

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**NSPS Review for Municipal Solid Waste Landfills (40 CFR Part 60, Subpart XXX)**

**1. Identification of the Information Collection**

**1(a) Title of the Information Collection**

NSPS Review for Municipal Solid Waste Landfills (40 CFR Part 60, Subpart XXX) EPA ICR Number 2498.02, OMB Control Number 2060-0697.

**1(b) Short Characterization/Abstract**

The New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills were proposed on May 30, 1991, promulgated on May 12, 1996, and amended on June 16, 1998 (63 FR 32753), February 24, 1999 (64 FR 9262), and April 10, 2000 (65 FR 18909). These standards apply to municipal solid waste landfills that commenced construction, modification, or reconstruction on or after May 30, 1991.

Clean Air Act (CAA) section 111(b)(1)(B) requires the EPA to “at least every 8 years review and, if appropriate, revise” new source performance standards. In response to this mandate, EPA proposed a new subpart (40 CFR part 60, subpart XXX) that will apply to municipal solid waste landfills that commenced construction, modification, or reconstruction after July 17, 2014.

The proposed subpart included provisions reducing the NMOC emission rate threshold that triggers the requirement to install controls to 40 megagrams per year (Mg/yr) from the current NSPS level of 50 Mg/yr (see 40 CFR part 60, subpart WWW).

EPA is issuing a supplemental proposal to lower the emission rate threshold from 40 Mg/yr to 34 Mg/yr. The proposed option retains the design capacity cutoff of 2.5 million Mg and 2.5 million cubic meters in the current NSPS. The proposed option also retains the same recordkeeping and reporting requirements that were included in the ICR submitted under EPA ICR Number 2498.01 for the July 17, 2014 proposal. The proposed option is hereinafter referred to as “option 2.5/34.” This information is being collected to assure compliance with the proposed 40 CFR part 60, subpart XXX.

In general, the landfills NSPS require initial notifications are required to submit initial notifications and reports and maintain records, and conduct initial performance tests and periodic monitoring. Landfill owners/operators must submit an initial design capacity report, initial performance test report, emission rate reports, and collection and control system design plans. Landfill closure and equipment removal reports are required when the landfill closes or the landfill meets the criteria for removing controls. Annual compliance reports must include the following information: descriptions of any period in which the value of any of the monitored operating parameters fell outside the specified ranges, any period during which the monitoring

system is not operating or when the collected gas was diverted from the control device, and any exceedances during the period.

Landfill owners or operators must keep continuous monitoring records of the parameters reported in the initial performance report; records of monthly monitoring of wellhead temperature, pressure, and nitrogen or oxygen concentration; and records of quarterly monitoring of surface methane concentrations. Landfill owners or operators must also maintain records of all reports, plot map, and well locations. The recordkeeping and reporting requirements specific to municipal solid waste landfills are detailed in Section 4(b) of this supporting statement. These notifications, reports, and records are essential in determining compliance and are required of all affected facilities subject to the NSPS.

Any owner or operator subject to the provisions of proposed subpart XXX will maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

Based on our consultations with industry representatives, there is an average of one affected facility at each plant site, and each plant site has only one respondent (i.e., the owner/operator of the landfill).

It is estimated that on average, 137 respondents per year will be subject to the regulation in the next three years based on a design capacity threshold of at least 2.5 million Mg and cubic meters. It is also estimated that an average of two additional respondents per year with a design capacity threshold less than 2.5 million Mg or cubic meters will become subject to the regulation in the next three years.

Approximately 147 new or modified municipal solid waste (MSW) facilities, which are owned and operated by the public and private landfill owners (the “Affected Public”), would be subject to the regulation over the next three years. Forty-five of the facilities are publically-owned and 102 facilities are privately-owned, for-profit businesses. The burden to the “Affected Public” may be found in Tables 1.A to 3.B in Attachments A and B. The cost of this ICR to all MSW facilities is \$6.1 million in labor costs, averaged over the first 3 years after the proposal is final.

The burden to the “Federal Government” is attributed entirely to work performed by federal employees or government contractors or to state or local agencies that have been delegated authority; this burden may be found in Tables 1.C through 3.C of Attachment C.

## **2. Need for and Use of the Collection**

### **2(a) Need/Authority for the Collection**

The EPA is charged under section 111 of the Clean Air Act (CAA), as amended, to establish standards of performance for new stationary sources that reflect:

. . . the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into consideration the cost of achieving such emissions reduction, or any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. Section 111(a)(1).

The EPA refers to this charge as selecting the best system of emission reduction (BSER). Section 111 also requires that the Administrator review and, if appropriate, revise such standards every eight years.

In addition, CAA section 114(a) states that the Administrator may require any owner/operator subject to any requirement of this CAA to:

(A) Establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods; (D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Administrator shall prescribe); (E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (F) submit compliance certifications in accordance with Section 114(a)(3); and (G) provide such other information as the Administrator may reasonably require.

The Administrator has determined that landfill gas emissions from municipal solid waste landfills either cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NSPS were promulgated for this source category at 40 CFR part 60, subpart WWW and a review of these NSPS is being proposed under new subpart XXX.

## **2(b) Practical Utility/Users of the Data**

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations, which were promulgated in accordance with the CAA. In addition, the collected information is used for targeting inspections and as evidence in legal proceedings.

Performance tests are required in order to determine an affected facility's initial capability to comply with the emission standard. Continuous emission monitors are used to ensure compliance with the standard at all times. During the performance test, a record of the operating parameters under which compliance was achieved may be recorded and used to determine compliance in place of a continuous emission monitor.

The notifications required in the standard are used to inform the EPA or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated, that leaks are being detected and repaired, and that the standards are being met. The performance test may also be observed.

The required reports are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures and for compliance determinations.

### **3. Non-duplication, Consultations, and Other Collection Criteria**

The requested recordkeeping and reporting are required under proposed 40 CFR part 60, subpart XXX.

#### **3(a) Non-duplication**

If the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to the delegated state or local agency. If a state or local agency has adopted its own similar standards to implement the federal standards, a copy of the report submitted to the state or local agency can be sent to the Administrator in lieu of the report required by the federal standards. Therefore, no duplication exists.

#### **3(b) Public Notice Required Prior to ICR Submission to OMB**

A public notice of this collection is provided in the Federal Register notice of the supplemental proposed rulemaking published for the NSPS Review for Municipal Solid Waste Landfills.

#### **3(c) Consultations**

Industry experts have been consulted and the EPA's internal data sources and projections of industry and growth over the next three years have been considered. The primary source of information is the data from 40 CFR part 98, subpart HH of the EPA Greenhouse Gas Reporting Program (GHGRP). This data was supplemented with a database maintained by EPA's Landfill Methane Outreach Program (LMOP), as well as information received from EPA Regional Offices and state authorities, and public comments regarding landfills expected to be built or modify between 2014-2018.

Based on these data sources, a consolidated database of 14 new landfills was created, consisting of 11 model landfills and three landfills that have been permitted but not yet constructed. The growth rate for the industry and attributes for these model landfills are based on the assumption that the sizes and locations of landfills opening in the most recent complete eight years of data (2005-2012) from the above three data sources would be similar to landfills opening in the next 8 years (2013-2020). In addition to the new landfills, the EPA database shows a total of 133 modified sources during the period of 2014-2018.

Given the numerous reporting and recordkeeping similarities between proposed subpart XXX and the currently promulgated NSPS subpart WWW, many of the line item burden estimates in this ICR estimate are the same as the burdens recently submitted to OMB under ICR number 1557.09 for the most recent ICR renewal for subpart WWW. For the most recent subpart WWW ICR renewal, industry trade associations and other parties were provided an opportunity to comment on the burden associated with the standard. For the most recent subpart WWW ICR renewal, industry trade associations EPA consulted with two trade groups: the Solid Waste Association of North America (SWANA) at (800) 467-9262, and the National Waste & Recycling Association (NW&RA) at (202) 244-4700. EPA received written comments from the Solid Waste Association of North America (SWANA) requesting that EPA adjust the line item estimates for certain burden items.<sup>1</sup> While the estimated respondent universe and labor rates for subpart XXX as well as some of burden line item estimates in subpart XXX are unique to this subpart, many of the comments on the ICR renewal for subpart WWW were relevant for improving the burden estimates in this ICR. The burden table calculations provide notes on which burden line items reflect public comments received on the ICR renewal for subpart WWW.

The public was provided an opportunity to review and comment on the burden estimated in the ICR for the July 17, 2014 proposed subpart XXX (79 FR 41796). In these comments, the EPA received comments that its estimates did not accurately account for the burden on MSW landfills that would become modified and become subject to subpart XXX. The EPA has revised its estimates to incorporate both new and modified sources in this ICR. The public will be provided the opportunity to review and comment on the burden estimated in this Information Collection Request during the comment period for the proposed rulemaking.

### **3(d) Effects of Less Frequent Collection**

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and that emission limitations are met. If the information required by these standards was collected less frequently, the proper operation and maintenance of control equipment and the possibility of detecting violations would be less likely. The EPA will be considering mechanisms to further streamline recordkeeping and reporting requirements as part of the notice and comment process on this proposal.

### **3(e) General Guidelines**

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB at 5 CFR part 1320, section 1320.5.

These standards require the respondents to maintain all records, including reports and notifications for at least five years. This is consistent with the General Provisions as applied to the standards. EPA believes that the five-year records retention requirement is consistent with the

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<sup>1</sup> See Docket EPA-HQ-OECA-2014-0047 for a copy of the written comments submitted by SWANA.

Part 70 permit program and the five-year statute of limitations on which the permit program is based. The retention of records for five years allows EPA to establish the compliance history of a source, any pattern of non-compliance, and to determine the appropriate level of enforcement action. EPA has found that the most flagrant violators have violations extending beyond the five years. In addition, EPA would be prevented from pursuing the violators due to the destruction or nonexistence of essential records.

### **3(f) Confidentiality**

Any information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the EPA policies set forth in Title 40, chapter 1, part 2, subpart B - Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

### **3(g) Sensitive Questions**

The reporting or recordkeeping requirements in the standard do not include sensitive questions.

## **4. The Respondents and the Information Requested**

### **4(a) Respondents/NAICS Codes**

The respondents to the recordkeeping and reporting requirements are municipal solid waste landfills which correspond to the North American Industry Classification System (NAICS) 924110 for Air and Water Resources and Solid Waste Management, and NAICS 562212 for Solid Waste Landfill. The respondents include both publically and privately owned landfills. The breakdown of ownership is shown in the burden tables of this ICR.

### **4(b) Information Requested**

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB at 5 CFR part 1320, section 1320.5.

#### **(i) Data Items**

In this ICR, all data recorded and/or reported are required by NSPS for Municipal Solid Waste Landfill (40 CFR Part 60, proposed subpart XXX) and the general provisions of Part 60.

A source must make the following reports:

<b>Reports</b>	<b>Standard Citation by Section</b>
Initial design capacity report and amended design capacity report	60.7(a)(1), 60.767(a)

<b>Reports</b>	<b>Standard Citation by Section</b>
Notification of actual startup	60.7(a)(3)
Initial and annual (or 5-year) non-methane organic compounds (NMOC) emission rate reports	60.767(b)
Initial and revised collection and control system design plans	60.767(c) , 60.767(h)
Landfill closure report	60.767(d)
Equipment removal report	60.767(e)
Initial performance test report and annual operations reports	60.8, 60.767(f), 60.767(g)

A source must keep the following records:

<b>Recordkeeping</b>	
Maintain records of maximum design capacity, refuse-in-place, year-by-year waste acceptance rate (maintain for 5 years)	60.768(a)
Maintain records of system design and initial performance test/compliance determination (must be kept for life of the control equipment; records of subsequent tests must be maintained for 5 years)	60.768(b)
Maintain records of monitoring for five years	60.768(c)
Maintain records of plot map and well locations for the life of the landfill (for life of the collection system)	60.768(d)
Maintain records of collection and control system exceedances for 5 years	60.768(e)
Maintain records of annual recalculation of site-specific density and design capacity	60.768(f)

### Electronic Reporting

Currently, some of the respondents are using monitoring equipment that automatically records parameter data. Further, data collected from wellhead and surface emission monitoring equipment can be transferred from the equipment to a computer for additional spreadsheet analysis. Although personnel at the affected facility must evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at the facility.

Also, regulatory agencies, in cooperation with the respondents, continue to create reporting systems to transmit data electronically. At this time, it is estimated that approximately 90 percent of the respondents will use electronic reporting for subpart XXX. Further, most of the methods in the landfills NSPS are not supported by the EPA Electronic Reporting Tool (ERT). Thus, electronic reporting of performance tests may not be required for some landfills initially, but will be required when applicable methods are added to the ERT.

For data collected using test methods supported by the ERT as listed on the EPA's ERT website (<http://www.epa.gov/ttn/chief/ert/index.html>), the owner or operator must submit the results of the performance test to the Compliance and Emissions Data Reporting Interface (CEDRI), accessed through the EPA's Central Data Exchange (CDX) ([http://cdx.epa.gov/epa\\_home.asp](http://cdx.epa.gov/epa_home.asp)), unless otherwise approved by the Administrator. Performance test data must be submitted in a file format generated through the use of the EPA's ERT. NMOC emission rate reports and annual reports will be submitted using subpart specific forms in the CEDRI.

## (ii) Respondent Activities

<b>Respondent Activities</b>
Read instructions.
Calibrate and operate surface emission monitoring equipment for quarterly monitoring and portable LFG emission analyzer equipment for monthly wellhead monitoring.
Estimate NMOC emission estimates using Tier 1, Tier 2, or Tier 3 procedures in the regulation.
Perform initial performance test, Reference Method 25, 25C test, and repeat performance test if necessary.
Write the notifications and reports listed above.
Enter information required to be recorded above.
Submit the required reports developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for the purpose of 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.
Transmit, or otherwise disclose the information.

Currently, sources are using monitoring equipment that provides parameter data in an automated way (e.g., continuous parameter monitoring system). Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping.

## **5. The Information Collected: Agency Activities, Collection Methodology, and Information Management**

### **5(a) Agency Activities**

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

<b>Agency Activities</b>
Observe initial performance tests, repeat performance tests and quarterly surface emissions monitoring if necessary.
Review notifications and reports, including performance test reports, excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in Enforcement and Compliance History Online (ECHO) and ICIS.

### **5(b) Collection Methodology and Management**

Following notification of startup, the reviewing authority might inspect the source to determine whether the pollution control devices are properly installed and operated. Performance tests reports are used by the EPA to determine a source's initial capability to comply with the emission standard. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs. The annual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

Information contained in the reports is reported by state and local governments in the ICIS Air database, which is operated and maintained by EPA's Office of Compliance. OTIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. EPA uses ICIS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

As more of the methods used in the NSPS are added to the ERT, these data will also be stored and accessible through the EPA's Central Data Exchange (CDX) ([http://cdx.epa.gov/epa\\_home.asp](http://cdx.epa.gov/epa_home.asp)).

The records required by this regulation must be retained in a readily accessible format by the owner/operator for five years.

### **5(c) Small Entity Flexibility**

Although it is unknown how many new "greenfield" landfills will be owned or operated by small entities, recent trends in the waste industry have been towards consolidated ownership among larger companies. Based on landfills anticipated to modify and become subject to subpart XXX, and the ownership of recent greenfield landfills, the EPA has determined that approximately seven of the privately owned landfills and six of the publically owned landfills are small entities.

Subpart XXX does not contain any provisions reserved exclusively for the benefit of small entities. However, the proposed design capacity threshold of 2.5 million megagrams and 2.5 million cubic meters limits the effect of this regulation on smaller landfills, which tend to be disproportionately owned by smaller entities.

#### **5(d) Collection Schedule**

The specific frequency for each information collection activity within this request is shown in Tables 1.A through 3.B of Attachments A and B.

### **6. Estimating the Burden and Cost of the Collection**

Tables 1.A through 3.A of Attachment A document the computation of individual burdens for the recordkeeping and reporting requirements applicable to publically-owned MSW landfills. Tables 1.B to 3.B present the burden on privately-owned MSW landfills.

The individual burdens are expressed under standardized headings consistent with the concept of burden under the Paperwork Reduction Act. Wherever appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The EPA 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.

#### **6(a) Estimating Respondent Burden**

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 101,031 labor hours for the proposed option 2.5/34 (Total Labor Hours from Tables 1.A through 3.B). These hours are based on EPA studies and background documents from the development of the regulation, EPA knowledge and experience with the NSPS program, the most recent ICR renewal for subpart WWW, and any comments received on the ICR for the July 17, 2014 proposal for subpart XXX.

#### **6(b) Estimating Respondent Costs**

##### **(i) Estimating Labor Costs**

This ICR uses the following labor rates:

Managerial	\$109.43	(\$52.11 + 110%)
Technical	\$ 86.46	(\$41.17 + 110%)
Civil Engineer Technician	\$ 49.85	(\$23.74 + 110%)
Clerical	\$ 30.28	(\$14.42 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, May 2013, National Occupational Employment and Wage Estimates United States. The rates are from column 1, "Total Compensation." The rates have been increased by 110 percent to account

for the benefit packages available to those employed by private industry. For public-sector respondents (i.e., publicly-owned or -operated landfills), it was assumed that the work performed will be completed by private contractors.

### **(ii) Estimating Capital/Startup and Operation and Maintenance Costs**

The types of industry costs associated with the information collection activities in the subject standard are both labor costs, which are addressed elsewhere in this ICR, and the costs associated with continuous monitoring at the flare station, quarterly surface monitoring, monthly wellhead monitoring, and conducting a Tier II NMOC emission rate test. The capital/startup costs are one-time costs when a facility becomes subject to the regulation or when the facility first installs controls. The capital costs have been annualized over the five-year period allowed before another Tier II test must be conducted. The capital costs for the initial performance testing continuous monitoring equipment are annualized over a 15-year period, consistent with the expected lifetime of the flare, and an estimated annual O&M for these equipment were also estimated based on recent consultation with industry on the subpart WWW ICR renewal.

For landfills that must install gas collection and control systems, there are additional non-labor costs associated with conducting an initial (and repeat, if necessary) performance test on the flare or other destruction device, conducting quarterly surface emission monitoring (SEM), and conducting monthly wellhead monitoring. However, the proposed rule cost analysis assumes that the portable equipment used to complete the SEM and wellhead is rented and not purchased. Based on industry experience, many landfills contract out monitoring services. Therefore no capital/startup costs are estimated. The table below includes rental cost and calibration and hydrogen fuel costs for the annual O&M of SEM equipment. For wellhead monitoring, the comments received on the most recent ICR renewal provided a cost per month for monitoring, but the costs did not break out labor vs. equipment costs and this ICR applies the full cost in terms of burden hours. Therefore, the table below only shows the O&M costs associated with the calibration gases for the wellhead monitoring device. The costs to monitor surface emissions and wellheads are also included in the annualized cost impacts analysis for the supplemental proposal.

The annual operation and maintenance costs are the ongoing costs to maintain, calibrate, and operate the purchased monitoring equipment, rent monitoring equipment, and other costs such as photocopying and postage.

**(iii) Capital/Startup vs. Operation and Maintenance (O&M) Costs**

<b>Annualized Capital/Startup vs. Operation and Maintenance (O&amp;M) Costs</b>							
<b>(A) Monitoring Device</b>	<b>(B) Capital/Start up Cost for One Respondent</b>	<b>(C) Annualized Capital/Startup Cost for One Respondent</b>	<b>(D) Average Number of Respondents per Year</b>	<b>(E) Total Annualize d Capital / Startup Cost, (C X D) per Year</b>	<b>(F) Annual O&amp;M Costs for One Respondent</b>	<b>(G) Number of Respondent s with O&amp;M</b>	<b>(H) Total O&amp;M, (F X G)</b>
Method 25 or 25C testing costs for initial performance test	\$10,067	\$1,105	107	\$118,235	\$0	0	\$0
Sampling probe and Method 25 or 25C testing costs for Tier 2 test	\$10,067	\$2,455	17	\$41,735	\$0	0	\$0
Method 21 Surface Emission Monitor	0	0	0	\$0	\$1,814	107	\$194,642
Portable Wellhead Monitor	0	0	0	\$0	\$204	107	\$21,889
Flow Meter	\$3,000	\$330	107	\$35,409	\$1000	107	\$107,300
Thermocouple	\$500	\$55	107	\$5,902			
Data Recorder	\$4,500	\$494	107	\$53,006			

The average annualized capital/startup costs for this ICR are \$254,600. This is the total of column E in the above table. The average annual O&M costs are \$323,800 this is the total from column H in the above table. The total non-labor costs are approximately \$578,400.

**6(c) Estimating Agency Burden and Cost**

The only costs to the agency are those costs associated with analysis of the reported information. EPA's overall compliance and enforcement program includes activities such as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual agency cost during the three years of the ICR is estimated to be \$177,680. In subsequent years, the agency costs will be lower because it will require less review of initial one-time tests and reports, but as additional landfills modify and become subject to subpart XXX the costs could grow gradually over time to account for recurring review of annual report data. .

This cost is based on the average hourly labor rate as follows:

Managerial	\$63.52 (GS-13, Step 5, \$39.70 + 60%)
Technical	\$47.14 (GS-12, Step 1, \$29.46 +60%)
Clerical	\$25.50 (GS-6, Step 3, \$15.94 + 60%)

These rates are from the Office of Personnel Management (OPM), 2015 General Schedule, which excludes locality rate of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. Details upon which this estimate is based appear in Tables 1.C through 3.C of Attachment C.

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

Based on the regulatory database used to estimate the impacts for this proposal, , on average over the next three years, approximately 137 existing respondents per will become subject to the standard under the proposed option 2.5/34 based on exceeding the design capacity threshold of at least 2.5 million Mg or cubic meters. It is estimated that on average an additional two respondents per year will submit a one-time design capacity report over the next three years of this ICR to demonstrate they are below the design capacity threshold.

The number of respondents is calculated using the following table, which addresses the three years covered by this ICR.

<b>Number of Respondents</b>					
<b>Year</b>	<b>(A) Number of New Respondents<sup>1</sup></b>	<b>(B) Number of Existing Respondents</b>	<b>(C) Number of Existing Respondents That Keep Records But Do Not Submit Reports</b>	<b>(D) Number of Existing Respondents That Are Also New Respondents</b>	<b>(E) Number of Respondents (E=A+B+C-D)</b>
1	138	0	0	0	138
2	9	138	0	0	147
3	0	147	0	0	147
Average	49	95	0	0	144

<sup>1</sup> New respondent include sources with constructed, reconstructed and modified affected facilities.

To avoid double-counting respondents, column D is subtracted. As shown above, the average Number of Respondents over the three-year period of this ICR is 144, of which approximately 44 are public entities and 100 are private entities.

The total number of responses over the three-year period is calculated using the following table:

<b>Total Responses</b>
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(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses per Respondent	(D) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Responses $E=(B \times C)+D$
Initial design capacity report	7	1	N/A	7
Amended design capacity report	0	1	N/A	0
Report of NMOC rate (Tier 1)	45	1	N/A	45
Report of NMOC rate (Tier 2)	18	1	N/A	18
Landfill Closure Report	0	1	N/A	0
Equipment Removal Report	0	1	N/A	0
Collection and Control System Design Plan	117	1	N/A	117
Initial Performance Test Report	117	1	N/A	117
Revised design plan	12	1	N/A	12
Annual Report	322	1	N/A	322
Total Number of Annual Responses				637

The number of Total Annual Responses is 637 responses over the three-year period, or 212.4 responses per year (rounded). Many respondents submit more than one type of response (report), depending on the year of the ICR.

The total labor costs are \$18,437,299, or \$6,145,766 per year. Details regarding these estimates may be found in Tables 1.A through 3.B of Attachments A and B.

#### **6(e) Bottom Line Burden Hours and Cost Tables**

The detailed bottom line burden hours and cost calculations for the respondents and the agency are shown in Tables 1.A through 3.B of Attachments A and B and Tables 1.C through 3.C of Attachment C and summarized below.

##### **(i) Respondent Tally**

The total annual labor hours are 303,094 over this initial three-year period, or an average of 101,031 hours per year. Details regarding these estimates may be found in Tables 1.A through 3.B of Attachments A and B. Furthermore, the annual respondent reporting and recordkeeping burden for this collection of information is estimated to average 476 hours per response.

The total annualized capital/startup and annual O&M costs to the regulated entity are \$1.67 million over the three-year period or an average of \$578,600 per year. The cost calculations are detailed in Section 6(b)(iii) of this supporting statement, Capital/Startup vs. Operation and Maintenance (O&M) Costs.

## **(ii) The Agency Tally**

The average annual agency burden and cost over next three years for each compliance option is estimated to be 2,790 labor hours at a cost of \$177,680. See Tables 1.C through 3.C of Attachment C.

### **6(f) Reasons for Change in Burden**

As a result of lowering the NMOC emission rate threshold to from 40 Mg/yr to 34 Mg/yr, and revising the estimates to account for the burden on modified landfills, the estimated number of landfills required to install controls have increased. Thus, the burden hours, costs, and number of responses have increased in this supplemental proposal. Further, the additional line item burden estimates from the most recent ICR renewal (ICR Number 1557.09), which received significant comments on burden estimates were incorporated into this ICR.

In addition, labor rates were updated for industry and EPA thus causing a change in annual labor costs for the respondents and Agency.

### **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information for the proposed option 2.5/34 is estimated to average 476 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for the EPA regulations are listed at 40 CFR part 9 and 48 CFR chapter 15.

To comment on the EPA's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for the proposed NSPS Review for Municipal Solid Waste Landfills under Docket ID Number EPA-HQ-OAR-2003-0215. An electronic version of the public docket is available at <http://www.regulations.gov/> which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the 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 in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), WJC 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 docket center is (202) 566-1927. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2003-0215 and ICR Number 2498.02 in any correspondence.

**Part B of the Supporting Statement**

This part is not applicable because no statistical methods were used in collecting this information.