	1
Colorado	1	8	1	0	0	0	0
Connecticut	2	1	0	2	0	0	0
Delaware	1	3	0	1	0	0	0
District of Columbia	1	3	0	1	0	0	0
Georgia	1	4	0	1	0	0	0
Illinois	1	5	0	1	0	0	0
Louisiana	1	6	0	1	0	0	0
Maryland	3	3	0	3	0	0	0
Massachusetts	1	1	0	1	0	0	0
Michigan	1	5	1	0	0	0	0
Missouri	1	7	0	1	0	0	0
Nevada	1	9	1	0	0	0	0
New Jersey	2	2	0	2	0	0	0
New York	1	2	0	1	0	0	0
North Carolina	1	4	0	1	0	0	0
Pennsylvania	2	4	1	1	0	0	0
South Carolina	1	4	0	1	0	0	0
Texas	2	6	0	1	0	1	0
Virginia	1	3	0	1	0	0	0
Total	39		12	21	4	1	1

4(b) Information Requested

The information requested under this ICR is prescribed by 40 CFR 51.908 (attainment demonstration), 51.910 (RFP SIP Submission), and 51.912 (RACT SIP Submission). The implementation framework set forth in the regulation does not adopt a “one-size-fits all” approach to meeting the attainment demonstration or RFP and RACT SIP submissions. This additional flexibility enables the states to customize, to the extent allowed by the Clean Air Act, their approach to attaining and maintaining the 8-hour Ozone NAAQS.

Data Items. The emissions and control efficiency data required for the attainment demonstration, RFP SIP submission, and RACT SIP submission should have been collected as a result of reporting activities required by other OMB approved ICRs. For example, see the ICR associated with the Consolidated Emissions Reporting Rule: <http://www.epa.gov/ttn/chief/cerr/index.html>. In addition, air pollutant concentration data is covered already by ICR 0940-22, OMB Control Number 2060-0084; the New Source Review provisions are covered by ICR 1230.23, OMB Control Number 2060-003; and the Reformulated Gasoline Requirements are covered ICR 1951.24, OMB Control Number 2060-0277.

There may be other data that the states use. For example, states may identify economic and population growth rates, federal rules that reduce future emissions of ozone precursors, and meteorological data. These data are presently available.

Respondents’ Activities. The states have compiled data, set forth the methodology, conducted analyses, developed initial drafts, held hearings, adopted rules, regulations, and programs, had discussions with EPA staff as appropriate, refined the draft demonstration and RFP and RACT SIP submissions as appropriate, adopted the SIP, and forwarded to EPA. These submitted data and activities have informed EPA’s designations for this renewal ICR.

Agency Activities. EPA staff in the regional offices may facilitate timely receipt of the attainment demonstration, RFP SIP submission, and RACT submission by reviewing materials and answering questions from the states regarding: requirements, potential data sources, analysis tools, the draft attainment demonstration and other submissions. The EPA Regional Offices will evaluate the SIP submissions and take rulemaking actions to approve or disapprove the SIP revisions.

EPA headquarters staff will facilitate information flow amongst the regions and states to foster timely attainment of acceptable demonstrations and SIP submissions.

Reporting Protocols. The dates for the submissions are set forth in the final implementation rule (40 CFR 51.508, 51.910, and 51.912).

5.0 The Information Collected—Agency Activities, Collection Methodology, and Information Management

5(a) States, EPA Regional Offices, and EPA Headquarters Offices

States: The states agencies' activities include⁶:

- Forecast baseline emissions, develop and evaluate emission reduction strategies where warranted, conduct air quality modeling to verify maintenance and attainment of the 8-hour Ozone NAAQS
- Calculate the emission reductions necessary to fulfill RFP requirement, determine creditable emission reductions, where necessary determine additional emission reductions and compliance timing to meet RFP requirement. Draft findings, hold state hearings, make revisions as warranted. Submit RFP SIP to EPA Regional office. Have discussions with EPA.
- Identify RACT applicable sources and their control measures under baseline and attainment conditions; and evaluate alternatives. Draft findings, hold state hearings, make revisions as warranted. Submit RACT SIP to EPA Regional Office. Have discussions with EPA.

EPA Regional Offices. The regional office activities include:

- Answering inquiries put forth by the states.
- Reviewing data, analysis, and findings of attainment demonstration, RFP SIP and RACT SIP.
- Rulemaking actions approving or disapproving the SIP submissions

EPA Headquarters. The EPA headquarters office activities include:

- Facilitating information flow and problem solving amongst the regions regarding demonstrations and submittals from the states
- Answering questions regarding application and interpretation of salient rule provisions.

5(b) Collection Methodology and Management

The attainment demonstration and the RFP and RACT SIP submittals will set forth the data sources and analytical methods, as well as the emission reduction and air quality improvement verification procedures.

5(c) Small Entity Flexibility

For an approved ICR, the Agency must demonstrate that it has taken all practical steps to develop separate and simplified requirements for small businesses and other small entities. See 5 CFR 1320.6(h). The 8-hour Ozone NAAQS implementation regulation does not provide a direct administrative burden on small entities.

⁶ In some instances, there are local air pollution control districts within the states. These local agencies work in partnership with the states to facilitate accomplishment of the activities noted below.

5(d) Collection Schedule

During the period from August 1, 2010 through July 31, 2013, there are three sets of scheduled deliverables: attainment demonstration; RFP SIP submission; and RACT SIP submission.

Attainment Demonstration. The demonstration submission date is June 15, 2010 for Subpart 2 designated non-attainment areas which are classified as moderate and above and for Former Subpart 1 areas that have been redesignated as either marginal and had not yet attained by the June 15, 2007 deadline, or as moderate.

RFP SIP Submission. The RFP SIP submission date is June 15, 2013 for former Subpart 1 re-designated as moderate. However, Subpart 1 areas that demonstrate attainment as expeditiously as practicable but no more than 5 years following designation meet RFP. Subpart 2 designated non-attainment areas which are classified as moderate or above, have June 15, 2013 as their RFP SIP submission date.

RACT SIP Submission. For Former Subpart 1 designated non-attainment areas which demonstrate attainment as expeditiously as practicable, but no later than 5 years following designation, RACT is met. For Former Subpart 1 areas having an attainment date of more than 5 years, the RACT SIP submission date is June 15, 2010. For Subpart 2 designated non-attainment areas which are classified as moderate or above, the RACT SIP submission date is September 15, 2010.

6. Estimating the Burden of the Collection

This section provides information on the cost and hours associated with the information collection for both the respondents (the affected states) and the Agency (regional and headquarters offices). Hours and costs are presented for the activities associated with each collection item for a non-attainment area (or segment) in a given state, as well as the equivalent annual and present value numbers.

6(a) Estimating Respondent Burden

The estimated respondent burden is that associated with the activities which result in the attainment demonstration, RFP SIP submission, and RACT SIP submission.

The estimated burden is incremental to that required by other EPA environmental reporting obligations. The incremental burden for some areas may be less than for others. There are several reasons for this disparity.

- The severity of the non-attainment problem varies among the designated areas.
- Certain areas or parts of areas may already have developed and implemented RACT requirements.

- Some areas may have future predicted 8-hour ozone design values which demonstrate attainment in expeditious and practicable fashion, within 5 years of designation, under baseline conditions.
- Some areas may fulfill the RFP requirement as a result of creditable emission reductions resulting from federal rules that reduce ozone precursor emissions.

Non-attainment Areas. The Subpart 1 non-attainment areas definition was vacated in 2007 after the publication of the 8-hour ozone NAAQS. Reclassifications of these areas were proposed and published in the Federal Register on January 16, 2009 (74 FR 2936). As of this ICR, six of the former Subpart 1 areas have submitted redesignation requests and two areas have published clean data sets and are in attainment.

There are 36 Subpart 2 and Former Subpart 1 areas. As a starting point for developing burden estimates, the Agency looked at the total hours expended in related EPA level of effort work assignments, exclusive of the air quality modeling. The total was about 300 hours in level of technical effort for areas that plan to redesignate before the 2010 redesignations, 500 hours in technical effort for Former Subpart 1 areas where the SIPs must be corrected for new classification,⁷ 300 hours for SIP corrections after 1-year attainment date extensions have been granted, and 1000 hours for SIP corrections by moderate or above non-attaining areas and areas whose original designation had been escalated. The potential scope of that effort was geographically broad including all non-attainment areas outside AZ, CA, and NV. Examples of the specific scope of the effort included:

- Design of lower cost control strategies
- Examination of alternative emission reduction targets and geographic areas (e.g., staying in state but going up to 100km for VOC emissions reductions and up to 200km for NO_x emission reductions for some non-attainment areas)
- Assessment of RFP requirements for certain non-attainment areas
- Assessment of RACT if there was not a previous requirement
- Differences in cost, emission reductions, economic, and energy impacts looking at alternative frameworks for Phases 1 and 2 of the Implementation Rule.

Most of these areas have met previous RACT requirements. Also, many of these areas had RFP plans in place for the 1-hour Ozone NAAQS. Furthermore, for some of these areas, the RFP requirement is met or reduced because of creditable emission reductions resulting from federal rules reducing emissions of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x). These activities are related to but do not precisely mimic the incremental activities undertaken by a state to fulfill the attainment demonstration including the reasonably available control measure analysis as well as the RACT SIP, and RFP SIP submissions for a given non-attainment area.

Most of this estimated burden would be incurred in the first year. This is because of the overlap of emission reductions associated with the attainment demonstration, RACT requirements and the RFP requirements. For example, emission reductions resulting from RACT may be creditable toward attainment and RFP. Furthermore, for areas which are projected to

⁷ EPA Contract No. 68-D-00-283; Work Assignments 3-53 and 4-66.

meet the standard by 2010, that demonstration fulfills the RACT and RFP requirements. The presumed allocation of total incremental burden across time is 50% in year 1, 25% in year 2, and 25% in year 3. The estimated incremental burden for the non-attainment areas is presented in Table 3.

Seventeen of these areas intend to redesignate before the 2010 designations are final, and thus an estimated amount of incremental burden for these areas is 300 hours per state. Eight areas must correct their SIPs after a new classification was granted and 500 hours per state has been allocated per state. Four areas must correct their SIPs after a one-year attainment date extension has been given, and an estimated burden of 300 hours per state has been allocated to these areas as well. Finally, seven areas are required to correct their SIPs for moderate areas that have since been redesignated at a higher nonattainment level (such as serious, severe-15, etc.).

Table 3. Estimated Incremental Burden for the States Attainment Demonstration, RACT SIP Submission, and RFP SIP Submission.

State	EPA Region	No. of Areas or Parts of Areas	Additional Hours Year 1	Additional Hours Year 2	Additional Hours Year 3
Arizona	9	1	150	75	75
California	9	13	4,550	2,275	2,275
Colorado	8	1	150	75	75
Connecticut	1	2	300	150	150
Delaware	3	1	150	75	75
District of Columbia	3	1	150	75	75
Georgia	4	1	500	250	250
Illinois	5	1	150	75	75
Louisiana	6	1	150	75	75
Maryland	3	3	450	225	225
Massachusetts	1	1	300	150	150
Michigan	5	1	150	75	75
Missouri	7	1	150	75	75
Nevada	9	1	250	125	125
New Jersey	2	2	300	150	150
New York	2	1	750	375	375
North Carolina	4	1	150	75	75
Pennsylvania	3	2	300	150	150
South Carolina	4	1	150	75	75
Texas	6	2	650	325	325
Virginia	3	1	150	75	75
Total	N/A	39	10,000	5,000	5,000

6(b) Estimating Respondent Cost

Labor costs are estimated for state governments using the total of projected additional hours for the Former Subpart 1 and Subpart 2 areas. These estimates do not reflect staff experience and economies of scale. The hourly rates are the result of estimated directed and indirect cost per employee. The main source of the information is <http://www.opm.gov/oca/payrates/index.htm>

The estimated weighted direct salary cost per employee is \$41.20 per hour. This results from a summation of the professional, managerial, and support staff components.

- Hourly equivalent 2009 Salary of Permanent Professional Staff at GS 11, Step 3 is \$33.34. This is the average of hourly equivalent rates for the San Francisco, CA and Washington, D.C. areas.
- To account for permanent managerial staff, 1/11 or 9% of the hourly rate for GS 13, Step 3 is added to the professional staff hourly rates. The average hourly equivalent rate for GS-13 using rates for San Francisco, CA and Washington, D.C. is \$47.51. Nine percent of that is \$4.32.
- To account for permanent support staff at GS-6, Step 6, 1/8 or 16% of the hourly rate is added to the professional staff hourly rates. The average hourly equivalent rate for GS-6, Step 6 using rates for San Francisco, CA and Washington, D.C. is \$22.17. Sixteen percent of that is \$3.55.

The estimated hourly indirect cost per employee is \$23.90. This amount is the sum of the following:

- Benefits at 16% of the weighted direct hourly equivalent salary cost per employee or \$6.59.
- Sick and annual leave at 10% of the weighted direct hourly equivalent salary cost per employee or \$4.12.
- General overhead at 32% of the weighed direct hourly equivalent salary cost per employee or \$13.18.

The estimated total weighted direct and indirect hourly equivalent salary cost per employee is \$65.10. The estimated total incremental respondent burden for the attainment demonstration, RACT SIP submittal, and RFP SIP submittal is provided in Table 4.

Table 4. Estimated Total Incremental Cost and Hour Burden for the States (Respondents) to Fulfill the Attainment Demonstration, RACT SIP Submittal, and RFP SIP Submittal Requirements.

Areas	<u>Additional Cost for Year 1</u>	<u>Additional Cost for Year 2</u>	<u>Additional Cost for Year 3</u>	<u>Burden for the 3 year ICR period</u>
Former Subpart 1 areas	\$198,555	\$99,277	\$ 99,277	6,100 hours
Subpart 2 areas	\$452,445	\$226,223	\$226,223	13,900 hours
Total	\$651,000	\$325,500	\$325,500	20,000 hours

6(c) Estimating Agency Burden and Cost

The estimated agency burden is derived from the estimates for the respondents. Draft estimates were developed by the headquarters staff with review by regional office staff and subsequent refinement of the Agency burden and cost estimates.

The respondent burden was summed by EPA regional offices and a percentage was applied to the yearly burden estimate to reflect the actions taken on the part of the regional

offices. Once yearly burdens were estimated for the Agency’s Regional Offices, a percentage of those amounts are specified to derive estimates for the Agency’s Headquarters Office Burdens. Discussions were held with Regional Office and Headquarters staff regarding the percentages and resulting burden estimates.

Agency Regional Office Burden. Table 5 summarizes total incremental respondent burden by Regional Office and provides estimates of total incremental Agency Regional Office burden. The summary of total incremental respondent burden comes from Tables 3 and 4. The Agency Regional Office burden is presumed to be 10% of the estimated total incremental burden for respondent by EPA Regional Office. The total incremental burden allocation for the Agency Regional Offices in Table 5 is 50% in year 1, 25% in year 2, and 25% in year 3.

In discussions with Agency Regional Office staff, they indicated that the total incremental burden estimates were ballpark. However, some regional office staff felt that a more reasonable allocation of total incremental Agency Regional Office burden would be 37.5% in year 1, 37.5% in year 2, and 25% in year 3. If that allocation were used, the corresponding Agency Regional Office burden estimates in years 1, 2, and 3 would be 750; 750; and, 500 respectively.

Table 5. Estimated Agency Regional Office Burden Derived by Taking 10% of Regional Respondent Burden Total for Years 1, 2, and 3

<u>EPA Regional Office</u>	<u>Year 1 Respondents’ Burden</u>	<u>Year 1 Agency Reg. Office Burden</u>	<u>Year 2 Agency Reg. Office Burden</u>	<u>Year 3 Agency Reg. Office Burden</u>
1	1,200	60	30	30
2	2,100	105	52.5	52.5
3	2,400	120	60	60
4	1,600	80	40	40
5	600	30	15	15
6	1,600	80	40	40
7	300	15	7.5	7.5
8	300	15	7.5	7.5
9	9,900	495	247.5	247.5
Total	20,000	1,000	500	500

Agency Headquarters Burden. The Regional Office burden estimates for years 1, 2, and 3 are multiplied by 10% to arrive at an estimate for Headquarters burden for the same 3 years. Resulting hours for years 1, 2, and 3 are 100, 50, and 50, respectively.

Total Incremental Burden for the Agency. The regional and headquarters office burden estimate for year 1 is 1,100 hours. The estimates for years 2 and 3 are 550 hours each year.

Total Cost for the Agency. Using the weighted direct and indirect salary equivalent hour rate derived in section 6(b), the total incremental burden hours are multiplied by that rate. The result is the total cost estimate for the Agency; see Table 6.

Table 6. Total Cost Estimate for the Agency

Entity	Year 1	Year 2	Year 3
Regional Office	\$65,100	\$32,550	\$32,550
Headquarters Office	\$6,510	\$3,255	\$3,255
Total Agency Cost	\$ 71,610	\$ 35,805	\$ 35,805

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

Title I of the Clean Air Act of 1990 provided a classification system for 1-hour Ozone NAAQS non-attainment areas along with prescribed programs and measures for those areas. In essence, there was no incremental administrative burden associated with the implementation of the 1-hour standard associated with discretionary action on the part of the Agency. However, with the promulgation of the 8-hour Ozone NAAQS, the non-attainment designations, and the finalization of Phases 1 and 2 of the Ozone Implementation rule, the Office of Management and Budget believed there were there were additional administrative burdens by the Agency. This ICR attempts to develop estimates of the incremental burden resulting from the transition from a 1-hour to an 8-hour form of the standard.

The major set of respondents is the states, as they have over 90% of the estimated additional burden. There is also burden imposed on the Regional and Headquarters Offices of the Agency. Because of the overlap in work for the attainment demonstration, RACT SIP submittal, and RFP SIP submittal, most of the cost will be incurred in year 1 of the 3 year period covered by this ICR. In the Agency's roles as facilitator, compiler, reviewer, and preparer, the estimated burden for the Agency is also expected to be greater in the 1st year than in the 2nd or 3rd years.

The total incremental respondent universe burden and cost estimates are presented in Table 7.

Table 7. Total Incremental Respondent & Agency Universe Burden and Cost Estimates

Entity	Average Yearly Burden	3-Year Burden Hours	Present Value of Costs for 3-Year Burden
States	6,667	20,000	\$1.4 million
Agency	733	2,200	\$ 0.16 million
Total	7,400	22,200	\$1.6 million

*The estimates are in current year (2009) dollars. Costs for years 2 and 3 are calculated using the equation Present Value = Future Value/ (1 + interest rate)^t, where "t" is the number of years hence (i.e., 0 for year 1, 1 for year 2, 2 for year 3). The adjusted values for years 1, 2, and 3 are then summed.

6(e) Reason for Change in Burden

We are requesting a decrease in burden of 278,666 hours due to the following factors:

- The number of non-attainment areas has decreased as areas have come into compliance with the standards
- The burden associated with the remaining non-attainment areas is less because of the work they have done previously to comply with the standards.

The estimates have been calculated using 2009 dollars and some assumptions regarding overhead, O&M costs, and capital costs have been adjusted to meet current guidelines and common procedures for preparing ICRs.

6(f) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 171 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. However, as stated in the November 29, 2005 Federal Register Notice for the 8-hour Ozone Implementation Rule on page 71,693, "... the failure to have an approved ICR for this rule does not affect the statutory obligation for the States to submit SIPs as required under part D of the CAA." 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-2003-0079, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, 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 is (202) 566-1742. An electronic version of the public docket is available at 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-2003-0079 and OMB Control Number 2060-0594 in any correspondence.

PART B

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