

United States Environmental Protection Agency

EPA

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

**INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT FOR
EPA ICR NUMBER 1813.08,
RENEWAL OF THE ICR FOR THE
REGIONAL HAZE RULE**



Executive Summary

This ICR, EPA Form 1813.08, is an update of the Office of Management and Budget (OMB) Control Number 2060-0421; EPA Form 1813.07 which expires on October 31, 2012. The current approved collection is for 859 respondents, 31,841 hours per year, and \$2,563,000 per year. This renewal requests approval for 53 respondents (52 state agencies, and 1 group of Federal Land Managers (FLMs)), 6,048 hours per year, and \$293,631 per year. Table E.1 summarizes the total annual respondent burden for this renewal. Tribes are not required to submit regional haze plans, so there are no burden estimates for Tribal governments.

The change in burden reflects changes in labor rates, changes in the activities conducted due to the normal progression of the program, and the fact that the majority of regional haze state implementation plans (SIPs) for the first 10-year implementation period (including best available retrofit technology (BART) determinations) will have been acted on by the EPA by November 2012. After EPA’s action on the SIPs for the first implementation period, the states will be shifting their primary focus to development of interim progress reports required by the regional haze rule and to assessing whether revisions to the SIPs will be needed in 2018. A few states will be required to submit SIP revisions by June 2014 to remedy EPA disapproval of their current plans.

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

Task Element	States		FLMs	
	Average Annual Hours	Average Annual Cost (\$)	Average Annual Hours	Average Annual Cost (\$)
Total Burden by Respondent	5,021	243,770	1,027	49,861
Total for Respondent Universe	6,048 hours; \$293,631			

1 Identification of the Information Collection

1.1 Title

This document fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) with regards to determining the regulatory burden associated with the implementation of the regional haze program (40 CFR 51.308) and requirements related to the Grand Canyon Visibility Transport Commission (40 CFR 51.309). It has been assigned EPA tracking number 1813.08. The title of this Information Collection Request (ICR) is "Information Collection Request Supporting Statement for EPA ICR Number 1813.08, Renewal of The ICR for the Regional Haze Rule."

<p>EPA TRACKING NUMBER: 1813.08</p> <p>E-TRACKING NUMBER: OMB-2060-0421</p>

1.2 Description

Subpart P of 40 CFR 51, Protection of Visibility, also known as the regional haze rule, is the subject of this clearance request. In the next three years, activities conducted by the states, Federal Land Managers (FLMs), and the EPA will focus on reporting requirements in the rule to address the progress of regional haze implementation plans. During the next three years, six states (Alabama, Arkansas, Florida, Louisiana, Mississippi, and North Carolina) will also be responsible for submitting SIP revisions to remedy EPA's disapproval of specific elements of their regional haze programs. 40 CFR 51.308 (g) requires states to develop periodic reports evaluating progress towards the reasonable progress goals for improving visibility in Class I areas inside the state and in neighboring states. There are similar reporting requirements under 40 CFR 51.309, a section of the regional haze rule in which three states (Utah, Wyoming, and New Mexico) elected to submit their SIPs. Under section 309, these states adopted regional haze strategies for the period from 2003 to 2018 for sulfur dioxide emissions. These strategies are based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting the 16 Class I areas in the Colorado Plateau area.

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

The BART requirements of the regional haze rule apply to facilities built between 1962 and 1977 that have the potential to emit more than 250 tons per year of visibility-impairing pollution. Those facilities fall into 26 categories, including utility and industrial boilers, and large industrial plants such as pulp mills, refineries and smelters. Many of these facilities have not been previously subject to federal pollution control requirements for these pollutants.

Under the 1999 regional haze rule, states are required to set periodic goals for improving visibility in the 156 Mandatory Class I Federal Areas. As states work to reach these goals, they must develop regional haze implementation plans that contain enforceable measures and strategies for reducing visibility-impairing pollution. The 2005 amendments include guidelines, known as BART guidelines, for states to use in determining which facilities must install controls and the type of controls the facilities must use. States were required to develop their implementation plans by December, 2007. As part of those plans, states were required identify the facilities that are subject to BART and conduct appropriate BART determinations in accordance with the regional haze rule and BART guidelines.

The majority of the states did not submit their SIPs on time, and the EPA is currently subject to several consent decrees that have established schedules for final actions on the SIPs, or promulgation of FIPs. These consent decrees, that in the aggregate, require the agency to complete the majority of the remaining unfinished actions on the initial regional haze implementation plans by November 2012. Since that date aligns closely with the expiration of the currently approved ICR (October 31, 2012) and the majority of the effort required to complete the actions on the initial SIPs will have occurred, the primary focus for estimating burden for this 3 year renewal period (October 31, 2012 – October 30, 2015) will apply to the next program milestone which is the 5-year periodic progress report (see 40 CFR 51.308(g)). The due date for states to submit the progress reports is 5 years from their initial regional haze SIP submittal, and for many states, that due date falls within the date range of this ICR renewal. In the 5-year progress report, the states are required to describe the status of the implementation of measures needed to achieve reasonable progress goals, report on the emissions reductions achieved, assess visibility changes, and evaluate whether the current implementation plan is sufficient to meet all established reasonable progress goals.

2 Need and Use of the Collection

2.1 Need / Authority for the Collection

Section 169A of the Clean Air Act (CAA) sets forth a national goal for visibility. The goal is the “prevention of any future, and the remedying of any existing, impairment in visibility in mandatory Class I Federal areas which impairment results from man-made air pollution.” This section of the CAA also calls for EPA regulations to assure that states provide for reasonable progress toward meeting the national goal. The original regulations on protection of visibility in mandatory Class I Federal areas, developed in 1980, addressed visibility that is “reasonably attributable” to a single source or small group of sources. The regional haze rule, promulgated in 1999, added new sections to the code of federal environmental regulations. These included sections 40 CFR 51.308 and 40 CFR 51.309. This ICR renewal request provides for continued implementation of the regional haze rule. During this clearance period, we anticipate that the reporting requirements under 40 CFR 51.308(g) will be the major program focus and the similar reporting requirements (see 40 CFR 51.309(d)(10)) for the three states that submitted regional haze SIPs under 40 CFR 51.309. Six states will be required to conduct additional analyses and submit approvable SIP revisions to remedy EPA’s disapproval of specific elements of their current regional haze plan. We also anticipate that a small subset of states (13) may submit minor SIP revisions to adopt the requirements of the Cross-State Air Pollution Rule (CSAPR) as a BART alternative, to replace a Federal Implementation Plan (FIP).

2.2 Practical Utility / Users of the Data

The data collected from respondents include revised state implementation plans. These data confirm progress in assessing visibility impairment and source contribution, and provide the foundation for the establishment of the reasonable progress goals, control strategies, and BART requirements.

2.3 Caveats and Considerations

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

Throughout this ICR, the reader will observe estimated values that show accuracy to the single hour or dollar. However, reporting values at the single unit level can be misleading. In most situations, the proper way to present estimated data would be to determine an appropriate level of precision and truncate values accordingly, usually in terms of thousands or

millions of units. For instance, a spreadsheet generated estimation of \$5,456,295 could be presented in the text as \$5.5 (millions) or \$5,456 (thousands). One problem with such an approach is the loss of data richness when the report contains a mixture of very large and very small numbers. Consequently, to avoid the loss of information through rounding, this ICR reports all values at the single unit level and reminds the reader that there is no implied precision inherent in this style of reporting.

3 Non-Duplication, Consultation, and Other Collection Criteria

3.1 Non-Duplication

This information collection renewal request is related to provisions in 40 CFR 51.308(g) and 40 CFR 51.309(d)(10) which require periodic reports describing progress towards the reasonable progress goals. Each state must submit an implementation plan revision evaluating whether improvement in visibility is made towards the reasonable progress goal for each mandatory Class 1 Federal area located within the state and in each mandatory Class 1 Federal area located outside the state which may be affected by emissions from within the state. These implementation plans are due 5 years from the submittal of the initial regional haze plan. The reasonable progress implementation plans required by the regional haze rule are unique and do not duplicate other implementation plan requirements.

3.2 Public Notice Requirements

In compliance with the PRA, this draft ICR must solicit public comments for a 60-day period prior to submission to OMB.

The ICR for the regional haze rule was revised last in August 2009. We solicited public comments on this ICR prior to submitting it to OMB. We issued a Federal Register notice requesting comments on the ICR renewal on April 26, 2012 (77 FR 24952). The EPA received one comment in response to the public notice that was published in the Federal Register. This comment suggested that the EPA underestimated the annual reporting burden of implementing the regulation haze regulations by focusing solely on the five year progress report. The EPA has addressed these issues in this final ICR. The comment can be found in Docket ID No. EPA-HQ-OAR-2003-0162-0012, 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 Ave., NW, Washington, D.C.

3.3 Consultations

The EPA consulted with the EPA Region 5 Office for comment, review, and suggestions on this ICR renewal. The point of contact for the regional office is John Summerhays, regional haze coordinator for EPA Region 5, (312) 886-6067. Mr. Summerhays had no comments.

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

The EPA contacted the state of Alaska Department of Environmental Conservation to explain the requirements of the ICR, the comment submitted on the proposed ICR, and the changes to the ICR after considering the comment. The point of contact is Karin Landsberg,

Environmental Program Manager, Air Quality Division, Juneau, AK, (904) 269-4913.

3.4 Less Frequent Collection

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

3.5 General Guidelines

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

1. The regional haze regulations do not require periodic reporting more frequently than every 5 years.
2. The regional haze regulations do not require respondents to participate in any statistical survey.
3. Written responses to Agency inquiries are not required to be submitted in less than 30 days.
4. Respondents do not receive remuneration for the preparation of reports required by the Act or part 51.
5. To the greatest extent possible, the Agency has taken advantage of automated methods of reporting.

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

3.6 Confidentiality

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

amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

3.7 Sensitive Questions

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

3.8 Environmental Justice Considerations

Because the regional haze program operates nationwide and across numerous industry classifications, the Agency does not believe there are disproportionate environmental justice impacts in implementing in the regional haze program.

4 The Respondents and the Information Requested

4.1 Respondents/

The major categories of respondents directly affected during this ICR period of October 31, 2012 through October 15, 2015 include the states and FLMs. The states are developing implementation plans under 40 CFR 51.308(g) and 40 CFR 51.309(d)(10) evaluating progress towards the reasonable progress goal for each mandatory Class I Federal area located within the state and in each mandatory Class I Federal area located outside the state which may be affected by emissions from within the state. Six states will be required to make additional revisions to their current regional haze plan to meet program requirements. Up to 12 states may, but are not required to, make minor revisions to their SIP to adopt the requirements of CSAPR as a BART alternative, to replace a FIP.

The FLMs will review the 5-year progress reports and provide comments to the states. The states are required to provide sufficient review time for the FLMs and explain how they address the FLMs comments in the documentation for their progress report.

4.2 Information Requested

The information required under this ICR renewal provides for a continuation of the process initiated with previous ICRs for the regional haze rule. In this stage of the process, the states are mainly focusing on revising their SIPs to report on progress made towards reaching their long term visibility goals. For 34 states, the progress reports will be due during the October 31, 2012 to October 30, 2015 ICR period. In response to the public comment received, EPA has adjusted the ICR to account for other actions that states may undertake during the ICR period which include corrections or updates to initial regional haze SIPs, developing SIPs to replace any FIP, and any early efforts the states may undertake in preparation for the required regional haze SIP revision due by July 31, 2018.

The information that is requested under this renewal period under the regional haze rule requirements includes:

Requirements for Periodic Report Describing Progress towards the Reasonable Progress Goals

- Description of status of control measures
- Summary of emission reductions
- Calculation of visibility conditions and changes
- Calculation of 5 year progress
- Assessment of contributing emissions
- Assessment of reasonable progress goals
- Review monitoring strategy and note changes
- Submit 5 year progress report
- Determine degree of visibility improvement

- Consult with FLMs
- Interstate consultation with states

The first progress report must be in the form of an implementation plan revision that complies with procedural requirements of 40 CFR 51.102 and 40 CFR 51.103. The report is due five years after the initial regional haze plan submission.

Develop and Submit Substantive Revisions to Regional Haze SIPs to Remedy EPA Disapprovals (may include the following):

- Conduct BART determinations
- Identify reasonable progress goals
- Develop long term strategies
- Submit monitoring strategy

Louisiana, Mississippi, and Arkansas are required to develop and submit substantive SIP revisions by June 2014.

Revised SIPs to Remedy EPA’s Limited/Partial Disapproval of State Plans

The EPA published a final rule on June 7, 2012 (77 FR 33642), revising rules that pertain to how states can meet specific requirements of the regional haze program. This final rule allows states participating in the Cross-State Air Pollution Rule to use that program in place of source-specific BART for sulfur dioxide and/or nitrogen oxide emissions from power plants that are subject to the regional haze rule. The EPA also finalized limited disapprovals of regional haze SIPs that have been submitted by: Alabama, Georgia, Indiana, Iowa, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, and Texas. The EPA also finalized FIPs to replace reliance on CAIR with reliance on CSAPR in the regional haze SIPs of: Georgia, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

We assume that 12 states could elect to prepare and submit a SIP revision consisting of one paragraph to substitute a state plan in place of EPA’s FIP related to the Cross-State Air Pollution Rule as an alternative to BART. Two states (Alabama and North Carolina) will be required to submit minor SIP revisions by June 2014.

Early Efforts for the 2018 Regional Haze SIP

After the EPA's action on the initial regional haze SIPs, the states will be shifting their focus to development of interim progress reports required by the regional haze rule and to assessing whether revisions to the SIPs will be needed in 2018. Although, the EPA believes that most states will be working on their 5 year progress reports during the period of this ICR some states may elect to begin developing data sets and analyses to support the regional haze SIP revision due July 31, 2018.

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

5.1 Agency Activities

EPA. Each EPA regional office is responsible for reviewing and approving the SIPs and developing and promulgating FIPs when necessary. For this ICR renewal period, the EPA will primarily be reviewing the SIP revisions required under CFR 51.308(g) and 51.309(d)(10), which are the periodic progress reports. The ten EPA regional offices and the EPA headquarters offices will provide direction and facilitate resolution of major issues, and deliver data, tools, and training to the states as needed. Each regional office must address public comments before approving the SIPs or promulgating FIPs.

FLMs. The FLMs will be reviewing the 5-year progress report, the substantive regional haze SIP revisions, and offering comments to the states in fulfillment of the requirement under CFR 51.308 (i)(4) for the states to coordinate their regional haze efforts with the FLMs.

5.2 Collection Methodology and Management

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

- The Agency believes the time necessary to perform a task is independent of the origins of its labor. For example, if a source would employ 20 hours of burden to fully perform a function, then a contractor hired by the source would also take 20 hours to perform that same task. Furthermore, the Agency assumes no economies or diseconomies of scale. The linear combination of any amount of contractor and source effort will also sum to 20 hours. Therefore, the burden estimates in this ICR act as an accurate assessment of the total burden to respondents.
- For some burden categories, the Agency believes the hours assigned to them will be divided between the source and outside contractors. For these categories, the Agency established a composite cost per hour by developing a weighted average of the source and contractor wages, with the weight defined by the percentage of total effort

each burden source applied. Consequently, the cost developed in this ICR should be interpreted as an upper bound on the actual cost of administration by the source. The methodology for determining cost per hour can be found in greater detail in section 6.2, below.

- While this ICR renewal estimates burden to federal and state agencies, it does not include costs estimates to the industrial sources. This is because the effort for this ICR renewal period, October 31, 2012 through October 31, 2015 mainly involves preparation and review of the progress reports required under CFR 51.308(g) and 51.309(d)(10) of the regional haze rule. Sources, for the most part, will not be involved in preparation of these reports.

The implementation plan revisions prepared by the states are periodic progress reports which are due five years after the state submits its comprehensive regional haze SIP. The plans must at a minimum include the following elements:

- A description of the status of all measures included in the regional haze implementation plan for achieving reasonable progress.
- A summary of the emissions reductions achieved throughout the state through implementation of the measures.
- An assessment of the following visibility conditions and changes for each mandatory Class 1 Federal area within the state with values for most impaired and least impaired days expressed in terms of 5-year averages of the annual values: current visibility conditions for the most impaired and least impaired days; the difference between current visibility conditions for the most impaired and least impaired days and baseline visibility conditions; and the change in visibility impairment for the most impaired and least impaired days over the past 5 years.
- An analysis tracking the change over the past 5 years in emissions of pollutants contributing to visibility impairment from all sources and activities within the state.
- An assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred over the past 5 years that have limited or impeded progress in reducing pollutant emissions and improving visibility.
- An assessment of whether the current regional haze implementation plan elements and strategies are sufficient to enable the state, or other states with mandatory Class 1 Federal areas affected by emissions from the state, to meet all established reasonable progress goals.
- A review of the state's visibility monitoring strategy and any modifications to the strategy as necessary.

- Other elements, including reporting, record keeping, and other measures, necessary to assess and report on visibility.

5.3 Small Entity Flexibility

The Regulatory Flexibility Act (RFA) requires regulatory agencies, upon regulatory action, to assess that action’s potential impact on small entities (businesses, governments, and small non-governmental organizations) and report the results of the assessments in (1) an Initial Regulatory Flexibility Analysis (IRFA), (2) a Final Regulatory Flexibility Analysis (FRFA), and (3) a Certification. For ICR approval, the Agency must demonstrate that it "has taken all practicable steps to develop separate and simplified requirements for small businesses and other small entities" (5 CFR 1320.6(h)). In addition, the agencies must assure through various mechanisms that small entities are given an opportunity to participate in the rulemaking process.

The EPA determined that it was not necessary to prepare a regulatory flexibility analysis in connection with the regional haze rule (July 6, 2005, 70 FR 39104) because the rule did not have a significant economic impact on a substantial number of small entities. Similarly, this ICR renewal will not impose any direct requirements on small entities and will apply primarily to states which are developing the SIP revisions.

5.4 Collection Schedule

States are required to submit their periodic progress reports, in the form of a SIP revision, five years after the initial regional haze plan submission. Table 5.1 shows when these reports are due for each of the states. Note that some states have reports which are due outside of this renewal period, beyond October 31, 2012. Accordingly, we have estimated burden only for the 34 states with due dates that fall in 2015 or earlier.

Table 5.1 Due Dates for the 5 Year Progress Reports¹

Initial Regional Haze Submittal Year	5 Year Progress Report Due Date	State
2007	2012	NC, SC
2008	2013	AL, AR, DE, KY, LA, MS, MO, TN, UT, Albuquerque/Bernalillo County NM ²
2009	2014	CA, CT, KS, MN, NV,

¹ The EPA is developing FIPs for Hawaii, Montana, and the Virgin Islands and due dates for the progress reports will be based on the dates of the FIP promulgation

² Albuquerque/Bernalillo County in New Mexico must also submit a regional haze SIP to completely satisfy the requirements of section 110(a)(2)(D)(i)(II) of the CAA for the entire State of New Mexico under the New Mexico Air Quality Control Act (section 74-2-4).

		NJ, RI, TX, VT
2010	2015	District of Columbia, FL, GA, ID, ME, MI, NH, NY, ND, OK, OR, PA, VA
2011	2016	AK, AZ, CO, IN, NE, NM, OH, SD, WA, WY
2012	2017	MA, MD

Three states (Louisiana, Mississippi, and Arkansas) will be required to develop and submit substantive SIP revisions by June 2014. The EPA believes that Florida and Mississippi will develop and submit SIPs before the ICR renewal period.

Twelve states (Georgia, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Virginia) may elect, but are not required, to replace EPA's FIP with a minor SIP revision at any time. Two states (Alabama and North Carolina) will be required to submit minor SIP revisions by June 2014. For the purposes of this ICR, we assume that each of these states will choose to submit a minor SIP revision (consisting of one paragraph) within the three year period of this ICR renewal.

6 Estimating the Burden and Cost of the Collection

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

6.1 Estimating Respondent Burden

This ICR renewal will apply to 50 states the District of Columbia and the U.S. Virgin Islands which are primarily developing 5-year progress reports in the form of SIP revisions to satisfy the requirements of the regional haze rule. Table 5.1 above shows when these reports are due for each of the states and the estimated due date for the SIPs. The FLMs will review and comment on those plans. For this renewal period, the burden for industrial sources will be negligible as the reports are required from the states.

For three states (Utah, Wyoming, and New Mexico) which submitted their regional haze SIPs under section 309 of the regional haze rule, there are also 5-year periodic reporting requirements that are essentially the same as the requirements under section 308(g). Table 6.1 summarizes the results for each of the major categories of respondents with details discussed in the narrative below.

We account for the requirement that three states (Louisiana, Mississippi, and Arkansas) will need to submit a new substantive SIP to remedy EPA's disapproval of specific elements of these SIPs.

We assume that 12 states could elect to prepare and submit a SIP revision consisting of one paragraph to substitute a state plan in place of EPA's FIP related to the Cross-State Air Pollution Rule as an alternative to BART. Additionally, two states (Alabama and North Carolina) will be required to submit minor SIP revisions by June 2014.

Develop and Submit 5-Year Progress Reports as required under the Regional Haze Rule. Based on the elements that are required for the report, which are described in section 5.2 above, we believe that an estimate of 280 hours per state to complete the 5-year progress report is

reasonable. Much of the analysis for the report will entail the states assessing changes in their emission inventories for the reporting period and reporting on changes in visibility based on available monitoring data. This burden estimate does not include any hours for preparation and finalization of the emission inventories because it is assumed that the EPA will provide an approved inventory, with appropriate forward projections of future visibility conditions, which the states may use for their analyses. For each individual state, we believe that approximately 160 hours on average is needed to analyze, evaluate, and summarize changes in the inventory and monitoring data over the reporting period, and another 80 hours is sufficient to prepare the report in the form of a SIP revision. These estimates are based on informal conversations with state and the EPA's technical staff. Finally, we assumed that states would need approximately 40 additional hours to address and respond to any public comments received on its SIP revision.

We assumed the FLMs would spend 80 hours, on average, reviewing and formally commenting on each of the 5-year progress report SIP revisions.

Develop and Submit Substantive Revisions to Regional Haze SIPs to Remedy EPA Disapproval. Based on a review of the previous ICR we believe that an estimate of 300 hours per state to complete substantive revisions to the regional haze SIP is reasonable. Based on discussion with EPA and RPO staff, we believe that the majority of the SIP development effort will be complete by the time this collection period takes effect.

We assume the FLMs will spend 80 hours, on average, reviewing and formally commenting on each of the substantive regional haze SIP revisions.

Develop and Submit Minor Revisions for Regional Haze SIPs to Replace EPA FIP. We assume that 12 states could elect to prepare and submit a SIP revision consisting of one paragraph to substitute a state plan in place of EPA's FIP related to the Cross-State Air Pollution Rule as an alternative to BART. Two states (Alabama and North Carolina) will be required to submit minor SIP revisions by June 2014. Although the SIP may consist of one paragraph, states must submit the SIP to EPA after reasonable notice and public hearings. This SIP will not be reviewed by the FLMs. The EPA assumes that states would need no more than 21 hours to prepare and finalize the SIP including public notice and response to comments.

Early Efforts for the 2018 Regional Haze SIP. We assume that 50 states the District of Columbia and the U.S. Virgin Islands may elect to begin developing information for the regional haze SIP required in 2018. The

EPA estimates that states will use 50 hours per year beginning in late 2013 to develop the 2018 SIP.

Table 6.1. Estimated Respondent Burden to Implement Requirements

Task Element	Hours/State	Hours/Source	FLM – hours/state SIP	Year Incurred
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	240	0	80	2012 - 2015
Develop and submit substantive revisions to the regional haze SIP	300	0	80	2012 - 2014
Develop and submit minor revisions adopting CSAPR as BART alternative.	21	0	0	2012 - 2015
Early efforts on 2018 SIP	50	0	0	2013 - 2015

6.2 Estimating Respondent Costs

This ICR uses the most recently available wage values with the wage rate methods established in the New Source Review (NSR) ICRs³. For this renewal period, the burden for industrial sources will be negligible as the reports are required from the states with review being done by the EPA and the FLMs.

Consistent with methodologies for previous NSR ICRs, the labor rate used to calculate federal, state, and local respondents' labor costs is approximated from the 2012 federal government pay schedule. Managerial rates are accounted for by multiplying the hourly rate by 9%; the clerical support rates are multiplied by 13%.⁴ The hourly rate is \$48.55, and the calculation is shown in Table 6.3

Table 6.3 Determination of Federal, State, and Local Wage Rates

Annual Salary of Technical Staff, GS 11 Step 3 (FY 12 Schedule)*		\$53,639.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 12 Schedule)*	\$76,452.00	
Factor (1/11)	0.09	
		\$6,880.68
Annual Cost of Support Staff, GS 6 Step 6 (FY 12 Schedule)*	\$35,672.00	
Factor (1/8)	0.13	
		\$4,637.36

³ U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, *INFORMATION COLLECTION REQUEST FOR CHANGES TO PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS*, August 2006, p. 20

⁴ Ibid.

Annual Applicable Salary of Technical Staff		\$65,157.04
Benefits (at 16%)		\$10,425.13
Sick Leave / Vacation (at 10%)		\$6,515.70
General Overhead (at 29%)		\$18,895.54
Total Cost Per FTE		\$100,993.41
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$48.55

* <http://www.opm.gov/oaca/12tables/html/ga.asp> February 2012

Since the purchase of capital equipment is believed to be an insignificant factor in meeting the requirements associated with this ICR renewal, the EPA assumes the operation, maintenance, or services are negligible. Most of the data and other guidance for estimating emissions and visibility impacts are available in electronic form and any equipment needed to respond to requests will be part of the respondent's operating inventory.

6.2.3 Annualized Capital Costs

Typically annualized capital cost would be derived from a discounted net present value of the stream of costs that would occur over the life of the activity, or the ICR, whichever is shorter. However we do not anticipate these types of expenses will be incurred during this clearance period.

6.3 Estimating Agency Burden and Cost

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

EPA Regional Offices. We assume that all 10 EPA Regional Offices will be responsible for reviewing implementation plans from the states in their jurisdiction, responding to public comments, and preparing federal register notices in taking final action on the SIPs.

EPA Headquarters. The EPA Headquarters staff will provide oversight and review of the submittals.

Table 6.4 presents our estimate of the Agency burden in the ICR clearance period which is the average to review one state plan. In developing these estimates, we considered previous estimates for similar activities, particularly related to the time necessary to review SIPs and prepare federal register notices and respond to public comments. The SIP revisions for this renewal period are anticipated to be much abbreviated compared to the comprehensive regional haze SIP submittals which are required to be submitted every 10 years. This results in a reduced burden relative to the previous ICR renewals as there are no modeling, emission inventory, or control strategy analyses due during the 2012 – 2015 collection period.

Summing the total hours from Table 6.4 (520 hours) and multiplying by 37 total plans yields a total estimate of 19,240 hours. Using the calculated labor rate of \$48.55/hr, from Table 6.3, multiplied by the 19,240 hours

gives an estimated cost of \$934,102, which when averaged over the 3 year collection period is about \$311,367 per year as the Agency's burden estimate.

Table 6.4. Estimated Agency Burden to Implement Requirements

Task Element	Hours/EPA Regional Office	Hours/EPA Headquarters	Year Incurred
Review Periodic Progress Reports from States	160	80	2012 - 2015
Respond to Public Comments and Prepare Federal Register Notices	120	40	2012 - 2015
Review substantive revisions to the regional haze SIP	100	20	2012 - 2014
TOTAL	380	140	

6.4 Estimating the Respondent Universe

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

States. We assume that 50 states, the District of Columbia, and the U.S. Virgin Islands may elect to begin developing information for the regional haze SIP required in 2018. We assume that 34 states, including Albuquerque/Bernalillo County in New Mexico, will be affected by the regional haze rule 5-year progress reporting requirements. We assume that 12 states could prepare and submit a SIP revision consisting of one paragraph to substitute a state plan in place of EPA's FIP related to the Cross-State Air Pollution Rule as an alternative to BART. We assume that three states will need to submit a new substantive SIP to remedy EPA's disapproval of specific elements of these SIPs. Additionally, two states submit minor SIP revisions by June 2014.

Tribes. No tribes have elected to develop and implement the regional haze plan.

Industry. The sole regional haze requirement for this reporting period is for the states to submit periodic progress reports, and thus there is no anticipated burden for industrial sources.

FLMs. The burden hours for FLMs are estimated for the group as a whole, and are estimated to be 80 hours for each SIP revision. For the 34 5-year progress report SIPs, the hours would be 2,720. Multiplying by the labor rate of \$48.55/hr equates to a cost of \$132,056, or \$44,019 per year for each of the 3 years. For the 3 substantive regional haze SIP revisions, the hours will be 240. Multiplying by the labor rate of \$48.55/hr equates to a cost of \$11,652, or \$5,826 per year for each of the 2 years.

6.5 Bottom Line Burden and Cost

Tables 6.6 summarizes the total annual respondent burden to prepare and submit: the 5-year progress reports, substantive revisions to state SIPs to remedy EPA's disapproval of regional haze plans, and minor revisions to state SIPs to adopt the requirements of CSAPR as a BART alternative, thus replacing EPA's FIP. The total respondent burden is estimated to be 6,048 hours per year and \$293,631 per year. As described in section 6.2.2 and 6.2.3, there are no operation and maintenance costs or capital costs associated with activities to be conducted during this 3-year clearance period. The total number of respondents is 53 (52 state agencies and 1 group of FLMs.)

Table 6.6 Estimated Annual Respondent Burden to Implement Requirements

Task Element	States		FLMs	
	Average Annual Hours	Average Annual Cost (\$)	Average Annual Hours	Average Annual Cost (\$)
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	3,173 Calculation: (280 hours per plan x 34 plans)/3 years= 3,173 hr/yr	154,049 Calculation: (3,173 hrs per yr x labor rate of \$48.55)	0	0
Review and Comment on Reports	0	0	907 Calculation: (80 hours per plan x 34 plans)/3 years= 907 hr/yr	44,035 Calculation: (907 hrs per yr x labor rate of \$48.55)
Develop and submit §51.308 State Implementation Plan	450 Calculation: (300 hours per plan x 3 plans)/2 years= 3,173 hr/yr	21,848 (4500 hrs per yr x labor rate of \$48.55)	0	0
Review and Comment on resubmitted SIPs	0	0	120 Calculation: (80 hours per plan x 3 plans)/2 years= 907 hr/yr	5,826 Calculation: (120 hrs per yr x labor rate of \$48.55)
Submit minor SIP revision adopting CSAPR as BART alternative.	98 Calculation: (21 hours per plan x 14 plans)/3 years= 80 hr/yr	4,758 (98 hrs per yr x labor rate of \$48.55)	0	0
Early effort on 2018 SIP	1,300 Calculation: (50 hours per plan x 52 plans)/2years= 1,325 hr/yr	63,115 (1,325 hrs per yr x labor rate of \$48.55)	0	0
Total Burden by Respondent	5,021	243,770	1,027	49,861
Total for Respondent Universe	6,048 hours; \$293,631			

6.6 Reasons for Change in Burden

The burden estimates for this ICR renewal period cover different task elements than those for the previous renewal (1813.07). These differences reflect the requirements of the final regional haze rule with respect to the scheduled events and activities in the implementation process. The last collection request anticipated the program progressing from the planning stages to implementation. The change in burden reflects changes in labor rates, changes in the activities conducted due to the normal progression of the program, and the fact that the aggregate initial regional haze SIPs and best available retrofit technology (BART) determinations will be acted on by the EPA by November 2012 and the states will be evaluating reasonable progress and implementation stages for the goals in those SIPs.

6.7 Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 114 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; adjusting the existing ways to comply with any previously applicable instructions and requirements; training personnel to be able to respond to a collection of information; searching data sources; completing and reviewing the collection of information; and transmitting or otherwise disclosing the information. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2003-0162, that is available for public viewing at the Air and Radiation Docket and Information Center, in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. An electronic version of the public docket is available 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, N.W., Washington D.C. 20503, Attention: Desk Officer for EPA. Please include EPA Docket ID No. EPA-HQ-OAR-2003-0162 and OMB Control Number 2060-0421 in any correspondence.