Supporting Statement For

EPA Information Collection Request Number 1601.09,

Air Pollution Regulations for Outer Continental Shelf (OCS) Activities

New Source Review Group
Air Quality Policy Division
Office of Air Quality Planning and Standards
Office of Air and Radiation
United States Environmental Protection Agency
Research Triangle Park, North Carolina 27711

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(Enclosed in separate MS Excel spreadsheet file)

List of Acronyms and Abbreviations

BACT	Best Available Control Technology
BLS	Bureau of Labor Statistics
BOEM	Bureau of Ocean Energy Management
CAA	Clean Air Act as Amended in 1990
CFR	Code of Federal Regulations
COA	Corresponding Onshore Area
DDNREC	Delaware Department of Natural Resources & Environmental Control
ECI	Employment Cost Index
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ICR	Information Collection Request
LAER	Lowest Achievable Emission Rate
MDE	Maryland Department of the Environment
NAAQS	National Ambient Air Quality Standards
NOA	Nearest Onshore Area
NOI	Notice of Intent
NSR	New Source Review
OCS	Outer Continental Shelf
OMB	Office of Management and Budget
O&M	Operating and Maintenance
NAICS	North American Industry Classification System
NSPS	New Source Performance Standard
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
SBCAPCD	Santa Barbara County Air Pollution Control District
SCAQMD	South Coast Air Quality Management District
SLOCAPCD	San Luis Obispo County Pollution Control Division
SIC	Standard Industrial Classification
SIP	State Implementation Plan
VCAPCD	Ventura County Air Pollution Control District
VDEQ	Virginia Department of Environmental Quality

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) TITLE OF THE INFORMATION COLLECTION

This information collection request (ICR) is entitled “Air Pollution Regulations for Outer Continental Shelf (OCS) Activities.” Environmental Protection Agency (EPA) number 1601.09, Office of Management and Budget (OMB) number 2060-0249.

1(b) SHORT CHARACTERIZATION/ABSTRACT

Section 328 (Air Pollution From Outer Continental Shelf Activities) of the Clean Air Act (CAA) as amended in 1990, gave the EPA responsibility for regulating air pollution from OCS sources located offshore of the states along the Pacific, Arctic, and Atlantic Coasts, and along the eastern Gulf of Mexico coast (off the coast of Florida). The U.S. Department of Interior's Bureau of Ocean Energy Management (BOEM) retained the responsibility for regulating air pollution from sources located in the western Gulf of Mexico, and in 2011 CAA section 328 was amended to transfer the authority for regulating air emissions from the EPA to BOEM for those parts of the OCS adjacent to the North Slope Borough of the State of Alaska. To comply with the requirements of section 328 of the CAA, the EPA, on September 4, 1992, at 57 FR 40792, promulgated regulations to control air pollution from OCS sources in order to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the CAA.[1] Sources located within 25 miles of a state's seaward boundary must comply with the same state/local air pollution control requirements as would be applicable if the source were located in the corresponding onshore area (COA).[2] Sources located more than 25 miles from a state's seaward boundary (25-mile limit) must comply with EPA air pollution control regulations. The regulations are codified as part 55 of chapter I of title 40 of the Code of Federal Regulations (40 CFR part 55). The references for the sections of the OCS regulations that pertain to the burden activities addressed in this ICR are shown in Table 1.

This ICR addresses the information collection burden (i.e., hours and costs) to industry respondents who are subject to the reporting, recordkeeping and testing requirements of the OCS air regulations. Industry respondents include owners or operators of existing and new or modified stationary sources. This ICR also addresses the burden to the agencies who are responsible for implementing and enforcing the OCS regulations. The EPA has delegated the authority to implement and enforce the OCS regulations for sources located off the coast of California to four local air pollution control agencies: Santa Barbara County Air Pollution Control District (SBCAPCD), South Coast Air Quality Management District (SCAQMD), Ventura County Air Pollution Control District (VCAPCD) and San Luis Obispo County Air

1 Part C of title I of the CAA specifies requirements for the prevention of significant deterioration of air quality in areas where the air quality is better than the national ambient air quality standards (NAAQS) for criteria pollutants. Sources that will be located within 25 miles of the state seaward boundary, and for which the corresponding onshore area is designated as nonattainment for one or more criteria pollutants, will have to comply with part D (Plan Requirements for Nonattainment Areas) of title I of the CAA.

2 Section 328 of the CAA defines "corresponding onshore area," with respect to any OCS source, as the onshore attainment or nonattainment area that is closest to the source, unless the EPA Administrator determines that another area, with more stringent requirements with respect to the control and abatement of air pollution, may reasonably be expected to be affected by such emissions.

Pollution Control District (SLOCAPCD). The EPA also has delegated the authority to implement and enforce the OCS regulations for sources located off the East Coast of the United States to three state air pollution control agencies: Delaware Department of Natural Resources & Environmental Control (DDNREC), Maryland Department of the Environment (MDE) and Virginia Department of Environmental Quality (VDEQ). The EPA implements and enforces the regulations for all other sources under its authority. All burden estimates are calculated for the 3-year period beginning January 1, 2017, and ending December 31, 2019.

To be consistent with terminology used by the BOEM, OCS sources associated with the recovery of oil and gas resources are characterized according to one of the following operational phases. The first phase consists of exploration activities, which are conducted from temporarily placed vessels or structures. Drilling of an exploration or delineation well generally lasts 2 to 3 months, but can last up to 6 months. The second phase consists of the construction and installation of a permanent production platform on the seabed and the associated "topside" (above sea level) structures. A typical construction phase lasts from 6 to 12 months. The third phase consists of the development drilling of wells, from which the oil and gas resources are extracted, and the long-term operations and maintenance of the production facility over the life of the field or structure. A typical development/production phase can last for over 30 years. These three phases are referred to as exploration, construction, and development/production, respectively, throughout the remainder of this ICR.

In addition to oil and gas resource recovery projects, the potential exists for alternative energy exploration projects. The 2005 Energy Policy Act gave BOEM the responsibility of managing alternative energy development on the OCS.

The development of offshore wind energy typically involves the installation of wind turbine generators on piles driven into the ocean bottom, although floating platforms are coming into use for deeper water applications. In either case, power cables are laid on the ocean bottom to convey the generated electricity to land. Air emissions from a wind energy project occur primarily in the construction phase. Primary emission sources are barges, cranes, pile drivers, transport vessels and crew and supply boats. During the operation phase, there are minor emissions from routine inspection visits and occasional emissions from maintenance and repair activities. During the decommissioning, emissions are similar to those that occur during construction.

Wave energy can be generated by a number of different types of mechanical devices floating on the ocean surface and attached by anchors. Air emissions during installation would result from vessels that deploy the devices and from a barge used to lay cable. During operation, the only emissions would be associated with occasional service and maintenance vessel trips. Another potential source of energy is ocean currents. Energy from ocean currents is harnessed from turbines installed on the ocean bottom. Emissions during installation would result from a barge, transport vessels and crew boats.

One wind farm has been permitted off the coast of Massachusetts, and although it has been stalled for a number of years we have assumed that it will be constructed during the period covered by this ICR renewal. In addition, BOEM has awarded leases for potential wind energy

projects in the Atlantic Ocean off the coasts of several states. The first stage of such projects involves the installation of meteorological towers or buoys by prospective developers for assessing the wind energy potential. In most cases these projects are still early in the planning process and not likely to occur during the period covered by this ICR, but a few have progressed to the point that installation of meteorological towers or buoys may occur during this ICR period. There is also the potential for a project off the coast of Oregon to test the feasibility of wave energy development, but that is not expected to occur during this ICR period.

Based on contacts with EPA Regions II, III, IV and IX, as well their OCS permitting web sites, the EPA Regions I and X web sites and the BOEM web site, we estimate that the following new and existing OCS activities will be covered by this ICR renewal in the 2017 through 2019 timeframe:

Pacific Coast (California/local agency)

- 23 existing development/production projects
- 2 of these will make modifications that require minor source preconstruction permits

Eastern Gulf of Mexico (EPA Region IV)

- 4 previously permitted drilling vessel for exploratory wells
- 4 new permits for drilling vessels for exploratory wells
- Across the permits above, 2 exploratory wells will actually be drilled[3]

Atlantic (EPA Regions I, II, III, and IV)

- 1 previously permitted alternative energy project that will be constructed
- 3 new alternative energy projects[4]

Atlantic (Delaware, Maryland and Virginia state agencies)

- 2 new alternative energy projects[4]

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED/AUTHORITY FOR THE COLLECTION

The need and authority for this information collection is contained in section 328 of the CAA and in EPA OCS Air Regulations, codified as title 40 CFR part 55. Section 328 requires the EPA to establish requirements to control air pollution from OCS sources to attain and maintain federal and state ambient air quality standards and to comply with the provisions of part C of title I of the CAA. The Administrator must update the requirements as necessary to maintain consistency with onshore regulations. Each requirement established under section 328 is treated, for purposes of sections 113 (Federal Enforcement), 114 (Inspections, Monitoring, and

3 Information from EPA Region IV indicates that the formations in the eastern Gulf of Mexico are most likely to contain natural gas, rather than oil. In the present climate of plentiful, inexpensive natural gas from land-based operations, there is little incentive to explore and develop OCS natural gas fields.

4 Information from EPA Region III and the BOEM web site indicates that five projects have submitted, or are near submission of, the Site Assessment Plan to BOEM or have submitted an air permit application to a delegated state. For purposes of this analysis, we have assumed that these five projects will undergo permitting under the OCS program during the ICR period.

Entry), 116 (Retention of State Authority), 120 (Noncompliance Authority), and 304 (Citizen Suits) of the CAA, as a standard under section 111, and a violation of any such requirements will be considered a violation of section 111(e) of the CAA.

In addition, 40 CFR 55.11 establishes the procedures for states and local agencies to request and receive delegation of authority to implement and enforce the regulations. The requesting agency must demonstrate that it has:

1. Adopted the appropriate portions of part 55 into state law,
2. Adequate authority under state law to implement and enforce the requirements of part 55,
3. Adequate resources to implement and enforce the requirements of part 55, and
4. Adequate administrative procedures to implement and enforce the requirements of part 55.

2(b) PRACTICAL UTILY/USERS OF THE DATA

There are five types of reporting requirements for the industrial respondent: notice of intent (NOI) to construct, preconstruction permit application, compliance testing, operating permit application, and recordkeeping and reporting tasks.

NOI to Construct

The owner or operator of proposed new or modified sources that are located within the 25-mile limit will be required to prepare a NOI to construct. Not more than 18 months prior to submitting a permit application, the owner or operator must submit a NOI to construct to the EPA Administrator through the EPA Regional Office and to the air pollution control agency of the nearest onshore area (NOA) and adjacent onshore areas. The purposes of the NOI are to: (1) trigger an EPA review of onshore regulations to determine if they are consistent with the OCS regulations and, (2) to allow adequate time for onshore areas, other than the NOA, to determine if they will petition the EPA for designation as the COA. The COA is the NOA, unless the Administrator determines that another area with more stringent requirements may be impacted by the source. (See CAA section 328(a)(4)(B).)

Preconstruction Permit Applications

All major sources must comply with all applicable preconstruction permit requirements including the need to submit an application for a preconstruction review permit. A separate application is required at the exploration and development phases (if the second phase occurs). The owner or operator of an OCS source is responsible for developing a preconstruction permit application and collecting all relevant information not otherwise available to the permit reviewing authority that may be needed to complete the permit application. The permit reviewing authority reviews the application materials and determines if the proposed source meets all the applicable requirements. For example, this includes any pollution control technology requirements that may be required under the preconstruction review program in effect in that location or under federal new source performance standards (NSPS) regulations promulgated under CAA section 111. For sources that will be constructed or modified in attainment areas, the emissions controls required under the New Source Review (NSR) program under part C of title I

of the Act must represent the best available control technology (BACT) and must be shown not to violate the NAAQS or the prevention of significant deterioration (PSD) increments, or adversely affect air quality related values in any Class I area. For sources which will be constructed or modified in nonattainment areas, the emissions controls required by the Nonattainment NSR program under part D of title I of the Act must represent the lowest achievable emission rate (LAER) and also demonstrate emission reduction offsets. In addition, the EPA operates a reasonably available control technology (RACT)/BACT/LAER Clearinghouse, which contains many BACT and LAER determinations to aid sources and application reviewers in identifying appropriate control technology proposals. The BACT or LAER information in each permit will be gathered and submitted for entry into the RACT/BACT/LAER Clearinghouse data base as a reference for making future control technology determinations. Information on BACT and LAER determinations is available to the public through the EPA's web site.[5]

Minor sources also must submit preconstruction permit applications. However, emissions control technology such as BACT and LAER are not typically required by these programs and much less detailed modeling is required to show compliance with NAAQS, resulting in a much lower level of effort to prepare such permit applications.

Compliance Testing

Within 6 months of the start of operations, new or modified major sources may be required to complete initial compliance tests to demonstrate compliance with control equipment design and performance specifications in their preconstruction permits. In addition, annual compliance tests are required for existing development/production sources in California.

Operating Permit Application

A second type of permit that the owner or operator of a major source must obtain is the operating permit. Minor sources may also be subject to the requirement for an operating permit, depending on the requirements of the COA. The source must develop an operating permit application, which contains much of the same information required in the preconstruction review permit application with some differences. The operating permit identifies the specific applicable requirements of the CAA that apply to the source, including those related to preconstruction review, any national emission standards (such as National Emissions Standards for Hazardous Air Pollutants or NSPS) and any implementation plan requirements that may apply, including those from any state implementation plan (SIP) in effect in the COA. In addition to these requirements, operating permits may independently impose recordkeeping, reporting and, in limited cases, monitoring requirements in addition to those that may be required by the underlying applicable requirements. Owners or operators may, and often do, elect to apply for the operating permit at the same time as the preconstruction permit.

5 https://cfpub.epa.gov/RBLC/index.cfm?action=Home.Home&lang=en

Recordkeeping and Reporting Tasks

Sources, in addition, are required to monitor emissions and operating parameters to ensure compliance with emission limits and operating requirements. The regulatory agencies will use the compliance test results and the monitoring information to ensure compliance with the appropriate regulations. The emission data will also be used by the regulatory agencies to model the air quality in the area and to evaluate control strategies. Records are generally required to be retained for 5 years, consistent with the title V operating permitting requirements. The CAA requires both respondents and state or local agencies to retain records for a period of 5 years. The justification for this 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 applies to the CAA.

3. NONDUPLICATION, CONSULTATION AND OTHER COLLECTION CRITERIA

3(a) NONDUPLICATION

The information collection activities that will be required under the OCS regulations are not routinely required elsewhere by the EPA. However, similar information may be collected during the development of certain environmental impact statements (EIS). In such cases, regulations and policies require that information collected for EIS and OCS programs be coordinated to the maximum extent possible to minimize duplicating the collection of data. Some of the required information may also be available from state or other federal agencies. However, even when these data are available, they are not generally adequate to address completely the relevant requirements of the OCS regulations.

Section 328 of the CAA requires the OCS sources within 25 miles of the states' seaward boundaries to meet the same requirements as are applicable in the COA. This includes the permitting, monitoring, recordkeeping and reporting requirements. The OCS Air Regulations require sources located beyond 25 miles from the states' seaward boundaries to meet the requirements of the nationally promulgated programs (e.g., PSD, NSPS, and title V operating permit programs) including the monitoring, recordkeeping and reporting requirements of those programs. The only additional information collection requirement for sources is the need to file a NOI. This information is not available elsewhere in the Agency and is necessary to identify the COA and to ensure that the regulatory requirements are updated.

3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB

On May 29, 2015 (80 FR 30678), the EPA published a notice announcing its intention to submit this ICR to the OMB. The comment period ended on July 28, 2015, and no comments were received.

3(c) CONSULTATIONS

In developing this ICR renewal, we coordinated with the EPA Regional Offices who are responsible for reviewing and developing air permits for new and existing OCS projects, or for overseeing state and local agencies that have received delegation of the OCS program. Over time, relatively few Regional Offices (IV, IX and X) have been active in traditional oil and gas projects off the coast of Florida, California and Alaska. More recently, responsibility for projects off the North Slope of Alaska has been transferred from the EPA to BOEM, so EPA Region X does not have jurisdiction over any OCS projects at this time. In the case of California, all of the projects are existing sources, and all of the affected parties have several years of experience in implementing the program. Region IX is not aware of any issues on these projects that would affect the assumptions we are making today in this ICR regarding the number and types of sources and the burden associated with complying with the air rules.

As in the currently approved ICR, the EPA continues to recognize in this ICR renewal that alternative energy projects represent a relatively new area of activity in the OCS program. The Cape Wind wind farm project off the coast of Massachusetts is the farthest along, and the source has obtained a permit but has not yet constructed. At many potential alternative energy projects, conformity issues associated with indirect impacts from vessels are the real concern, which is not the result of the rules underlying this ICR. The other alternative energy projects under consideration during the period of this ICR involve the installation of meteorological towers or buoys to assess the potential for wind energy, with an eye toward eventual construction of wind farms several years in the future. In the future, should these projects reach the development stage, or new areas become subject to OCS air regulations, we would assess whether our underlying assumptions are still valid, but at this point we believe they are.

3(d) EFFECTS OF LESS FREQUENT COLLECTION

The information required to be submitted by each preconstruction permit applicant will be submitted on a one-time-only basis. When an existing OCS source wishes to modify or expand a facility already in operation, most of the information submitted will pertain to the new construction. New development/production sources and platforms are expected to obtain an operating permit approximately 1 year after the source commences operation; however, no new sources of this type are expected during this 3-year ICR clearance period. For this ICR we are addressing four previously permitted and four projected new permits for exploration projects in the eastern Gulf of Mexico (although only two exploration wells are expected to actually be drilled under these eight permits) and one previously permitted and five projected new permits for alternative energy projects off the Atlantic coast. Based on information from EPA Region IV, we assume that all the previously permitted exploration projects obtained their operating permits during the completed initial permitting process, and that all new exploration projects will obtain their operating permits as part of the initial permitting process during the 3-year ICR clearance period. This is because for these major sources, the initial permitting typically includes issuance of the operating permit. Likewise, for the previously permitted alternative energy project, we assume that the existing permit includes the requirements of the operating permit based on review of the permit. For the projected new alternative energy projects, we assume that only minor source permits are required at this stage of development (i.e., installation of a

meteorological tower or buoy), and no operating permit is required. For the existing development/production sources assumed to be under the regulatory authority of local agencies, it was projected that five sources would renew their operating permits each year during the 3-year time period covered by this ICR to comply with local agency regulations. These sources are also subject to compliance testing, recordkeeping, and reporting requirements to demonstrate compliance with their applicable requirements.[6] Less frequent collection of information than that required by these requirements would jeopardize the ability of regulatory agencies to evaluate a source's compliance with the OCS regulations.

3(e) GENERAL GUIDELINES

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, the OMB's implementing regulations, and other applicable OMB guidance with the exception that records are generally required to be retained for 5 years rather than 3 years. This requirement is a function of the underlying NSR and title V operating permit rules, and is not created by the OCS program that is the subject of this ICR. 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 applies to the Clean Air Act.

3(f) CONFIDENTIALITY

Any information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to the EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 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(g) SENSITIVE QUESTIONS

No questions of a sensitive nature are included in any of the information collection requirements. Therefore, this section is not applicable.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) RESPONDENTS/STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODES

Section 328(a)(4)(C) of the CAA defines "OCS sources" as ". . . any equipment, activity, or facility which:

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6 The federal regulations that implement the title V operating permit requirements (40 CFR part 70 and 40 CFR part 71) define “applicable requirement” as all substantive requirements originating from non-title V, federal air quality standards and other similar requirements, including implementation plans, under various titles of the Act. The title V regulations may impose certain monitoring, reporting and requirements independently, but they are not “applicable requirements.”

- Emits or has the potential to emit any air pollutant,
- Is regulated or authorized under the Outer Continental Shelf Lands Act, and
- Is located on the Outer Continental Shelf or in or on waters above the Outer Continental Shelf.

Such activities include, but are not limited to, platform and drill ship exploration, construction, development, production, processing, and transportation. Emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or en route to or from the OCS source within 25 miles of the OCS source, will be considered direct emissions from the OCS source."

The SIC codes (with accompanying North American Industry Classification System (NAICS) codes in brackets), for sources which may be subject to the OCS regulations, include the following:

- Major Group 13 [211] - Oil and Gas Extraction
  - SIC code 1311 [211111] - Crude petroleum and natural gas
  - SIC code 1321 [211112] - Natural gas liquids
  - SIC code 1382 [213112] - Oil and gas field exploration services

- Major Group 44 [483] - Water Transportation
  - SIC code 4449 [483211] - Water transportation of freight, not elsewhere classified
  - SIC code 4492 [48833] - Towing and tugboat services

- Major Group 46 [486] - Pipelines, Except Natural Gas
  - SIC code 4612 [48611] - Crude petroleum pipelines

- Major Group 49 [221] - Electric, Gas, and Sanitary Services
  - SIC code 4911 [221119] - Electric services (other electric power generation)
  - SIC code 4922 [48621] - Natural gas transmissions

4(b) INFORMATION REQUESTED

Since the OCS Air Regulations essentially extend the coverage of other regulations, the data and information requirements associated with the regulations will vary depending on the underlying regulations. For example, sources locating within a 25-mile limit off the coast of a nonattainment area will generally have more stringent NSR regulations than those locating off the coast of an attainment area. The data and information requirements will also vary depending on the size and type of source. The exploration sources are generally smaller sources and not subject to the permit requirements of larger sources.

Based on information received from EPA Regions II, III, IV and IX and review of the BOEM and EPA Regions I and X OCS permitting web sites, the following OCS facilities were assumed for the purposes of this ICR:

Sources under EPA authority

Existing development/production sources	0
Permitted exploratory projects	4
New exploratory project permits	4
Exploratory wells actually drilled under all permitted and new permits	2
Permitted alternative energy projects	1
New alternative energy projects	3
New development/production sources	0

Sources under the authority of the state/local agencies

Existing development/production sources	23
New alternative energy projects	2

All of the new alternative energy projects under EPA and state authority are expected to result in minor source permits because any permitting at this stage is only or the installation of a meteorological tower or buoy. The one permitted alternative energy project has obtained a major source permit that includes the construction of the permitted wind farm. In general, minor sources will be required to obtain a minor NSR permit and will not be required to obtain an operating permit.

Permitting for exploratory projects is based on the activities of a single drilling vessel with its support fleet, although the specific drilling vessel and support vessels may not be identified at the time of permitting. These permits may be issued for a specific number of exploration wells at a specific location over a specified period, or may be much more open-ended, allowing the drilling vessel to drill one or more wells or parts of wells at any of a number of leases during a specified number of days per year over multiple years. When the projected annual emissions from the drilling vessel and its support fleet exceed the thresholds for PSD applicability, the source must obtain a PSD preconstruction permit. In some cases, the projected emissions could be below the PSD thresholds based on operating and emissions limits proposed by the source, in which case a title V operating permit would be issued to the source to provide an enforceable vehicle for the limitations that are necessary to remain below PSD applicability. In addition, if such sources were within the 25-mile limit, they would subject to the state or local minor NSR permitting requirements of the COA. Sources that obtain a PSD permit are not required to obtain a title V operating permit until 12 months after they commence operation for the first time. However, sources generally obtain both a PSD permit and a title V operating permit during the initial permitting process. It should be noted that the only area under EPA or state/local jurisdiction at this time in which it is permissible to drill exploratory wells is the eastern Gulf of Mexico, and these cannot be within 25-mile limit. In addition, information from EPA Region IV indicates that no more than a total of two exploratory wells are likely to be drilled during the ICR period across all the existing and new permits in the eastern Gulf of Mexico.

(i) Data Items, Including Recordkeeping Requirements

NOI to Construct

New or modified sources will have to prepare and submit a NOI to construct not more than 18 months before submitting a permit application. The data and information requirements which a source must include in a NOI to construct must include the following minimum information:

- General company information, including company name and address, owner's name and agent, and facility site contact.
- Facility description in terms of the process and products, including identification by NAICS code.
- Estimate of the proposed project's potential emissions of any air pollutant, expressed in total tons per year and in such other terms as may be necessary to determine the applicability of requirements of §55.4 of the regulation. Potential emissions for the project must include all vessel emissions associated with the proposed project in accordance with the definition of “potential emissions” in §55.2 of the regulation.
- Description of all emission points including associated vessels.
- Estimate of quantity and type of fuels and raw materials to be used.
- Description of proposed air pollution control equipment.
- Proposed limitations on source operations or any work practice standards affecting emissions.
- Other information affecting emissions including, where applicable, information related to stack parameters (including height, diameter, and plume temperature), flow rates, and equipment and facility dimensions.
- Such other information as may be necessary to determine the applicability of onshore requirements.
- Such other information as may be necessary to determine the source's impact in onshore areas. Exploration sources are exempt from this requirement.

In the past, owners or operators of new sources have had to include these data items in parts C and D preconstruction permit applications. Therefore, collection of these data items for a NOI to construct is not considered an additional burden over the data items presently required in preconstruction permit applications.

Preconstruction Permit Applications

All new or modified major sources are required to prepare and submit a preconstruction permit application. Table 2 summarizes the data and information requirements which must be included in all part C PSD preconstruction permit applications.

Table 2 also shows the references for the data and information requirements specified in the CAA and the current regulations specified in the CFR. The first CFR reference shown for each requirement in Table 2 pertains to the requirements under part 51 which govern the way states implement part C programs. The second CFR reference (shown in brackets) pertains to the requirements under part 52 that govern the way the EPA implements part C programs when states fail to implement part C programs.

Table 3 summarizes the data and information requirements that must be included in all part D preconstruction permit applications. Table 3 also shows the references for the data and information requirements specified in the CAA and the current regulations specified in the CFR.

In some cases, proposed emissions for an OCS project are below the applicability levels for part C or D preconstruction permitting. When such sources are within the 25-mile limit, they are subject to the minor source preconstruction permitting requirements of the COA. While these requirements vary by state and local agency, they are universally less extensive than the major source permit requirements. For example, minor NSR programs generally require little or no modeling of emissions or case-by-case control technology review. In addition, minor OCS sources outside the 25-mile limit are issued a title V permit during the initial permitting process as an enforceable mechanism to assure compliance with the proposed emission controls and operating and emissions limits. For the initial permitting of minor sources, we have assumed a burden that is half that of major source permitting for the same type of source (i.e., exploration, alternative energy, or development/production).

Existing OCS sources may also make modifications that trigger preconstruction permitting. Major modifications to major sources are subject to part C or D program requirements depending on the attainment status of the area where the source is located, while minor modifications are subject to minor NSR (if within the 25-mile limit) and title V permit minor modification requirements. Two existing development/production sources off the California coast are expected to undergo minor modifications during the period covered by this ICR which will be subject to the minor NSR requirements of their COAs. Again, we have assumed that the associated burden will be half that previously assumed for major modifications at development/production sources.

Compliance Testing

This projection includes four permitted and four new exploration projects in the eastern Gulf of Mexico. Based on information from EPA Regions IV we project that only two exploration wells will actually be drilled during this ICR period, and only these sources will be required to conduct initial emissions tests. We do not believe that emissions tests will be required at the alternative energy projects. While these projects will generate air emissions due to vessels

that must be used to construct the projects and then repair and maintain them, the projects themselves would generate air emissions of much lower magnitude and be subject to fewer applicable requirements compared to mineral extraction projects.

Annual compliance tests are required for the 23 existing development/production sources located within the 25-mile limit of California. The purpose of the annual testing requirements is to demonstrate that each source is in compliance with its applicable requirements related to emissions control. For the purpose of this analysis, it was assumed that these sources will each be subject to 3 years of annual compliance testing.

Operating Permits

For the purpose of this analysis, it was assumed that all of the new exploration projects which will be under the EPA's regulatory authority will obtain title V operating permits during initial permitting. Operating permits typically contain the following minimum information requirements:

- Ownership and location of the source;
- An inventory of the type and amount of emissions associated with each piece of equipment used at the source;
- Identification of emissions control techniques required by applicable requirements for each piece of equipment; such techniques may include process design or operational changes to equipment, add-on control equipment, and inspection and maintenance procedures;
- Identification of recordkeeping requirements, including those required by applicable requirements (such as NSPS or SIP) and those required by operating permits regulations (e.g., 6-month monitoring reports, deviation reports, and annual compliance certification) to ensure that control techniques and inspection and maintenance procedures are being properly implemented;
- Annual compliance testing requirements;
- Reporting requirements for the periodic submittal of recordkeeping or test data for review by the regulatory authority, whether required by the applicable requirements or by the operating permit regulations.

All 23 existing sources off the coast of Southern California are required to obtain operating permits. As in the previous renewal of this ICR, we have assumed that five of these sources will renew their operating permits each year.

Recordkeeping and Reporting Tasks

The recordkeeping and reporting tasks will vary depending on the type of source and the applicable requirements that apply. For example, exploration sources may be required to maintain a log book and provide a copy of the book to the EPA when the exploration is complete; these requirements apply only during the time that an exploratory well is actually being drilled. Development/production sources typically are required to monitor certain emissions and operational parameters and submit annual reports to the local districts.

(ii) Respondent Activities

NOI to Construct

The following items are a comprehensive list of the activities that the owner or operator of a new OCS source would have to perform to prepare and submit a NOI to construct:

- Read applicable regulations to determine compliance requirements;
- Inquire or meet with the appropriate permit reviewing authority to obtain guidance on what data are needed to meet the applicable requirements;
- Prepare NOI to construct;
- Submit the NOI to construct to the EPA Administrator through the EPA Regional Office and to the air pollution control agency of the NOA and adjacent onshore areas.

Preconstruction Permit Applications

The following items are a comprehensive list of the activities that the owner or operator of a new source would have to perform to prepare a preconstruction permit application if the source is subject to part C PSD regulations:

- Read applicable regulations to determine compliance requirements;
- Inquire or meet with the appropriate permit reviewing authority to obtain guidance on what data are needed to assure compliance with the applicable requirements;
- Prepare BACT engineering analysis;
- Perform air quality modeling;
- Perform pre- and post-construction air quality monitoring (if not already available);
- Determine impacts on air quality related values in Federal Class I areas;

- Submit application to the U.S. Fish and Wildlife Service for endangered species impact analysis;

- Prepare and submit permit application;

- Attend public hearing;

- Revise permit application per comments received from the permit reviewing authority and/or public comments.

For the purpose of this analysis, it was assumed that PSD permit applications will be submitted for all the new exploration projects in the eastern Gulf of Mexico. However, the level of effort associated with performing the activities as shown above will vary depending on the types and amounts of pollutants emitted by the source, location of the source, and availability of existing information such as air quality and modeling data. For example, an owner or operator will not have to perform dispersion modeling analyses to determine impacts on air quality related values in a Federal Class I area if the source's emissions will not impact a Federal Class I area. In addition, an owner or operator will only have to perform monitoring if requested by the permit reviewing authority.

We have assumed that all the alternative energy projects will submit minor source preconstruction permit applications. The activities associated with these permits will vary to some degree depending on the minor NSR programs in the respective COAs. The required activities will less extensive than listed above for a PSD permit.

Compliance Testing

For the purposes of this analysis, it was assumed that development/production sources would use Reference Method 20 to test for nitrogen oxide emissions from gas turbines. For development/production and exploration sources that have internal combustion engines, it was assumed that the instrumental methods of Reference Methods 3A, 6C, and 7E using the electro-chemical cell methodology would be used to test for nitrogen oxide, carbon monoxide, hydrocarbon, and sulfur dioxide emissions. The activities associated with completing compliance tests are as follows:

- Prepare a pretest plan and submit the plan to the appropriate permit reviewing authority for review and approval at least 30 days before conducting the tests;

- Clean and calibrate test equipment for tests;

- Perform tests;

- Analyze samples, summarize data, and write report.

Operating Permits[7]

7 Under operating permit programs, sources are required to submit permit applications for initial permit issuance,

In general, the activities that new or modified and existing sources will have to perform to prepare an operating permit application include the following:

- Read applicable regulations to determine compliance requirements;
- Inquire or meet with the appropriate permit reviewing authority to obtain guidance on which data, compliance testing, and recordkeeping and reporting activities are needed to assure compliance with the applicable requirements;
- Prepare and submit the permit application;
- Attend public hearing, if one is conducted;
- Revise permit application per comments received from the permit reviewing authority and/or public comments.

Recordkeeping and Reporting Tasks

Exploration and alternative energy project sources are typically required to monitor the fuel usage and operating hours of each piece of equipment and each support vessel. Where add-on control equipment is required, continuous monitoring typically is required. Once an owner or operator has obtained a title V operating permit, a monitoring report is required twice per year and a compliance certification report is required annually. (Prior to issuance of a title V permit, only an annual report typically is required.)

Authority to implement and enforce the regulations for the existing development/production sources has been delegated to the local air pollution control districts. Therefore, the existing development/production sources are subject to annual reporting requirements through their operating permits, as implemented by local agencies.

5. THE INFORMATION COLLECTED – AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT

5(a) AGENCY ACTIVITIES

for permit revisions (as needed), and for permit renewals every 5 years. After permit issuance, sources are required to report deviations from permit requirements, report summaries of monitoring every 6 months, perform an annual compliance certification, and annually pay fees. In some cases, sources are required to develop gap-filling monitoring and/or recordkeeping to serve as monitoring and operate that monitoring/recordkeeping to help them meet the compliance certification requirement.

Estimates of burdens and costs for various types of sources subject to operating permit programs have been approved separately by OMB. 40 CFR part 70 is generally implemented by state, local, or tribal permitting authorities, while 40 CFR part 71 is implemented in cases where EPA is required to issue permits (e.g., in areas of sole federal jurisdiction). Specifically, §71.4(d) provides for the permitting of OCS sources and the ICR for Part 71 discusses such permitting. See Information Collection Request for Part 71 Federal Operating Permit Regulations, EPA No. 1713.06, April 2007.

State and Local Agency Activities

Agencies delegated authority for the OCS program are responsible for processing NOI's to construct, reviewing and acting on preconstruction and operating permit applications, conducting enforcement activities such as inspections, reviewing pretest plans and test reports, attending tests (if desired by the agency) and reviewing reports that sources must submit to comply with their operating permits.

Agencies responsible for processing NOI's to construct and preconstruction and operating permit applications will typically perform the following activities:

- Answer respondent questions;
- Log-in and review data submissions;
- Request additional information for incomplete applications;
- Analyze requests for confidentiality and provide appropriate protection;
- Prepare completed applications for processing and approval;
- Prepare notices of public hearings on permit applications for publication in newspapers, arrange and attend public hearings, and summarize and respond to public comments;
- Submit information on BACT/LAER determinations to the EPA's BACT/LAER Clearinghouse for entry into a data base.

EPA Activities

The EPA will perform reviews of new regulations adopted by state and local COA's to determine if the regulations are applicable to OCS sources. If it is determined that a new onshore regulation is applicable to OCS sources and that the new regulation does not conflict with federal law, then the EPA will update the OCS regulations by the incorporation of such regulation. Such an update will require formal notice in the *Federal Register* and opportunities for public comment.

The EPA will consult with the BOEM to prepare air quality impact analyses for environmental impact statements for OCS leasing activities, and to comply with the consultation process requirement of the Endangered Species Act. However, this consultation process is not expected to increase the EPA's burden associated with the OCS program. Therefore, a burden estimate was not calculated for this activity.

5(b) COLLECTION METHODOLOGY AND MANAGEMENT

It is the responsibility of each owner and operator of an OCS source affected by the OCS regulations to prepare and submit a NOI to construct, a preconstruction permit application, and an operating permit application to the permit reviewing authority. The permit reviewing authority will log in permit applications and store them in a central file at the location of the permit reviewing authority. Once preconstruction permits have been approved, the permits will be submitted to the EPA's RACT/BACT/LAER Clearinghouse where control technology information will be entered into a data base. Because the preconstruction permits and associated control technology determinations are performed on a case-by-case basis, the OCS regulations will not contain forms which owners or operators will have to fill out and submit to the permit reviewing authority.

Qualified personnel that work for the permit reviewing authority will perform permit reviews and check the quality of data submitted by the applicant on a case-by-case basis. The applicant will be required to submit information on how the data were obtained (e.g., indicate whether emissions data were obtained through the use of emissions factors or test data) and how calculations were performed. The permit reviewing authority personnel will check data quality by reviewing test data and checking engineering calculations, and by reviewing control technology determinations for similar sources. The BACT/LAER Clearinghouse data base will be reviewed for information on control technology determinations made for sources similar to the sources included in a permit application. Confidential information submitted by the applicant will be handled by the permit reviewing authority's confidential information handling procedures. The public will be provided the opportunity to review a permit application by obtaining a copy of the application from the permit reviewing authority and by attending the public hearing.

The OCS regulations do not require the request of information through any type of survey.

5(c) SMALL ENTITY FLEXIBILITY

This section is not applicable because the NOI to construct, preconstruction and operating permit, annual compliance testing, recordkeeping, and reporting requirements associated with the OCS regulations do not directly affect small entities.

5(d) COLLECTION SCHEDULE

Existing development/production sources are currently subject to the OCS regulations, and authority to implement and enforce the regulations for those sources has been delegated to the local air pollution control districts. Therefore, the existing development/production sources are subject to annual reporting requirements through their applicable requirements and/or operating permits required by local agencies. It is not known when the new and recently permitted exploration and alternative energy sources under EPA authority will begin construction. For the purpose of this analysis, it was assumed that these sources would conduct activities throughout the time period covered by this ICR.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) ESTIMATING RESPONDENT BURDEN AND COSTS

This section presents estimates of the burden to exploration, development/production and alternative energy project sources associated with the OCS regulations. The respondent burden estimates are based on the data items and respondent activities described in section 4(b).

All costs are presented in 2016 dollars. The cost estimates are based on a respondent wage rate of $43.43 per hour derived from the mean hourly wage for Environmental Engineers of $42.33 from the most recent BLS Occupational Employment Statistics, which gives wages as of May 2015.[8] We escalated the hourly wages to June 2016 (the latest date for which figures were available) using the BLS Employment Cost Index (ECI) for private industry workers, resulting in hourly wages of $43.43.[9] The escalation calculation for Environmental Engineers is as follows:

$$Wage_{June\,2016} = Wage_{May\,2015} \times \frac{ECI_{June\,2016}}{ECI_{June\,2015}}$$

$$Wage_{June\,2016} = \$\,42.33 \times \frac{126.0}{122.8} = \$\,43.33$$

To determine the "loaded" labor rate, we assumed a 100 percent factor to account for benefits and overhead, which we believe to be representative. The resultant rate was rounded to the nearest dollar, yielding $87.00 per hour in 2016 dollars for in-house respondent labor. This labor rate was applied to all in-house industry respondent burden hours to calculate the in-house portion of the sources' labor costs. For the contractor labor portion of the sources' labor costs, we added a 10 percent profit factor to the in-house rate, yielding a rounded hourly rate of $96.00. This labor rate was applied to all the contractor hours included in the sources' burden hours. The respondents' annual labor hours and costs for the 3-year time period covered by this ICR are presented in Exhibits 1 through 6.

According to the Paperwork Reduction Act, capital/start-up cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment. As a practical matter, these costs are not typical of the costs associated with preparing permit applications. Therefore, the only O&M costs are those associated with scenarios involving the purchase and/or use of capital equipment for monitoring at new or existing development/production sources.

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8 Environmental Engineer hourly wages obtained from "Occupational Employment Statistics, Occupational Employment and Wages, May 2015, 17-2081 Environmental Engineers," U.S. Dept. of Labor, BLS. (http://www.bls.gov/oes/current/oes172081.htm accessed October 2016).

9 Employment Cost Index for sources obtained from "Employment Cost Index Historical Listing, Table 2. Employment Cost Index for wages and salaries, by occupational group and industry (Seasonally adjusted)," U.S. Dept. of Labor, BLS, pg. 29 Private Industry Workers - All Workers. (http://www.bls.gov/web/eci/echistrynaics.pdf accessed October 2016).

New and Previously Permitted Exploration Sources under EPA Authority: Respondents' Annual Burden (Exhibit 1)

There are four new and four previously permitted projects estimated to occur greater than 25 miles off the coast of Florida in the eastern Gulf of Mexico. However, for the purposes of this ICR, it was assumed that only two exploratory wells would actually be drilled during the period covered by this ICR. This assumption is based on information from EPA Region IV which indicates that the formations in the eastern Gulf of Mexico are most likely to contain natural gas, rather than oil. In the present climate of plentiful, inexpensive natural gas from land-based operations, there is little incentive to explore and develop OCS natural gas fields.

We assumed that the four new exploratory sources under EPA authority would incur the burden for basic activities including reading the regulations, consulting with EPA and preparing a NOI to construct. We estimate that all four of the new sources off the coast of Florida will be major sources and will have to prepare preconstruction permit applications to comply with PSD requirements under part C of title I of the CAA. See below in the discussion for Exhibit 3 for a summary of activities that are expected to occur in this process. We have assumed that preparing a major source exploration permit application for sources under Exhibit 1 is half of the burden of preparing a PSD application as described in Exhibit 3. We also assumed that preparing a minor source exploration permit application under Exhibit 1 is one-quarter the burden of preparing a PSD application under Exhibit 3, although for this ICR renewal we have assumed that none of the new projects will undergo minor source permitting. We assumed that the four previously permitted sources obtained a permit that includes the operating permit requirements during initial permitting and will incur no additional operating permit costs during this ICR period. We further assumed that the four new exploration projects will likewise obtain a permit that includes the operating permit requirements as part of the initial permitting process, and will incur the associated operating permit costs under this ICR. Finally, we assumed that among all new and previously permitted exploration sources, only a total of two exploration wells will actually be drilled during this ICR period and that initial compliance tests, monitoring and reporting will only be required during the 1-year period that each of the wells is being drilled. It is anticipated that the exploration sources will not have to install any additional monitoring equipment to comply with the regulatory requirements. Therefore, there will be no capital cost or O&M cost for these sources.

Exhibit 1 provides a breakdown of the burden and costs for these activities. For the estimated 8 responses, the average annual burden for the respondents is estimated to be 1,164 hours and $109,368. Since the exploration vessels are expected to have all necessary monitoring equipment to meet the OCS Air Regulations, no capital cost or O&M cost is projected to be necessary.

New and Previously Permitted Alternative Energy Sources under EPA Authority: Respondents' Annual Burden (Exhibit 2)

There are three new alternative energy projects projected to occur during this ICR clearance period off the Atlantic coast in areas under EPA authority, as well as one permitted project that has not yet been constructed. We have assumed that all of the new projects will be minor source projects. For purposes of estimating burden, we have assumed that these sources will be treated much the same as new and recently permitted exploration sources described above in Exhibit 1 with the exceptions that we do not believe that these projects will be required to obtain operating permits or conduct initial compliance tests. We believe that the permitted source and all the new sources will be required to conduct recordkeeping and reporting in each of the 3 years of the ICR period.

Exhibit 2 provides a breakdown of the burden and costs for these activities. For the estimated 8 responses, the average annual burden for the respondents is estimated to be 339 hours and $30,807. Since the support vessels are expected to have all necessary monitoring equipment to meet the OCS Air Regulations, no capital cost or O&M cost is projected to be necessary.

New Development/Production Sources under EPA Authority: Respondents' Annual Burden (Exhibit 3)

Exhibit 3 provides a breakdown of the burden and cost to the respondents for these activities. While there are no projected development projects expected to occur in the 3-year clearance period and the burden is zero, we have retained this exhibit for use in future renewals. Future new sources are expected to read the regulations, consult with the EPA or the state/local agencies, prepare a NOI to construct, prepare a PSD application, perform a compliance test, submit an operating permit application and conduct recordkeeping and reporting tasks. Because of the expertise required to prepare a preconstruction permit application and to conduct a compliance emission test, the source would most likely use a contractor for these operations. Typical tasks which the contractor would perform in the preparation of the preconstruction permit application include:

- Inquire or meet with the appropriate permit reviewing authority to obtain guidance on what data are needed to meet the applicable requirements;
- Prepare BACT engineering analysis;
- Perform air quality modeling;
- Perform preconstruction air quality monitoring (if not already available);
- Determine impacts on air quality related values in Federal Class I areas;
- Prepare a DRAFT permit application;

- Attend public hearing;

- Revise permit application per comments received from the permit reviewing authority and/or public comments.

Typical tasks which the contractor would perform in conducting compliance tests include:

- Prepare a pretest plan and submit the plan to the appropriate permit reviewing authority for review and approval at least 30 days before conducting the tests;

- Clean and calibrate test equipment for tests;

- Perform tests;

- Analyze samples, summarize data, and write report.

The contractors would be expected to bill the services on an hourly basis.

Generally, development/production sources are required to monitor process parameters, fuel consumption, exhaust gas flow rates and sulfur concentrations in the gases.[10] When the OCS rules were adopted, existing platforms had to install some additional gas flow and sulfur monitoring equipment. One platform reportedly had to install a complex monitoring system, which cost almost $100,000. In addition, the vessels servicing the platforms also had to install fuel-monitoring meters, which cost between $30,000 and $50,000 each.[11] However, in most cases new sources under EPA authority are not expected to have to install additional monitoring equipment beyond that which is required by BOEM. Even if the new sources have to install additional monitoring equipment, the cost of installing that equipment on new facilities would be less than the cost of retrofitting older units, and it is anticipated that the service vessels would be servicing more than one platform.

The capital cost for the monitoring equipment was estimated in 1998 to be $25,000 per development/production source. The Chemical Engineering Plant Index for process instruments was used to update the cost to 2016 dollars. Using the October 2016 estimates of the July 2016 (preliminary) index for process instruments (389.3) compared to the final December 1998 index (363.2), the updated capital cost value is $26,797 and that cost is paid for over the 3-year clearance period. We estimate that O&M costs associated with this equipment is 5 percent of the total capital costs, or $1,340.

Exhibit 3 provides the framework for calculating the burden and costs for these activities. For this 3-year clearance period we project that there will be no sources of this type, so we estimate 0 responses, an average annual burden for the respondents of 0 hours and $0 for labor. Likewise, the O&M costs are $0 per year and annual capital costs are $0.

10Based on a 2002 telephone conversation with Craig Strommen, Chief Inspector for the SBCAPCD.

11Based on a 2002 telephone conversation with Marianne Strange, M. Strange and Associates.

New Exploration Sources under State/Local Authority: Respondents' Annual Burden (Exhibit 4)

There are no new exploration sources projected to be under state/local authority. If there were any sources, they would have to read the regulations, prepare NOIs to construct and preconstruction permit applications to comply with the state or local regulations. In addition, the sources would have to conduct a compliance test and recordkeeping and reporting tasks. The sources would be subject to preconstruction permit requirements for nonattainment and attainment pollutants. Because of the expertise required to conduct a compliance emission test, the sources would most likely use a contractor to conduct the tests

Typical tasks which the contractor will perform in conducting compliance tests include:

- Prepare a pretest plan and submit the plan to the appropriate permit reviewing authority for review and approval at least 30 days before conducting the tests;
- Clean and calibrate test equipment for tests;
- Perform tests;
- Analyze samples, summarize data, and write report.

It is anticipated that any future exploration sources would not have to install any additional monitoring equipment to comply with the regulatory requirements. Therefore, there would be no capital cost or O&M cost for these sources.

New Alternative Energy Sources under State/Local Authority: Respondents' Annual Burden (Exhibit 5)

We estimate that there will be two new alternative energy projects off the Atlantic coast within the 25-mile limit, subject to the COAs' requirements and under state/local authority. As discussed above for Exhibit 2, we have assumed that all of these new projects will be minor source projects. For purposes of estimating burden, we have assumed that these sources will be treated much the same as new and recently permitted exploration sources described above in Exhibit 1 with the exceptions that we do not believe that these projects will be required to obtain operating permits or conduct initial compliance tests. We believe that all the new sources will be required to conduct recordkeeping and reporting in each of the 3 years of the ICR period.

Exhibit 5 provides a breakdown of the burden and costs for these activities. For the estimated 4.67 responses, the average annual burden for the respondents is estimated to be 2059 hours and $18,682. Since the support vessels are expected to have all necessary monitoring equipment to meet the OCS Air Regulations, no capital cost or O&M cost is projected to be necessary.

Existing Development/Production Sources under State/Local Authority: Respondents' Annual Burden (Exhibit 6)

The existing 23 development/production sources off the southern California coast are located within 25 miles of the state's seaward boundary, and the EPA has delegated to the local districts the authority to implement and enforce OCS Air Regulations for those sources. These 23 existing sources are expected to perform annual compliance tests and conduct recordkeeping and reporting tasks. We estimate that two of these sources will undertake minor modifications that require a minor NSR permit, with associated burden at half the level previously estimated for major source preconstruction permitting for this type of source. Because of the expertise required to conduct a compliance emission test and prepare minor NSR permit applications, the sources will most likely use a contractor to conduct the tests and prepare the bulk of the minor NSR permit application. Since title V permits have a term of 5 years, we assume that five sources will apply to renew their title V permits each year.

Typical tasks which the contractor will perform in conducting compliance tests include:

- Preparing a pretest plan and submit the plan to the appropriate permit reviewing authority for review and approval at least 30 days before conducting the tests;
- Cleaning and calibrating test equipment for tests;
- Performing tests; and
- Analyzing samples, summarizing data, and writing report.

The existing development/production sources have already installed their monitoring equipment; therefore, they are not expected to incur any additional capital cost for new monitoring equipment. We assume that they will face the same O&M costs faced by new development sources (5 percent of the capital cost of monitoring equipment), or $1,340 per source. Exhibit 6 provides a breakdown of the burden and cost to the respondents for these activities. The average annual burden for the respondents is estimated to be 21,803 hours and $1,954,687 plus $30,816 for O&M costs.

Total Industry Respondent Burden and Costs

Exhibit 14 summarizes the industry burden for the OCS Air Regulations. The average annual industry respondent burden for the period January 1, 2017 through December 31, 2019 is estimated to be 23,510 hours and $2,113,544 plus $30,816 for O&M costs and $0 capital costs. As discussed below, the total respondent burden also includes the burden on the state and local air pollution control agencies that have been delegated the implementation and enforcement authority for the regulation.

6(b) ESTIMATING STATE AND LOCAL AIR POLLUTION CONTROL AGENCY BURDEN AND COSTS

This section presents estimates of the burden to state and local agencies associated with the OCS Air Regulations. The burden estimates are based on the data items and respondent activities described in section 4(a) of this ICR.

All costs are presented in 2016 dollars. For state and local agencies, we assumed that permit engineers are all Environmental Engineers, but experience tells us that these positions are typically filled by younger engineers, early in their careers. For this reason, we selected the 25th percentile hourly wage of $31.06 for Environmental Engineers from the same recent BLS Occupational Employment Statistics publication that we used for industry respondents. We escalated this May 2015 hourly wage to June 2016 as discussed above using the ECI for state and local government workers, resulting in hourly wages of $31.65.[12] As above, we assumed a 100 percent factor to account for benefits and overhead and rounded the resultant rate to the nearest dollar, yielding $63.00 per hour in 2016 dollars.

Prepare Delegation Requests

The EPA has delegated the authority to implement and enforce the OCS regulations to four local air pollution control districts in California (SBCAPCD, SCAQMD, VCAPCD and SLOCAPCD) and to three state air pollution agencies (DDNREC, MDE and VDEQ). No additional delegation requests are expected during the period from January 1, 2017 through December 31, 2019.

New Exploration Sources under State/Local Authority: State/Local Agencies' Annual Burden (Exhibit 7)

No new exploration sources under state/local authority are expected during the 3-year period covered by this ICR. If in the future such sources are located, the state/local agency would expend burden to consult, review the NOI, review the permit application, oversee the compliance test, conduct inspections and review data reports. Exhibit 7 provides a breakdown of the cost to the state/local air pollution control agency for implementing and enforcing the OCS Air Regulations.

New Alternative Energy Sources under State/Local Authority: State/Local Agencies' Annual Burden (Exhibit 8)

Two new alternative energy sources under state/local authority are expected during the 3-year period covered by this ICR. The state/local agencies will be subject to the same requirements as described for Exhibit 7. Exhibit 8 provides a breakdown of the cost to the state/local air pollution control agency for implementing and enforcing the OCS Air Regulations. The average annual burden for the state agencies is estimated to be 88 hours and $5,544

12 Employment Cost Index for reviewing authorities obtained from "Employment Cost Index Historical Listing, Table 2. Employment Cost Index for wages and salaries, by occupational group and industry (Seasonally adjusted)," U.S. Dept. of Labor, BLS, pg. 45 State and Local Government Workers - Public Administration. (http://www.bls.gov/web/eci/echistrynaics.pdf accessed August 2016).

Existing Development/Production Sources under State/Local Authority: State/Local Agencies' Annual Burden (Exhibit 9)

The 23 existing development/production sources are located within 25 miles of the state's seaward boundary off of southern California and are under the authority of the local districts. The sources are generally required to conduct annual compliance tests and submit data reports to the local districts. In addition, the local districts conduct quarterly compliance inspections of the facilities. It is assumed that five of these sources will renew their operating permits each year during the time period covered by this ICR to comply with local agency regulations. Exhibit 9 provides a breakdown of the burden and cost to the local air pollution control district for implementing and enforcing the OCS Air Regulations for these sources. The average annual burden for the local districts is estimated to be 3,420 hours and $215,481.

Total State and Local Agency Burden and Costs

The average annual state/local burden to implement and enforce the OCS Air Regulations for the period from January 1, 2017 to December 31, 2019 is estimated to be 3,508 hours and $221,025 and is shown in Exhibit 14.

Total Respondents Burden

The total respondent burden includes: 23,510 hours and $2,113,544 plus $30,816 for O&M costs and $0 for capital costs for industry and 3,508 hours at a cost of $221,025 for state and local agencies. This gives a total of 27,018 hours at a cost of $2,334,569 plus $30,816 for O&M costs and $0 for capital costs per year as shown in Exhibit 14.

6(c) ESTIMATING THE EPA BURDEN AND COSTS

This section presents estimates of the burden to the EPA associated with the OCS regulations. The burden estimates are based on the data items and respondent activities described in section 4(a) of this ICR.

All costs are presented in 2016 dollars. The federal labor cost was obtained from the U.S. Office of Personnel Management 2016 General Schedule Table 2016-GS. The hourly labor rate assumed is GS-12, Step 5 (Technical Labor). The corresponding salary is loaded with benefits at the rate of 60 percent. This approach to determining the loaded labor rate is consistent with the *ICR Handbook*, which states that salary is to be multiplied by a 1.6 benefits multiplication factor.

Review Requests for Delegation of Authority

The EPA has delegated the authority to implement and enforce the OCS regulations to four local air pollution control districts in California (SBCAPCD, SCAQMD, VCAPCD, SLOCAPCD) and to three state air pollution agencies (DDNREC, MDE and VDEQ). No additional delegation requests are expected during the period from January 1, 2017 through

December 31, 2019. Therefore, there is no burden associated with the processing of delegation requests for the 3-year time period covered by this ICR.

New and Previously Permitted Exploration Sources under EPA Authority: EPA's Annual Burden (Exhibit 10)

The four new exploration projects that will be under the regulatory authority of the EPA will be required to prepare and submit NOIs to construct and preconstruction applications before they begin operation, and we believe that they will also apply to include operating permit requirements during initial permitting. We have assumed that all of the new projects will be major sources. Across the four new and four previously permitted exploration projects, we estimate that a total of two exploration wells will actually be drilled during the ICR period. These two exploration sources will be required to conduct initial compliance tests and submit the results, and to submit data reports to the EPA. Exhibit 10 provides a breakdown of the burden and cost to the EPA for implementing and enforcing the OCS Air Regulations for these sources in areas where the EPA has not delegated its authority to a state or local air pollution control district. The average annual burden is estimated to be 461 hours and $24,867.

New and Previously Permitted Alternative Energy Sources under EPA Authority: EPA's Annual Burden (Exhibit 11)

There are three new alternative energy projects anticipated to occur during the 3-year clearance period, as well as one permitted project that has not yet been constructed. We have assumed that the EPA will face the same burden as it would for new exploration sources, as described in Exhibit 10, except that the alternative energy projects will all be minor sources and will not be required to obtain operating permits or conduct initial compliance tests. Exhibit 11 shows the average annual burden to be 72 hours and $3,888.

New and Existing Development/Production Sources under EPA Authority: EPA's Annual Burden (Exhibit 12)

No new development/production sources are projected to occur under the EPA's authority. If such sources are developed in the future, the EPA will conduct consultations, and review submittals of NOIs to construct, submittals of a PSD application, performances of a compliance tests, and recordkeeping and reporting tasks. Exhibit 12 shows the average annual burden during the period of this ICR (with no sources anticipated) to be 0 hours and $0.

Consistency Updates and Overseeing State/Local Activities: EPA's Annual Burden (Exhibit 13)

As required by §55.12, Consistency Updates, the EPA is required to update the OCS rules as needed to maintain consistency with the regulations of onshore areas in order to attain and maintain federal and state ambient standards and comply with part C of title I of the CAA. Where an OCS activity is occurring within 25 miles of a state seaward boundary, consistency reviews will occur at least annually. In addition, consistency reviews will occur upon receipt of an NOI and when a state or local agency submits a rule to the EPA to be considered for incorporation by reference in part 55.

We assumed that the annual consistency reviews that are not triggered by an NOI or regulatory review will be minimal efforts (4 hours/review) related to the areas with OCS activity. For this clearance period, we anticipate that up to 12 states (California, Delaware, Hawaii, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oregon, Rhode Island, South Carolina and Virginia) and the four California local agencies will require annual reviews to confirm that the OCS rules continue to be consistent with the existing on-shore regulations. This will result in up to 16 reviews per year.

We estimated the universe of NOI/regulatory reviews to be conducted in the 3-year clearance period by considering the projects that are projected in the next 3 years and whether the states currently have onshore OCS regulations. For states that currently have regulations, we expect that most of the consistency reviews to be fairly minor efforts (40 hours/review) related to evaluating the impact of changes. However, for states that do not currently have regulations or if the project that triggers the NOI results in major changes to the onshore rules, the consistency review will be a more significant effort (150 hours/review). We assume the following distribution of sources and levels of review:

Atlantic (EPA Regions I, II, III, IV))

- 2 major reviews
- 2 minor reviews

Southern California (Local agency)

- 2 minor reviews

There are no reviews needed for the eastern Gulf of Mexico sources, because these sources are located outside of the 25-mile limit.

Exhibit 13 provides a breakdown of the cost and burden to the EPA to implement and conduct the consistency updates and to oversee the regulatory implementation in the districts where the authority has been delegated. The average annual burden for the EPA is estimated to be 217 hours and $11,736.

Total EPA Burden and Costs

The average annual EPA burden to implement and enforce the OCS Air Regulations for the period from January 1, 2017 through December 31, 2019 is estimated to be 750 hours and $40,500 and is presented in Exhibit 14.

6(d) REASONS FOR CHANGE IN BURDEN

The burden estimates for the OCS Air Regulations have been revised due to two main factors:

- Projections based on information obtained directly from EPA Regional Offices, as well as Regional Office web sites and the BOEM web site, have resulted in changes in the number, mix and types of sources projected to occur in the upcoming clearance period.

- The estimates have been calculated using 2016 dollars and pay rates. In addition, in the last renewal, wage rates were based on BLS statistics that included the cost of benefits, and were then multiplied by a factor of 2.1 to account for overhead. The EPA now believes that these multipliers are unreasonably large for overhead alone, and we suspect that they were originally meant to include both benefits and overhead. Accordingly, in this ICR renewal we have used BLS statistics to obtain wage rates for Environmental Engineers not including benefits, and applied a multiplier of 2.0 to account for benefits and overhead. For the consultant costs, an additional 10 percent profit margin was added.

6(e) BURDEN STATEMENT

The annual reporting and recordkeeping burden for this collection of information is estimated to average 322 hours per response for 73 responses from industry respondents and 24 hours per response for 149 responses from state/local agency respondents. The average annual industry respondent burden totals an estimated 23,510 hours and $2,113,544 plus $30,816 for O&M costs and $0 capital costs. The average annual state/local burden is estimated to be 3,508 hours and $221,025 with $0 for O&M costs and capital costs. Thus, the total average annual burden for all respondents totals 27,018 hours at a cost of $2,334,569 plus $30,816 for O&M costs and $0 for capital costs.

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, verifying, processing, maintaining, 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 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 the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2011-0742, which is available for online viewing at www.regulations.gov, or in person viewing at the EPA Docket Center, WJC 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 EPA Docket Center is (202) 566-1744. 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-2011-0742 and OMB Control Number 2060-0249 in any correspondence.

Table 1
Requirements References for Burden Activities
Associated with OCS Air Regulations

Applicable Sections of OCS Air Regulations	Burden Activities
55.4	Requirements to submit a notice of intent.
55.5	Corresponding onshore area designation.
55.6	Permit requirements.
55.8	Monitoring, reporting, inspections, and compliance.
55.9	Enforcement.
55.11	Delegation.
55.12	Consistency updates.
55.13	Federal requirements that apply to OCS sources.
55.14	Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State

Table 2
Respondent Data and Information Requirements for Preparing PSD Construction Permits

Requirements	Current Regulation Reference 40 CFR	CAA Reference
Description of the nature, location, design capacity, and typical operating schedule	51.166(n)(2)(i) [52.21(n)(1)(i)]	110(a)(2)(A)
Detailed schedule for construction	51.166(n)(2)(ii) [52.21(n)(1)(ii)]	110(a)(2)(A)
Description of continuous emission reduction system, emission estimates, and other information needed to determine that BACT is used	51.166(n)(2)(iii) [52.21(n)(1)(iii)]	165(a)(4)
Air quality impact, meteorological, and topographical data	51.166(n)(3)(i) [52.21(n)(2)(i)]	165(a)(3)
Nature and extent of general commercial, residential, industrial, and other growth in area of source	51.166(n)(3)(ii) [52.21(n)(2)(ii)]	165(a)(6)
Use of air quality models to demonstrate compliance with NAAQS	51.166(k)&(l) [52.21(k)&(l)]	165(a)(3)&(e)(3)(D)
Information necessary to determine adverse impacts on any air quality related values (including visibility) for Federal Class I areas	51.166(o) [52.21(o)] 51.166(p)(4) [52.21(p)(5)]	165(a)(5) 165(d)(2)(C)(iii)& (iv)
Air quality monitoring data	51.166(m)(1) [52.21(m)(1)]	165(a)(7) 110(a)(2)(B)&(F)
Impairment of visibility, soils, and vegetation	51.166(o)(1) [52.21(o)(1)]	165(e)(3)
Air quality impact resulting from general commercial, residential, industrial, and other growth associated with source	51.166(o)(2) [52.21(o)(2)]	165(e)(3)
Written notice of proposed relocation of portable source	51.166(i)(1)(iii)(*d*) [52.21(i)(1)(viii)(*d*)]	301
Description of the location, design construction, and operation of building, structure, facility, or installation	51.160(c)(2)	110(a)(2)(A)
Description of the nature and amounts of emissions to be emitted	51.160(c)(1)	110(a)(2)(F)(ii)
Description of the air quality data and dispersion or other air quality modeling used	51.160(f)	110(a)(2)(B)&(K)
Sufficient information to ensure attainment and maintenance of NAAQS	51.160(c)-(e) 51.161 51.162 51.163	110(a)(2)(A)

Table 3
Respondent Data and Information Requirements for Preparing Part D Construction Permits

Requirements	Regulation Reference 40 CFR	CAA Reference
Documentation that LAER is being applied	51.165(a)(2)(i)	173(a)(2)
Documentation that all sources owned or operated by same person are in compliance	51.165(a)(2)(i)	173(a)(3)
Documentation that sufficient offsetting emissions reductions are occurring to ensure reasonable further progress	51.165(a)(2)(i)	173(a)(1)
Documentation that benefits of proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification	51.165(a)(2)(i)	173(a)(5)
Description of the location, design, construction, and operation of building, structure, facility, or installation	51.160(c)(2)	110(a)(2)(A)
Description of the nature and amounts of emissions to be emitted	51.160(c)(1)	110(a)(2)(F)(ii)
Description of the air quality data and dispersion or other air quality modeling used	51.160(f)	110(a)(2)(B)&(K)
Sufficient information to ensure attainment and maintenance of NAAQS	51.160(c)-(e) 51.161 51.162 51.163	110(a)(2)(A) 172(c)(6)