

**Information Collection Request
For the Revisions to 40 CFR Parts 72 & 75
Supporting Statement**

1.0 Identification of the Information Collection

1.1 Title of the Information Collection

Revisions to the Emissions Monitoring Rule under the Acid Rain Program, NO_x Budget Trading Program, Clean Air Interstate Programs, Transport Rule Program; Amendments to the Protocol Gas Verification Program and the Minimum Competency Requirements for Air Emission Testing, EPA ICR Number 2203.0, OMB Control Number 2060-0626

1.2 Background

Title IV of the Clean Air Act Amendments of 1990 (the Acid Rain Title) established goals to reduce annual emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x), and placed a national cap on SO₂ emissions beginning in the year 2000. To ensure compliance with the emissions reduction requirements and to provide the national consistency needed to foster the allowance market, Sections 408 and 412 of Title IV require the designated representative of the owners and operators of each affected acid rain source to obtain an operating permit for the affected source and to certify that an approved emissions monitoring system has been installed and is properly operated at each affected unit's source of emissions. In addition, under a Federal NO_x Budget Trading Program developed in conjunction with ozone attainment efforts in the eastern United States, many additional sources also had to meet similar requirements as part of a regional emissions trading program. In May 2005, EPA promulgated the Clean Air Interstate Rule (CAIR), which has broadened the trading program concept to additional sources. CAIR was subsequently remanded by the D.C. Circuit in North Carolina (531 F.3d 896), and modified on rehearing, (550 F.3d. 1176). The Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Transport Rule) was finalized in August 2011, effectively ending CAIR at the end of 2011, with the Transport Rule Program beginning in 2012.

Emissions monitoring and reporting is the foundation upon which these allowance trading systems are based. Without accurate monitoring and reporting of emissions, the integrity of the allowance system would be undermined, and there would be no assurance that emissions had been reduced.

The legislative requirements in Title IV require all affected Phase I and Phase II sources to install SO₂ and NO_x CEM systems, opacity monitors (COMS), and flow monitors (or approved alternatives). Affected gas- and oil-fired units may elect to use approved alternative monitoring methods that involve fuel flowmeters and fuel sulfur sampling and analysis. In addition, peaking units that burn natural gas and/or fuel oil may use an excepted method for calculating NO_x emission rates. Finally, EPA allows certain low mass emissions (LME) units to use assumed emission factors together with operational data to calculate emissions. EPA has followed similar requirements for new emissions trading programs.

Data handling or reporting is required by the law, but not specified. Under the promulgated regulations, however, EPA imposes data handling, reporting, and recordkeeping requirements. EPA requires that all affected units required to monitor and report emissions under these trading programs use a data acquisition and handling system (DAHS) to record and submit hourly data in an electronic format. Beginning in April 2009, electronic reporting is occurring in a recently developed XML format using EPA's Emissions Collection and Monitoring Plan System (ECMPS). The burden associated with most of the Part 75 requirements, including DAHS changes needed to use the ECMPS reporting approach, is currently included in the program-specific ICR for all affected sources.

The rulemaking covered by this ICR outlines new, revised reporting and recordkeeping requirements for facilities subject to Part 75. The final rule requires such facilities to follow requirements that assure that facilities properly use Air Emission Testing Bodies (AETBs) that meet certain standards and obtain EPA Protocol gas from vendors that participate in EPA's Protocol Gas Verification Program (PGVP). The PGVP program requires any participating EPA protocol gas production site to meet certain requirements and notify the Administrator of its intent to participate on an annual basis. Under the quality assurance and quality control requirements, Part 75 facilities must use AETBs that meet the revised requirements under Appendix A to Part 75, Section 6.1.2, which includes a specification that the requirements (e.g., qualification exams) of ASTM D7036-04 apply to RATAs, stack testing, and NO_x emission testing. These new requirements clarify the documentation needed for proof of compliance, including certification, quality assurance, and quality control record provisions. Some of these changes may in fact, reduce the burden for sources and AETBs by streamlining the process.

This ICR covers the specific elements and burden that will result from the new AETB requirements, including passing the Qualified Stack Test Individual (QSTI) competency exam and development of a QA manual by affected stack testing companies, and the new PGVP requirements including annual notifications and re-notifications that include the specialty gas company name; the name, e-mail address, and telephone number of a contact person for that specialty gas company; the name and address of each participating EPA Protocol gas production site owned or operated by the specialty gas company; and the name, email address and phone number of a contact person at each production site. This ICR also covers the burden associated with some minor changes to the recordkeeping and reporting requirements under Part 75. The cost incurred on affected sources (or respondents) will be in the form of increased fees charged by AETBs and vendors participating in the PGVP, which are expected to pass along the costs necessitated by the new requirements in the final rule as well as the burden associated with ensuring that the minor modifications to the requirements for reporting AETB and PGVP related information to EPA are met on an ongoing basis. This ICR also covers the one time Agency cost to implement the AETB and PGVP changes to EPA reporting software, along with a small increase in Agency burden to manage these programs and track compliance.

In addition to covering the increased fees and burden to Part 75 sources resulting from the revisions to AETB and PGVP requirements, this ICR also covers some additional reporting requirements. These include revisions to §§75.53, 75.58, and 75.59, that add various data elements that were inadvertently left out of the August 22, 2006 proposed rule and the January

24, 2008 final rule. These data elements have already been incorporated in the DAHS of Part 75 affected units and are required to ensure that EPA's new reporting software data requirements are consistent with the regulatory requirements.

1.3 Information to Be Collected

The existing requirements in 40 CFR Part 75 are mandatory for all sources subject to the Acid Rain Program under Title IV of the Clean Air Act, as well as certain other emissions trading programs administered by EPA. These requirements are covered by existing ICRs for the Acid Rain Program (ICR No. 1633.15, OMB Control Number 2060-0258), the Clean Air Interstate Rule (ICR 2152.03, OMB Control Number 2060-0570), and the Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Transport Rule) (ICR 2391.02, OMB Control Number 2060-0667). The information requirements in this ICR are based on revisions to the minimum competency requirements for air emission testing, and reflect the increase in costs to sources that need to pay for services provided by stack testers and stack testing companies. The final rule contains some minor reporting and recordkeeping provisions related to the AETB and PGVP requirements, and EPA assumes that there will be a small additional burden associated with these requirements. Thus, this ICR covers: (1) the incremental increase in testing costs that will be passed along to sources from air emission testing bodies (i.e., stack testers and stack testing companies) due to the increased burden resulting from revisions to the minimum competency requirements for these companies; (2) the incremental increase in the cost of EPA Protocol gas cylinders that will be passed along to sources from vendors participating in PGVP due to the increased burden resulting from revisions to the cylinder analysis, reporting and notification requirements for these companies; (3) the one time labor burden for sources to review the new requirements included in the rule; and (4) the increase in burden to Part 75 affected sources for complying with the modified recordkeeping and reporting requirements associated with the AETB and PGVP provisions.

Nearly all burdens associated with Part 72 and 75 requirements for the affected sources that report data, will remain covered by the underlying ICRs of the existing programs. The burden estimates under the existing program ICRs will be adjusted accordingly to reflect the additional burdens and costs summarized in this ICR when those existing program ICRs are updated. At that time, EPA will re-examine the overall reporting and recordkeeping burdens generally under Part 75 as revised by these AETB and PGVP-related requirements.

The annual respondent reporting burden for this collection of information is estimated to be 2,306 labor hours, which results in an associated annual cost of \$183,642 and reflects the small amount of time per year for respondents to review the updated rule requirements. In addition, there is an annual operations and maintenance-related cost to respondents of \$1,284,180 due to the expected increase in fees charged by AETBs and vendors participating in PGVP resulting from the additional requirements imposed by this final rule. As such, the total annual cost to respondents as a result of this final rule is estimated to be \$1,467,822.

2.0 Need For and Use of the Collection

This section describes EPA's need for the information collection described above and the legal authority for conducting collections. The users of collected information are also described.

2.1 Need/Authority for the Collection

Section 412(a) of Title IV requires the use of CEM systems (or alternative monitoring systems demonstrated to be equivalent) at each affected unit's source of emissions. Section 504(a) of Title V requires that the results of any required monitoring be submitted to the permitting authority no less often than every six months. The information collection is consistent with satisfying these minimum statutory requirements. EPA's model rules for implementation of CAIR (40 CFR part 96, subparts AA-end) impose comparable requirements.

Results of continuous emission monitoring system performance tests allow EPA to certify that monitors perform well enough to produce accurate emissions data. Emissions data is used to monitor compliance with emissions requirements under Title IV and other EPA trading programs, and to provide a basis for analyzing progress in meeting air quality objectives.

2.2 Practical Utility/Users of the Data

Data from emissions monitoring is indispensable to successful implementation of EPA trading programs. EPA can only monitor compliance with and enforce these trading programs by having accurate emissions data for each affected unit.

Electric utilities, energy consultants, and power marketing companies can use the emissions data to project future allowance costs and availability. Academic institutions can perform data modeling to evaluate environmental benefits and estimate health effects of emissions reductions. EPA and other agencies use the data to try to correlate the reduction of SO₂ and NO_x emissions with a decrease in acid precipitation and ambient air quality pollutant levels, and also to measure the impacts of other existing and proposed emissions trading programs. The emissions data provide the accountability to allow these trading programs to function without more stringent command and control approaches.

3.0 Nonduplication, Consultations, and Other Collection Criteria

This section describes: (1) efforts by EPA to learn whether the information requested is available from other sources; (2) consultations with respondents and data users to plan collections, monitor their usefulness, and minimize the collection burden; (3) effects of less frequent collections; and (4) any issues related to confidentiality.

3.1 Nonduplication

All information requested from respondents under this ICR is required by statute and/or regulation, and the majority of the associated burden and costs of complying are covered by existing ICRs. This ICR covers the need for respondents to review the revisions to Part 75 and update their recordkeeping and reporting procedures necessitated by changes in the AETB and PGVP requirements and to pay for any increase in testing fees or cylinder costs that result from those requirements.

3.2 Consultations

As part of the ECMPS project, EPA has met with many stakeholders and received input on the changes under consideration and the timetable for action. Stakeholder input is already reflected within the Part 75 rule revisions that add simple recordkeeping requirements to allow EPA to verify that: 1) Part 75 affected units are using Qualified Individuals and AETBs that meet the rule requirements; and 2) Part 75 affected units are using gas cylinders from EPA Protocol gas production sites that are participating in the PGVP. In addition, EPA contacted two stack testing companies and two gas supply companies to obtain information on the potential increase in fees and cylinder costs. The feedback received from these consultations was incorporated into the estimates for burden and cost.

3.3 Effects of Less Frequent Collection

The general schedule for submissions is established in the underlying emissions trading programs. The minimal data elements imposed by these rule revisions are consistent with the process established and implemented generally for all other Part 75 recordkeeping and reporting elements and enables sources to build these minimal requirements into their basic Part 75 reporting process.

3.4 Confidentiality and Sensitive Questions

Information collected through this activity is not confidential or of a sensitive nature.

4.0 The Respondents and the Information Requested

This section lists the major categories of businesses that participate in EPA-administered emissions trading programs, the data items requested from program participants, and the activities in which the participants must engage to assemble or submit the required data items.

4.1 Respondents/NAICS Codes

Entities regulated by this action primarily are fossil fuel-fired boilers, turbines, and combined cycle units that serve generators that produce electricity, generate steam, or cogenerate electricity and steam. Although for the Acid Rain Program, Part 75 primarily regulates the electric utility industry, certain state and Federal NO_x mass emission trading programs rely on

Subpart H of Part 75, and those programs may include industrial boilers, turbines, and combined cycle units, and certain process units from other industries (such as refinery process heaters or cement kilns).

4.2 Information Requested

This section lists the data items requested from affected sources for the collection described in this ICR. This section also defines the activities in which respondents must engage to assemble, submit, or store these data items.

4.2.1 Data Items, Including Recordkeeping Requirements

There are a small number of new data items requested from respondents under the final rule. These include revisions to §§75.53, 75.58, and 75.59, that add various data elements that were inadvertently left out of the August 22, 2006 proposed rule and the January 24, 2008 final rule. These data elements have already been incorporated in the DAHS of Part 75 affected units and are required to ensure that EPA's new reporting software data requirements are consistent with the regulatory requirements. As such, the incremental changes to the recordkeeping and reporting requirements add only a small additional burden for sources. This ICR covers the small one-time burden associated with the respondents' review of the Part 75 revisions included in the final rule, the small annual burden associated with ensuring compliance with the additional recordkeeping and reporting requirements, and the marginal increase in fees charged by AETBs and vendors participating in the PGVP to respondents (i.e., the increase that can be attributed to the new testing competency requirements in the rule and the new cylinder analysis, reporting and notification requirements for PGVP vendors).

Emissions monitoring requirements specify that affected sources must: (1) submit a monitoring plan for each affected unit at a source; (2) submit data for certification of each monitor; and (3) record hourly operational, pollutant monitor, and flow monitor data for each affected unit and submit quarterly reports of their emissions data to EPA. Respondents are required by 40 CFR 75.64 to submit the quarterly emissions data electronically, by direct electronic submission to EPA, and must also include a certification statement by the designated representative of the unit. Under the 2002 rule revisions, EPA requires the certification statement to be submitted electronically unless it approves a hardcopy submission. All records are to be kept for three years.

4.2.2 Respondent Activities

The primary tasks that are performed by respondents to meet the emissions monitoring requirements are: (1) completing and submitting appropriate monitoring plan forms for each affected source and each affected unit at a source; (2) conducting tests to certify the operation of monitors, and submitting test results to EPA; (3) recording hourly emissions data (this activity generally is performed electronically); (4) operation and maintenance activities associated with the monitoring, including quality assurance activities; (5) assuring data quality, preparing quarterly reports of emissions data and submitting these reports to EPA; and (6) responding to error messages generated by EPA as a part of automated data checks or electronic audits, or to

field audits conducted by EPA. In addition, respondents must purchase the necessary monitoring hardware (or pay for fuel sampling and analysis in some cases) and purchase the electronic data reporting software (or software upgrades).

This ICR covers the marginal increase in burden associated with respondents' review of the new requirements in the rule, the marginal increase in burden associated with ensuring compliance with the modified recordkeeping and reporting requirements (i.e., to report AETB and PGVP-related information along with other emissions data), and the marginal increase in fees imposed on respondents by AETBs and PGVP vendors as necessitated by changes in EPA's requirements for verification of AETB (including Qualified Individuals) and cylinder analysis, notification and re-notification from vendors participating in PGVP.

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

The first part of this section describes Agency (EPA) activities related to the acquisition, analysis, storage, and distribution of the information collected from designated representatives of affected sources that are required to submit monitoring and emissions data. The second part describes the information management techniques employed to increase the efficiency of collections. The third part discusses the burden or benefits of the collection activities described in this ICR to small entities. The last part outlines the schedule for collecting information.

5.1 Agency Activities

The major EPA activities related to emissions monitoring and reporting include: (1) reviewing monitoring plans and certification applications; and (2) processing, reviewing and evaluating reports of quarterly emissions data from affected units. These activities are covered by existing ICRs. This ICR includes the incremental additional burden associated with maintaining and updating the list of vendors that participate in the PGVP, annually posting cylinder analysis results, reviewing the reported EPA Protocol gas production sites, and credentials of Qualified Individuals associated with an AETB. EPA staff will maintain a list of participating PGVP vendors (and will update that list on an as-needed, ongoing basis) on EPA's website.

In addition to the annual costs above EPA, will incur a one-time upfront cost associated with the modification of the agency reporting software to accommodate and validate the new AETB and PGVP data elements.

5.2 Collection Methodology and Management

To ensure consistency nationwide and to expedite (1) data entry, (2) the allocation of allowances, and (3) permit issuance, EPA requires that standard reporting forms or equivalent formats or standard electronic reporting formats be used to submit all information to be collected under this ICR. In 2008, EPA made revisions to Part 75 monitoring, recordkeeping, and reporting requirements to accord with the fundamental changes in EPA's data systems, which are

designed to unify and simplify data reporting, as well as to provide flexibility to respondents. EPA also has established the Clean Air Markets Home Page on the Internet, which includes detailed information collected from emissions reports. Those without access to the Internet may use the Acid Rain Hotline to request information. EPA will maintain a current list of PGVP vendors that is posted and maintained on EPA's website. Sources may use this list to ensure that they are purchasing EPA Protocol gas cylinders from a participating vendor.

5.3 Small Entity Flexibility

For purposes of this ICR, a small entity is defined as: (1) A small business as defined by the SBA's regulations at [13 CFR 121.201](#); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. In determining whether a rule has a significant economic impact on small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analysis is to identify and address regulatory alternatives "which minimize any significant economic impact of the rule on small entities." [5 U.S.C. 603](#) and [604](#). Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the small entities can pass through costs to their customers or rate payers, if the rule generally does not regulate small entities, or the rule relieves regulatory burden or otherwise generally has a positive economic effect on all of the small entities subject to the rule.

The marginal increase in burden that is estimated in this ICR will not have a significant economic impact on a substantial number of small entities. Nearly all affected sources are large electric generating facilities that will face an incremental increase in cost associated with very small increases in the testing fees charged by AETBs and PGVP vendors. For AETBs, the main costs to comply with the ASTM D7036-04 standard are associated with taking a qualified stack test individual competency exam, and developing or revising a quality assurance manual. PGVP vendors will be required to have a small number of their cylinders analyzed each year, and provide annual notification to EPA staff with basic information on their facility and other information relevant to the PGVP. The costs will be passed through to the customers, which are generally Part 75 affected sources, including large electric utility and industrial companies.

5.4 Collection Schedule

Under Part 75, monitoring plans must be submitted initially, and at subsequent intervals if elements of the monitoring plan change over time. Quarterly reports are due for each quarter during the life of this information collection request. In addition, Part 75 provides for notifications to the Agency for semi-annual or annual quality assurance testing and for situations where a unit will have a revised certification deadline (for example, notifications of unit start-up for new units). This collection schedule is provided for under existing ICRs. The minimal AETB and PGVP-related reporting elements as well as the small number of additional reporting elements in the final rule are included within this basic Part 75 reporting framework so that sources can adapt their reports to add these minimal elements easily into their existing processes.

6.0 Estimating the Burden and Cost of Collections

This section estimates the annual paperwork burden and cost to sources for adapting their recordkeeping and reporting systems to the revised requirements. The information requirements in this ICR are based on the revisions to the AETB and PGVP requirements as well as the minor additions to required reporting data elements. The estimates in this ICR reflect the increase in burden to the AETBs and PGVP vendors that will be necessitated by these new requirements and passed on to Part 75 sources in the form of increased testing fees (i.e., for using AETB's that meet ASTM D7036-04) and increased costs associated with EPA Protocol gas purchases. In addition, the estimates in this ICR reflect a small burden to Part 75 sources for a one-time rule review and an incremental increase in the annual burden associated with minor modifications to the recordkeeping and reporting requirements (i.e., for tracking AETB and PGVP-related information and data).

6.1 Estimating Respondent Burden

The primary tasks performed by AETBs as a result of the final rule are to comply with the ASTM D7036-04, which includes: (1) taking a qualified stack test individual competency exam; and (2) developing or revising a quality assurance manual. The primary tasks performed by vendors participating in EPA's PGVP as a result of the final rule are to have a small number of their cylinders analyzed with results reported to EPA, and provide an annual notification to EPA. Although AETBs and PGVP vendors are not considered to be respondents to which the ICR requirements apply, the resulting increase in costs to comply with these requirements will be passed on to Part 75 sources in the form of increased fees.

For affected sources, the final rule contains some minor reporting and recordkeeping provisions related to the AETB and PGVP requirements and also requires a small number of other additional data elements to be reported. For the AETB-related requirements, sources need to record and report the following information as provided by the AETB in electronic and hardcopy format: the name, telephone number and e-mail address associated with the AETB and the name of the on-site Qualified Individual. Also, for the reference method(s) that were performed, sources need to report the date that the Qualified Individual has passed the relevant qualification exam(s) required by ASTM D 7036-04; and the name and email address of the qualification exam provider; and certificate of accreditation or interim accreditation for the relevant test method issued by a recognized national accreditation body or a letter of certification for the relevant test methods signed by a member of the senior management staff of the AETB (recordkeeping only in electronic or hardcopy format). For the PGVP-related reporting requirements, sources need to report certain information for the mid- or high-level EPA Protocol gas (as applicable) that is used for daily calibration error tests, the low-, mid-, and high-level gases used for quarterly linearity checks (the information required (see (1) through (5) below) is reported for each gas monitor and for both low and high measurement ranges), and the EPA protocol gases used during RATA performance tests. Note that for O₂, instead of reporting this information, if purified air is used as the high-level gas for daily calibrations or linearity checks, sources need to record the following information for the low- and mid-level EPA Protocol gas used for linearity checks:

- (1) Gas level code;
- (2) A code for the type of EPA Protocol gas used;
- (3) The PGVP vendor ID issued by EPA for the EPA Protocol gas production site that supplied the EPA Protocol gas cylinder;
- (4) The expiration date for the EPA Protocol gas cylinder; and
- (5) The cylinder number.

Since the procedures and systems allowing for these data to be reported are already in place and being used, EPA has assumed that the burden associated with these additional reporting requirements are relatively small. As EPA renews the underlying ICRs for Part 75 [i.e., the Acid Rain Program (ICR No. 1633.15, OMB Control Number 2060-0258), and the Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Transport Rule) (ICR 2391.02, OMB Control Number 2060-0667)], EPA will reevaluate the burden associated with these reporting activities in conjunction with reviewing the estimated burdens for all other aspects of Part 75 recordkeeping and reporting.

6.2 Estimating Respondent Costs

The annual respondent costs will consist of: 1) the costs associated with a small labor burden for sources to review the new requirements included in the final rule and comply with the modified reporting requirements; and 2) the marginal increase in fees resulting from the new AETB and PGVP requirements. To estimate labor costs, EPA used the Bureau of Labor Statistics' (BLS) National Industry-specific Occupational Wage Estimates (May 2010) for the Engine and Turbines Industry under Standard Industrial Classification (SIC) code 351 and increased by a factor of 1.6 to account for benefits and overhead. A reference between the applicable SIC and NAICS codes used to update hourly rates for this ICR is available on the BLS website at: http://www.bls.gov/oes/current/oes_stru.htm#17-0000. The mean hourly rate of \$81.51 used for this ICR is based on an even split between the following two labor categories: Mechanical Engineers (SOC Code 17-2141) of \$39.65 (\$63.44 when increased by a factor of 1.6) and Lawyers (SOC Code 23-1011) of \$62.23 (\$99.57 when increased by a factor of 1.6).

6.3 Estimating Agency Burden and Costs

EPA estimates that there will be an incremental additional burden associated with maintaining and updating the list of vendors that participate in the PGVP, and associated with reviewing the reported credentials of Qualified Individuals associated with an AETB. EPA will:

1. Review PGVP applications, post the PGVP participants on Agency web sites, and make adjustments as needed;
2. Review and post cylinder analysis results; and
3. Develop and implement annual work assignments for obtaining cylinders for auditing purposes.

4. One time update to the Agency reporting software.

EPA estimates that one staff person will need to spend a total of 100 hours per year to complete these tasks. In addition, there will be a one-time burden of 600 hours associated with software programming that will be necessary to ensure that each Part 75 stack test has basic information for the corresponding AETB and Qualified Individual. EPA estimates a burden of 40 hours per year to review and resolve any issues or problems associated with ensuring that the AETB and Qualified Individual information is both accurate and current.

Government cost is based on GS-13 salary for professional engineers (\$44.65/hr), adjusted by a factor of 1.6 to account for government benefits, resulting in a final rate of \$71.44/hr. The hourly rate was obtained from the U.S. Office of Personnel Management, "Salary Table 2011-GS" (http://www.opm.gov/oca/11tables/html/gs_h.asp). Agency time is estimated for managing the PGVP (which encompass all four activities listed above) in Table 1 below. Note that there are no capital or operation and maintenance costs associated with the Agency burden.

Table 1
Agency Burden and Cost

Information Collection Activity	Number of Responses	Labor Cost Per Response (\$71.44/hr)	Hours Per Response	Total Hours Per Year	Total Cost Per Year
Manage PGVP	50	\$142.88	2	100	\$7,144
Software Programming for AETB	1	\$14,288.00	200	200	\$14,288
Quality Assurance for AETB Information	5	\$571.52	8	40	\$2,858
TOTAL				340	\$24,290

6.4 Estimating the Respondent Universe and Total Burden and Costs

EPA used a combination of the existing Acid Rain Program (ICR No. 1633.15, OMB Control Number 2060-0258), the Clean Air Interstate Rule (ICR 2152.03, OMB Control Number 2060-0570), and Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Transport Rule) (ICR 2391.02, OMB Control Number 2060-0667) to estimate the total number of respondents, labor costs, and O&M costs to determine impacts of the rule. It should be noted that in preparation of this ICR the EPA confirmed estimates of the time required to comply with reporting requirements, taking into account respondents' adoption

of flexible measure and electronic reporting tools. Based on these previously established numbers EPA estimates that there are total of 1,537 facilities that will be respondents affected by the requirements of the rule. This includes facilities affected by both ARP, CAIR, and the Transport Rule. Each of these respondents will be subject to a total one-time burden of three hours (i.e., one hour per year during the time period covered by this ICR) to review the rule requirements as well as an annual burden of one-half hour to ensure compliance with the modified recordkeeping and reporting requirements (as described in Section 6.1 above) at mean hourly labor cost of \$81.51, which results in a total annual cost of \$183,642 (See Table 2 below).

Table 2
Burden Cost to Respondents

Information Collection Activity	Mean Hourly Rate	Hours per Activity/ Year	Number of Respondents (Facilities)	Respondent Hours/Year	Total Labor Cost per Year
ARP Respondents One Time Rule Review	\$81.51	1	1,249	1,249	\$101,806
ARP Respondents Compliance with Modified Reporting Requirements	\$81.51	0.5	1,249	625	\$50,903
CAIR Respondents One Time Rule Review					
• Non ARP NBP ^[1] Sources in PM/O ₃ and PM Only States (Facilities)	\$81.51	1	138	138	\$11,248
• Non ARP non-NBP Sources in PM/O ₃ and PM Only States (Facilities)	\$81.51	1	104	104	\$8,477
• Non ARP NBP Sources in O ₃ Only States (Facilities)	\$81.51	1	10	10	\$815
• Non ARP non-NBP Sources in O ₃ Only States (Facilities)	\$81.51	1	1	1	\$82
CAIR Respondents Compliance with Modified Reporting Requirements					
• Non ARP NBP Sources in PM/O ₃ and PM Only States (Facilities)	\$81.51	0.5	138	69	\$5,624
• Non ARP non-NBP Sources in PM/O ₃ and PM Only States (Facilities)	\$81.51	0.5	104	52	\$4,239

^[1] Non ARP NBP Sources in PM/O₃ and PM Only States (Facilities)

Table 2
Burden Cost to Respondents

Information Collection Activity	Mean Hourly Rate	Hours per Activity/ Year	Number of Respondents (Facilities)	Respondent Hours/Year	Total Labor Cost per Year
• Non ARP NBP Sources in O ₃ Only States (Facilities)	\$81.51	0.5	10	5	\$408
• Non ARP non-NBP Sources in O ₃ Only States (Facilities)	\$81.51	0.5	1	1	\$41
Cont.					
Transport Rule Respondents One time Rule Review (Not Previously Affected by CAIR)					
Facilities not previously affected in Kansas, Minnesota, Nebraska, and Oklahoma	\$81.51	1	35	35	\$2,853
Transport Rule Respondents Compliance with Modified Reporting Requirements (Not Previously Affected by CAIR)					
Facilities not previously affected in Kansas, Minnesota, Nebraska, and Oklahoma	\$81.51	0.5	35	18	\$1,426
Total			1,537	2,306	\$183,642

In addition to the respondent burden associated with rule review and compliance with the modified reporting requirements, EPA estimated the burden associated with increased annual quality-assurance and maintenance for each unit. Based on information provided by stack testing firms, a conservative one percent increase was applied to the previously established annual O&M costs per unit at each respondent facility. This is based on the average stack testing industry costs of preparing a QA/QC manual (\$6,000), obtaining QSTI certification (\$1,200), and annual operating costs of maintaining the quality control system (\$5,000 – \$50,000 depending on size). The increased stack testing overhead costs translate into an increased performance test cost of \$68 to \$549 per RATA test depending on the size of the company. The increase cost per test drops even further if applied to all types of tests performed by typical stack testing companies.

The PGVP vendors that were contacted estimated an increased cost of two dollars or less per cylinder. This estimate was derived from correspondence with both large and small specialty gas companies, who based their estimates on the number of cylinders they sold per year and the following cost estimates. The estimate assumes that NIST analyzes 4 cylinders from each production site, and the total annual cost due to the PGVP would be approximately \$7,200 per production site. The \$7200 estimate includes cylinder analysis and report production by NIST (\$1,667/cylinder), average one-way shipping costs back to the production site (\$91/cylinder), and average rental (\$7/cylinder/month). The total cost of NIST analysis, report production, six months cylinder rental, and shipping back to the production site is approximately \$1,800 per cylinder.

EPA assumes that both the AETB and PGVP costs will be passed on to respondents. To

calculate increased O&M costs per respondent, EPA assumed an average six cylinders per year per unit at an increased cost of two dollars per cylinder which results in an overall increase of \$54,156 per year. As such, the QA testing and maintenance costs for units affected by ARP and CAIR along with the increased cylinder costs that are passed along to respondents by PGVP vendors, results in an estimated total annual cost of \$1,284,180 for Part 75 QA activities (see Table 3). Note that only the marginal increase in fees that can be attributed to the requirements for AETBs and PGVP vendors in the final rule were included in this estimate.

Table 3
Increased Annual QA and Maintenance Costs¹

Information Collection Activity	Previously Established Cont./O&M Cost	Increased Cont./O&M Cost per Respondent	Number of Respondents (Units)	Increased Total Cost/Year
ARP Perform QA Testing and Maintenance				
Model A (CEMS)	\$31,949	\$319	1,046	\$333,674
Model C (App D -- NO _x CEM)	\$17,818	\$178	2,107	\$375,046
Model D (App D and E)	\$1,843	\$19	438	\$8,322
Model E (LME)	\$1,991	\$20	145	\$2,900
One Time DAHS Upgrade ²		\$500	631	\$315,500
CAIR Perform QA Testing and Maintenance				
Solid Fuel: SO ₂ , NO _x , and Flow CEMS (units) PM and O ₃	\$31,200	\$312	102	\$31,824
Solid Fuel: SO ₂ , NO _x , and Flow CEMS (units) No PM	\$20,800	\$208	4	\$832
Gas-Oil: NO _x CEMS and App D (units)	\$17,400	\$174	521	\$90,654
-- Gas-Oil Peaking Units: App D, App E, or LME methods (units)	\$1,800	\$18	150	\$2,700
One Time DAHS Upgrade ³		\$500	126	\$63,000
Transport Rule Perform QA Testing and Maintenance				

¹ As discussed in text, no increased labor burdens; marginal O&M cost increases only.

² To calculate the number of units required to perform a DAHS upgrade, it was assumed that 80% of applicable CEMS units would be covered by an existing service contract and not subject to the annualized \$1500 fee. It is assumed that the newly affected units under the Transport Rule will not require a DAHS upgrade.

Solid Fuel: SO ₂ , NO _X , and Flow CEMS (units)	\$20,800	\$208	7	\$1,456
Gas-Oil: NO _X CEMS and Appendix D fuel monitoring (units)	\$17,400	\$174	17	\$2,958
Gas-Oil Peaking Units: Appendix D fuel sampling, Appendix E, or LME methods (units)	\$1,800	\$18	29	\$522
PGVP Increased Costs				
(\$2 per cylinder at an assumed average of 6 cylinders per year)		\$12	4,566	\$54,792
Total				\$1,284,180

6.5 Reasons for Change in Burden

The burden estimated in the preceding ICR (2203.02) included a one-time burden associated with reviewing the January 2008 Part 75 rule revisions, as well as the burden associated with DAHS upgrades and debugging. The one-time burden for reviewing the January 2008 Part 75 revisions in the rule no longer applies. As result of the removal of the 2008 Part 75 revisions review, the net burden change associated with ICR 2203.04 is a reduction of 122,670 hours and an increase of \$788,280. The overall increase in dollars is attributed to increased annual quality assurance and maintenance costs, while the large reduction in hours is attributable to the removal of the previous ICR's large rule reading burden.

This collection request reflects the additional one-time burden for Part 75 sources to review the AETB-related and PGVP-related requirements in the rule, the one time burden associated with the DAHS upgrade specifically required to support the new reporting requirements, the annual burden associated with complying with the modified reporting requirements, and the additional O&M costs that Part 75 sources will incur as a result of increased AETB and PGVP costs for Part 75 testing due to compliance with the revised requirements. EPA assumes that these costs may be passed along to Part 75 sources in the form of higher testing fees. This ICR also reflects the Agency burden associated with maintenance and quality assurance of the PGVP and AETB programs.

6.6 Burden Statement

The total annual respondent burden is estimated to be 2,306 hours, with total annual labor and O&M costs estimated to be \$1,467,822. This estimate includes the burden associated with the increase in fees from AETBs and PGVP vendors resulting from their compliance with the new requirements in the rule as well as the small labor burden for sources to review the new requirements and comply with the modified recordkeeping and reporting requirements. When the respondent burden is combined with the Agency burden, the overall burden and cost per year is estimated to be 2,646 hours and \$1,492,112 respectively.

Burden means the total time, effort, or financial resources expended by persons to

generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2009-0837, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. 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-2009-0837 and OMB Control Number 2060-0626 in any correspondence.

Appendix A Summary of Revisions in Final Rule

The Final Rule for Amendments to the Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing includes the following:

- Amended §72.2 by adding two new definitions, and updating others.
- Amended §72.13 and §75.6 by incorporating by reference a newer August 25, 1999 version of the EPA Traceability Protocol, and updating certain references.
- Revised §75.21(g) to clarify certain provisions and to require any EPA Protocol gas production site that participates in the PGVP to notify the Agency of its intent to participate. Program participants would need to notify EPA of their intent to participate on an annual basis. EPA would issue a vendor ID number to each participant, which would then be a required data element in each electronic quarterly report. EPA will maintain a list of participants and other program information on a website.
- Revised the recordkeeping and reporting requirements under §§75.59 and 75.64 to enable EPA to verify that Part 75 affected sources are using EPA Protocol gases from participating sites and to inform gas cylinder selection for the PGVP audits. The new electronic quarterly PGVP data elements in §75.64 would be reported on and after 180 days from publication of the rule in the Federal Register either prior to or concurrent with the submittal of the relevant quarterly electronic data report.
- Amended §6.5.10 of Appendix A to Part 75 to require that the EPA Protocol gases used when performing Methods 3A, 6C, or 7E must be from EPA Protocol gas production sites participating in the PGVP.
- Added simple recordkeeping requirements under §75.59, and reporting requirements under §75.63 and §75.64 to allow the Agency to verify that a Qualified Individual and an Air Emission Testing Body meet the applicable requirements (see Appendix B). Recordkeeping and reporting elements include the name, telephone number and email address of the Air Emission Testing Body and the on-site Qualified Individual.
- Amendment to Section 6.1.2 of Appendix A to clarify assumptions with respect to ensuring the validity of test data and to post the names of non-complying AETBs on Agency web sites. The new electronic quarterly AETB data elements in §75.64 would be reported on and after 365 days from publication of the rule in the Federal Register, either prior to or concurrent with the submittal of the relevant quarterly electronic data report.
- Removed specific references to mercury monitoring systems throughout Part 75.
- Clarified self certification and third party accreditation provisions to ensure AETBs comply with ASTM D 7036-04.

- Amended §75.4(d) to clarify the applicability provisions for units in long-term cold storage after having completed initial certification and amended §75.4(e) to ensure that all new ARP units are provided the same 90 operating day/180 calendar day flexible window of time to perform the necessary monitoring system testing when a new stack is constructed or add-on SO₂ or NO_x emission controls are installed.
- Amended §75.6 to add Section 3, Small Volume Provers, First Edition to the American Petroleum Institute (API) Manual of Petroleum Measurement Standards, Chapter 4 -- Proving Systems.
- Amended §§75.53, 75.58, and 75.59, by adding various data elements that were inadvertently left out of the August 22, 2006 proposed rule and the January 24, 2008 final rule. These data elements have already been incorporated in the data acquisition and handling systems of Part 75 affected units, and are needed to make EPA's new reporting software data requirements consistent with the regulatory requirements.
- Revised §75.22(a)(5)(iv) to only allow “dynamic spiking” as an additional Method 7E quality assurance check; and paragraph (v) to disallow multiple Method 7E runs to be performed before conducting the post-run bias or system calibration error check.
- Removed from §75.47(b)(3) the requirement for an owner or operator to demonstrate that emissions for a class-approved alternative monitoring system (AMS) are de minimis and removed the requirement for EPA to publish a FR notice for a 30-day public comment period prior to granting a class-approved AMS.
- Added a new paragraph (d) to §§75.62 and 75.63 to require the Designated Representative or the Alternate Designated Representative to enclose a hard copy cover letter with each hard copy monitoring plan and certification or recertification submittal, but to make it optional for electronic submittals.
- Revised Part 75, Appendix A, Section 4 to update reporting formats.
- Amended Part 75, Appendix A, Section 5.1.4(b) and Section 5.1.5 to clarify the meaning of the plus or minus 2.0 percent performance specification for EPA Protocol gases and research gas mixtures, and to update the incorporation by reference provision.

Appendix B
Summary of Standard Practice for Competence of Air Emission Testing Bodies
(ASTM D7036-04)

ASTM D7036-04 specifies general requirements for competence to perform air emissions tests of stationary sources. These standards were developed by representatives from large and small stack testing companies, state and Federal governments, and private industry. Its scope is nationwide and based largely on ISO 17025. Note that any AETB conducting RATAs of CEMS, Appendix E testing, or deriving default emission rates for LME units under part 75 must conform to ASTM D7036-04. Following is a general overview of some key requirements.

Organization, Management, and Documentation:

- Maintain a system that allows for monitoring the delivery and improvement of services (as measured by performance data);
- Maintain a legally identifiable and clearly defined organizational structure, including parent organizations, staff responsibilities, and provisions of support services;
- Employ a technical manager/director, quality manager, and qualified individual on-site for each test project (who is qualified for each test method performed);
- Maintain ability to provide documentation showing compliance with relevant Federal, state and local requirements for conducting testing procedures as well as health and safety and other relevant requirements;
- Maintain procedures to control all documents required for the established quality system;
- Ensure that documents are uniquely identified and reviewed/approved by same group that performed the original review; and
- Maintain a document control system that allows for tracking revisions or amendments.

Quality System, Audit, and Review:

- Develop and maintain a quality assurance policy and a quality system to ensure consistent achievement of data quality objectives;
- Document the quality system in a manual that covers all elements outlined in Appendix X1 of ASTM D7036-04; and
- Conduct internal audits in accordance with Section 7.4.2 of ASTM D7036-04.

Personnel:

- Ensure competence of testing staff and maintain requirements for staff training; and
- Provide "Qualified Individuals" to oversee and supervise test projects and ensure that these individuals take an exam every five years and meet the experience requirements in Section 8.3.4 of ASTM D7036-04.

Environment, Equipment, and Test Methods:

- Ensure that environmental conditions, access to test locations, or cross-contamination do not invalidate test results;
- Ensure adequate access by qualified individuals to fully operational testing equipment and software;
- Establish calibration programs for the equipment (including key quantities or values) and maintain records for all equipment used; and
- Use appropriate methods and procedures for all testing performed, and document any deviations from the applicable regulations in the test protocol or report that is established for each test project.

Recordkeeping and Reporting:

- Maintain procedures for handling and storage of quality and technical records;
- Retain records of original observations, derived data, information for audit trail, calibration records, and other information;
- Accurately report the results of each test, calibration or series of tests; and
- Include the information outlined in Section 15.3 of ASTM D7036-04 in each test report or calibration certificate.

Other Information:

- Follow guidelines in Section 16 of ASTM D7036-04 if subcontractors are used;
- Maintain policies and procedures for the purchase and use of outside support and supplies; and
- Maintain policies and procedures in the event that nonconforming work is completed, including an approach for corrective action.