
EPA

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

**INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT FOR
EPA ICR NUMBER 2540.02,
ICR FOR FINAL REVISIONS TO THE
REGIONAL HAZE REGULATIONS**



INFORMATION COLLECTION REQUEST SUPPORTING STATEMENT FOR
FOR FINAL REVISIONS TO THE REGIONAL HAZE REGULATIONS

Executive Summary

This ICR, EPA 2540.02 addresses the reporting and recordkeeping requirements under the final revisions to the Regional Haze Regulations. This ICR supplements the ICR for the current regulations, the Office of Management and Budget (OMB) Control Number 2060-0421; EPA ICR Number 1813.08. Once the revisions to the regulations are promulgated and this ICR is approved, it will be consolidated with the previously existing ICR (2060-0421).

The burden in this ICR reflects changes in labor rates, changes in the activities conducted due to the normal progression of the program, the fact that the states will be shifting their primary focus to development of periodic comprehensive SIP revisions due in 2021 under revised EPA rule requirements. The changes in burden in this ICR also reflect input from comments received on the ICR for the proposed revisions to the Regional Haze Regulations.

Table E-1 Estimated State Respondent Burden to Implement Requirements

Task Element	States	
	Average Annual Hours	Average Annual Cost (\$)
Total Burden by Respondent	13,310	659,245

1 Identification of the Information Collection

1.1 Title

This document fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) with regards to determining the regulatory burden associated with the implementation of the regional haze program (40 CFR 51.308) and requirements related to the Grand Canyon Visibility Transport Commission (40 CFR 51.309). It has been assigned EPA tracking number 2540.02. The title of this Information Collection Request (ICR) is "Final Revisions to the Regional Haze Regulations."

EPA TRACKING NUMBER:

2540.02

OMB Control NUMBER:

2060-NEW

1.2 Description

Subpart P of 40 CFR 51, Protection of Visibility, also known as the regional haze rule, is the subject of this clearance request. In the next three years, activities conducted by the states, Federal Land Managers (FLMs), and the EPA will focus on submitting SIP revisions and progress reports for regional haze. 40 CFR 51.308(f) requires states to develop regional haze implementation plan revisions evaluating and reassessing reasonable progress goals, calculations of baseline and natural visibility conditions, the long-term strategy, the monitoring strategy and other implementation plan requirements. There are similar reporting requirements under 40 CFR 51.309, a section of the regional haze rule in which three states (Utah, Wyoming, and New Mexico) elected to submit their SIPs. Under section 309, these states adopted regional haze strategies for the period from 2003 to 2018 for sulfur dioxide emissions. These strategies are based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting the 16 Class I areas in the Colorado Plateau area. During the next three years, fourteen states will also be responsible for submitting progress reports. 40 CFR 51.308(g) requires states to develop periodic reports evaluating progress towards the reasonable progress goals for improving visibility in Class I areas inside the state and in neighboring states, and 40 CFR 51.309(d)(10) requires similar actions on the part of the 3 states that submitted regional haze SIPs under 40 CFR 51.309.

Under the 1999 regional haze rule, states are required to set periodic goals for improving visibility in the 156 Mandatory Class I Federal Areas. As states work to reach these goals, they must develop regional haze implementation plans that contain enforceable measures and strategies for reducing visibility-impairing pollution. States were required to develop their initial implementation plans by December, 2007. Periodic comprehensive revisions to implementation plans are due July 31, 2021, July 31, 2028, and every 10 years thereafter.

The primary focus for estimating burden for this 3 year period (December 31, 2016 – December 31, 2019) will apply to the next program milestone which are the periodic comprehensive SIP revisions due in July 2021 (see 40 CFR 51.308(f)) for all states, including those covered under 40 CFR 51.309. In the 5-year progress report required by 7 states during this 3 year renewal period, those states are required to describe the status of the implementation of measures needed to achieve reasonable progress goals, report on the emissions reductions achieved, assess visibility changes, and evaluate whether the current implementation plan is sufficient to meet all established reasonable progress goals. While similar progress report requirements apply to the 3 states covered under 40 CFR 51.309, no progress reports are due from these states during the 3-year period of this ICR.

2 Need and Use of the Collection

2.1 Need / Authority for the Collection

Section 169A of the Clean Air Act (CAA) sets forth a national goal for visibility. The goal is the “prevention of any future, and the remedying of any existing, impairment in visibility in mandatory Class I Federal areas which impairment results from man-made air pollution.” This section of the CAA also calls for EPA regulations to assure that states provide for reasonable progress toward meeting the national goal. The original regulations on protection of visibility in mandatory Class I Federal areas, developed in 1980, addressed visibility that is “reasonably attributable” to a single source or small group of sources. Actions under those regulations are triggered by a FLM. The regional haze rule, promulgated in 1999, added new sections to the code of federal environmental regulations. These included sections 40 CFR 51.308 and 40 CFR 51.309. This ICR renewal request provides for continued implementation of the regional haze rule. During this clearance period, we anticipate that the reporting requirements under 40 CFR 51.308(f) and (g) will be the major program focus along with the similar reporting requirements (see 40 CFR 51.309(d)(10)) for the three states that submitted regional haze SIPs under 40 CFR 51.309.

2.2 Practical Utility / Users of the Data

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

2.3 Caveats and Considerations

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

Throughout this ICR, the reader will observe estimated values that show accuracy to the single hour or dollar. However, reporting values at the single unit level can be misleading. In most situations, the proper way to present estimated data would be to determine an appropriate level of precision and truncate values accordingly, usually in terms of thousands or millions of units. For instance, a spreadsheet generated estimation of \$5,456,295 could be presented in the text as \$5.5 (millions) or \$5,456 (thousands). One problem with such an approach is the loss of data richness when the report contains a mixture of very large and very small numbers. Consequently, to avoid the loss of information through rounding, this ICR

reports all values at the single unit level and reminds the reader that there is no implied precision inherent in this style of reporting.

3 Non-Duplication, Consultation, and Other Collection Criteria

3.1 Non-Duplication

This information collection renewal request is related to provisions in 40 CFR 51.308 (f) and (g) and 40 CFR 51.309(d)(10) which require periodic comprehensive SIP revisions and periodic reports (in the form of implementation plan revisions) describing progress towards the reasonable progress goals. In addition to the periodic comprehensive SIP revisions due July 31, 2021 each state must submit a progress report evaluating whether improvement in visibility is made towards the reasonable progress goal for each mandatory Class 1 Federal area located within the state and in each mandatory Class 1 Federal area located outside the state which may be affected by emissions from within the state. For most states, first progress reports are due 5 years from the submittal of the initial regional haze plan. The periodic comprehensive SIP revisions and progress reports required by the regional haze rule are unique and do not duplicate other implementation plan requirements.

3.2 Public Notice Requirements

The EPA issued a Federal Register notice requesting comments on the proposed rule ICR on May 4, 2016 (81 FR 26942) and provided a 30-day public notice and comment period. The EPA received two timely comments during the comment period. These comments are discussed elsewhere in this document.

3.3 Consultations

Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about aspects of ICRs before submitting an ICR to OMB for review and approval. However, 5 CFR 1320.8(d)(3) provides that no separate consultation is required when notice and comment has been provided through the notice of proposed rulemaking for the proposed rule and such notice specifically includes the solicitation of comments regarding the ICR, as was the case here.

3.4 Less Frequent Collection

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

3.5 General Guidelines

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

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

5. To the greatest extent possible, the Agency has taken advantage of automated methods of reporting.

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

3.6 Confidentiality

Confidentiality is not an issue for this rulemaking. In accordance with the Clean Air Act Amendments of 1990, any monitoring information to be submitted by sources is a matter of public record. To the extent that the information required is proprietary, confidential, or of a nature that could impair the ability of the source to maintain its market position, that information is collected and handled subject to the requirements of §503(e) and §114(c) of the Act. Information received and identified by owners or operators as confidential business information (CBI) and approved as CBI by EPA, in accordance with Title 40, Chapter 1, Part 2, Subpart B, shall be maintained appropriately (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

3.7 Sensitive Questions

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

3.8 Environmental Justice Considerations

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

4 The Respondents and the Information Requested

4.1 Respondents

The major categories of respondents directly affected during this ICR period of December 31, 2016 through December 31, 2019 include the states. The states are developing periodic comprehensive SIP revisions and progress reports under 40 CFR 51.308(f) and (g) and 40 CFR 51.309(d) (10) which require periodic comprehensive SIP revisions and periodic reports (in the form of implementation plan revisions) evaluating progress towards the reasonable progress goal for each mandatory Class I Federal area located within the state and in each mandatory Class I Federal area located outside the state which may be affected by emissions from within the state.

4.2 Information Requested

The information required under this ICR renewal provides for a continuation of the process initiated with previous ICRs for the regional haze rule. In this stage of the process, the states are mainly focusing on revising their SIPs and submitting periodic comprehensive SIP revisions by July 31, 2021, which falls outside this ICR period. Certain states are also working on progress reports to report on progress made towards reaching their long term visibility goals. For 7 states, the progress reports will be due during the December 31, 2016 to December 31, 2019 ICR period.

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

Requirements for Periodic Reports Describing Progress towards the Reasonable Progress Goals

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

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

Requirements for Regional Haze Periodic Comprehensive SIP Revision

- Affirmation of, and revision to, reasonable progress goals, including determination of reasonableness of any additional measures that could be adopted to achieve the degree of visibility improvement projected by the analysis in the original SIP
- Calculate baseline and natural visibility conditions
- Address current visibility conditions and actual progress made toward natural conditions
- Conduct 2028 modeling
- Evaluate effectiveness of, and re-develop, long term strategies
- Submit monitoring strategy

The States are working to prepare and submit periodic comprehensive SIP revisions by the July 2021 deadline. A number of states are likely to submit periodic comprehensive SIP revisions in advance of this deadline, in some cases as early as 2018.

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

5.1 Agency Activities

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

FLMs. The FLMs will be reviewing the progress reports, the periodic comprehensive regional haze SIP revisions, and offering comments to the states in fulfillment of the requirement under 40 CFR 51.308(i)(4) for the states to coordinate their regional haze efforts with the FLMs.

5.2 Collection Methodology and Management

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

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

of administration by the source. The methodology for determining cost per hour can be found in greater detail in section 6.2, below.

- While this ICR renewal estimates burden to federal and state agencies, it does not include costs estimates to the industrial sources. This is because the effort for this ICR renewal period, December 31, 2016 through December 31, 2019 mainly involves preparation and review of the periodic comprehensive SIP revisions and progress reports required under CFR 51.308(f) and (g) of the regional haze rule. Sources, for the most part, will not be involved in preparation of these reports.

The periodic comprehensive SIP revisions prepared by the states are due by July 31, 2021. As mentioned earlier, a number of states are likely to submit earlier than this date. The periodic comprehensive SIP revisions must at a minimum include the following elements (similar elements are required for the initial SIPs):

- A summary of affirmation of, and revision to, reasonable progress goals, including determination of reasonableness of any additional measures that could be adopted to achieve the degree of visibility improvement projected by the analysis in the original SIP
- A description of baseline and natural visibility conditions
- An assessment of current visibility conditions and actual progress made toward natural conditions
- Details on modeling conducted for the 2028 milestone
- A summary of the effectiveness of, and re-development of, long term strategies
- A description of the monitoring strategy

The first progress reports prepared by the states are, in most cases, due five years after the state submits its comprehensive regional haze SIP. The first progress reports must at a minimum include the following elements:

- A description of the status of all measures included in the regional haze implementation plan for achieving reasonable progress.
- A summary of the emissions reductions achieved throughout the state through implementation of the measures.
- An assessment of the following visibility conditions and changes for each mandatory Class 1 Federal area within the state with values for most impaired and least impaired days expressed in terms of 5-year averages of the annual values: current visibility conditions for the most impaired and least impaired days; the difference between current visibility conditions for the most impaired and least impaired days and baseline visibility conditions; and the change in

visibility impairment for the most impaired and least impaired days over the past 5 years.

- An analysis tracking the change over the past 5 years in emissions of pollutants contributing to visibility impairment from all sources and activities within the state.
- An assessment of any significant changes in anthropogenic emissions within or outside the state that have occurred over the past 5 years that have limited or impeded progress in reducing pollutant emissions and improving visibility.
- An assessment of whether the current regional haze implementation plan elements and strategies are sufficient to enable the state, or other states with mandatory Class I Federal areas affected by emissions from the state, to meet all established reasonable progress goals.
- A review of the state's visibility monitoring strategy and any modifications to the strategy as necessary.
- Other elements, including reporting, record keeping, and other measures, necessary to assess and report on visibility.

5.3 Small Entity Flexibility

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

The EPA determined that it was not necessary to prepare a regulatory flexibility analysis in connection with the regional haze rule (December X, 2016, XX FR XXXXX) because the rule did not have a significant economic impact on a substantial number of small entities. Similarly, this final rule ICR will not impose any direct requirements on small entities and will apply primarily to states which are developing the SIP revisions.

5.4 Collection Schedule

States are required to submit their first periodic progress reports, in the form of a SIP revision, five years after the initial regional haze plan submission. Table 5.1 shows when these reports are due for each of the states. Note that some states have reports which are due outside of this period of this ICR, before December 31, 2016 or beyond December 31, 2019. Accordingly, we have estimated burden only for the 7 states with due

dates that fall within this renewal period. We expect the number of states with progress report due dates to decrease in the years following this time period.

Table 5.1 Due Dates for the 5 Year Progress Reports¹

State	Progress Report Due Date
Maryland	2/13/2017
Montana	9/18/2017
Hawaii	10/9/2017
Virgin Islands	10/22/2017
Utah	12/31/2018
Wyoming	12/31/2018
New Mexico	12/31/2018

All states (including those subject to a FIP) are required to develop and submit periodic comprehensive SIP revisions by July 31, 2021.

For the purposes of this ICR, we assume that each of these states will in fact submit progress reports and/or periodic comprehensive SIP revisions on the due dates indicated above.

¹ The EPA developed FIPs for Hawaii, Montana, and the Virgin Islands and due dates for the progress reports are based on the dates of the FIP promulgation.

6 Estimating the Burden and Cost of the Collection

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information. The burden estimate should be composed of (1) the total capital and start-up cost component annualized over its useful life; (2) the total operation, maintenance and purchases of services component. Each component should be divided into burden borne directly by the respondent and any services that are contracted out.

6.1 Estimating Respondent Burden

The following analysis applies to the existing ICR. The changes resulting from the final rule are explained in more detail beginning in section 7 of this document. This ICR renewal will apply to 50 states the District of Columbia and the U.S. Virgin Islands which are working on submitting periodic comprehensive SIP revisions, and 11 of which are developing 5-year progress reports in the form of SIP revisions to satisfy the requirements of section 308(g). All periodic comprehensive SIP revisions are due by July 31, 2018. Table 5.1 above shows when progress reports are due for each of the 11 states. For this renewal period, the burden for industrial sources will be negligible as plans and reports are required from the states.

For three states (Utah, Wyoming, and New Mexico) which submitted their regional haze SIPs under section 309 of the regional haze rule, there are also 5-year periodic reporting requirements that are essentially the same as the requirements under section 308(g); the next due date for progress reports for these states is December 31, 2018. Table 6.1 summarizes the results for each of the major categories of respondents with details discussed in the narrative below.

Develop and Submit Progress Reports as required under the Regional Haze Rule. Based on the elements that are required for the report, which are described in section 5.2 above, we believe that an estimate of 280 hours per state to complete the 5-year progress report is reasonable. Much of the analysis for the report will entail the states assessing changes in their emission inventories for the reporting period and reporting on changes in visibility based on available monitoring data. This burden estimate does not

include any hours for preparation and finalization of the emission inventories because it is assumed that the EPA will provide an approved inventory, with appropriate forward projections of future visibility conditions, which the states may use for their analyses. For each individual state, we believe that approximately 160 hours on average is needed to analyze, evaluate, and summarize changes in the inventory and monitoring data over the reporting period, and another 80 hours is sufficient to prepare the report in the form of a SIP revision. These estimates are based on informal conversations with state and the EPA’s technical staff. Finally, we assumed that states would need approximately 40 additional hours to address and respond to any public comments received on its SIP revision.

Develop and Submit Periodic Comprehensive SIP Revisions (or Initial SIPs) as required under the Regional Haze Rule. Based on the elements that are required for the periodic comprehensive SIP revisions (or initial SIPs), which are described in section 5.2 above, and a review of previous ICRs, we believe that an estimate of 500 hours per state to complete the periodic comprehensive SIP revision (or initial SIP) is reasonable.

Table 6.1. Estimated Respondent Burden to Implement Requirements

Task Element	Hours/State	Hours/Source	Year Incurred
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	280	0	2016 - 2019
Develop and submit periodic comprehensive SIP revisions	500	0	2016 - 2018

6.2 Estimating Respondent Costs

This ICR uses the most recently available wage values with the wage rate methods established in the New Source Review (NSR) ICRs². For this renewal period, the burden for industrial sources will be negligible as the reports are required from the states with review being done by the EPA and the FLMs.

Consistent with methodologies for previous NSR ICRs, the labor rate used to calculate federal, state, and local respondents’ labor costs is approximated from the 2015 federal government pay schedule. Managerial rates are accounted for by multiplying the hourly rate by 9%; the clerical

² U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, *INFORMATION COLLECTION REQUEST FOR CHANGES TO PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS*, August 2006, p. 20

support rates are multiplied by 13%.³ The hourly rate is \$49.53, and the calculation is shown in Table 6.3

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

Annual Salary of Technical Staff, GS 11 Step 3 (FY 15 Schedule)*		\$54,718.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 15 Schedule)*	\$77,989.00	
Factor (1/11)	0.09	
		\$7,019.01
Annual Cost of Support Staff, GS 6 Step 6 (FY 15 Schedule)*	\$36,392.00	
Factor (1/8)	0.13	
		\$4,730.96
Annual Applicable Salary of Technical Staff		\$66,467.97
Benefits (at 16%)		\$10,634.88
Sick Leave / Vacation (at 10%)		\$6,646.80
General Overhead (at 29%)		\$19,275.71
Total Cost Per FTE		\$103,025.36
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$49.53

* <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2015/GS.pdf> January 2015

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

6.2.3 Annualized Capital Costs

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

6.3 Estimating Agency Burden and Cost

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

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

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

FLMs. The FLMs will review and comment on the submittals.

³ Ibid.

Table 6.4 presents our estimate of the Agency burden in the ICR clearance period which is the average to review one state plan. In developing these estimates, we considered previous estimates for similar activities, particularly related to the time necessary to review progress reports and SIPs and prepare federal register notices and respond to public comments.

For the progress reports, summing the total hours from Table 6.4 (360 hours) and multiplying by 14 total progress reports yields a total estimate of 5,040 hours. Using the calculated labor rate of \$49.53/hr. from Table 6.3, multiplied by the 5,040 hours gives an estimated cost of \$249,631, which when averaged over the 3 year collection period is about \$83,210 per year as the Agency’s burden estimate for the progress reports.

For the periodic comprehensive SIP revisions, summing the total hours from Table 6.4 (400 hours) and multiplying by 52 total periodic comprehensive SIP revisions yields a total estimate of 20,800 hours. Using the calculated labor rate of \$49.53/hr, from Table 6.3, multiplied by the 20,800 hours gives an estimated cost of \$1,030,224, which when averaged over the 3 year collection period is about \$343,408 per year as the Agency’s burden estimate for the periodic comprehensive SIP revisions or initial SIPs.

Table 6.4. Estimated Agency Burden to Implement Requirements

Task Element	Hours/EPA Regional Office	Hours/EPA Headquarters	Hours/FLM	Year Incurred
Review §308(g) or 309(d)(10) Implementation Plan – 5-year progress reports	160	20	40	2016 - 2019
Respond to Public Comments and Prepare Federal Register Notices	120	20	0	2016 – 2019
Review periodic comprehensive SIP revisions or initial SIPs	200	20	40	2016 - 2019
TOTAL (progress report)	280	40	40	2016 - 2019
TOTAL (periodic comprehensive SIP revision)	320	40	40	2016 - 2019

6.4 Estimating the Respondent Universe

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

States. We assume that 50 states, the District of Columbia, and the U.S. Virgin Islands will develop and submit the periodic comprehensive

regional haze SIP revision required in 2018. We assume that 14 states will be affected by the regional haze rule 5-year progress reporting requirements.

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

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

6.5 Bottom Line Burden and Cost

Tables 6.5 summarizes the total annual respondent burden to prepare and submit the 5-year progress reports and the periodic comprehensive revisions to state SIPs (or initial SIPs). The total respondent burden is estimated to be 10,307 hours per year and \$510,489 per year. As described in section 6.2.2 and 6.2.3, there are no operation and maintenance costs or capital costs associated with activities to be conducted during this 3-year clearance period. The total number of respondents is 52 (52 state agencies.)

Table 6.5 Estimated Annual Respondent Burden to Implement Requirements

Task Element	States	
	Average Annual Hours	Average Annual Cost (\$)
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	1,307 Calculation: (280 hours per plan x 14 plans)/3 years= 1,307 hr/yr	64,719 Calculation: (1,307 hrs per yr x labor rate of \$49.53)
Develop and submit periodic comprehensive SIP revisions	9,000 Calculation: (500 hours per plan x 54 plans)/3 years= 9,000 hr/yr	445,770 (9,000 hrs per yr x labor rate of \$49.53)
Total Burden for Respondent	10,307	510,489

6.6 Reasons for Change in Burden

The burden estimates for this ICR reflect the requirements of the final regional haze rule with respect to the scheduled events and activities in the implementation process. The last collection request anticipated the program consisting mainly of submission and review of 5-year progress reports. The change in burden reflects changes in labor rates, changes in the activities conducted due to the normal progression of the program, and the fact that the periodic comprehensive regional haze SIP revisions will need to be acted on by the EPA beginning in 2018 and the states will be working on and submitting those periodic comprehensive SIP revisions.

6.7 Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 198 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjusting the existing ways to comply with any previously applicable instructions and requirements; training personnel to be able to respond to a collection of information; searching data sources; completing and reviewing the collection of information; and transmitting or otherwise disclosing the information. The Agency may not conduct or sponsor, and a

person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2003-0162, that is available for public viewing at the Air and Radiation Docket and Information Center, in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington D.C. 20503, Attention: Desk Officer for EPA. Please include EPA Docket ID No. EPA-HQ-OAR-2003-0162 and OMB Control Number 2060-0421 in any correspondence.

7 Changes as a Result of Final Rule Revisions

7.1 Summary of Final Rule Changes

Final changes to the regional haze rule include: a 3-year extension of the deadline for state submittal of periodic comprehensive SIP revisions (from July 31, 2018 to July 31, 2021); a change in submission deadlines for progress reports and removal of the requirement that progress reports be submitted as SIP revisions; discontinuance of the 1980s-era requirement for 36 states and territories with Class I areas to submit SIP revisions every 10 years that assess whether reasonably attributable visibility impairment (RAVI) is occurring and removal of the obligation for the EPA to periodically assess RAVI for the 20 states that never committed to meet this requirement; extension to the remaining 16 states the ability of a FLM to certify to a state that RAVI is occurring and thereby trigger a requirement for a responsive SIP revision; and clarification of several terms in the current rule text and updating of cross references.

7.2 Estimating Change in Respondent Burden

Under the final rule, the SIPs revisions for all states due by July 31, 2018 will instead be due by July 31, 2021. As a result, activities conducted by the states, Federal Land Managers (FLMs), and the EPA will shift from focusing on actual submittal of SIP revisions to focusing on early analysis to support SIP revision development, although some states (particularly eastern states) may still elect to submit on or near the current 2018 deadline. Under the pre-existing and final rules, 40 CFR 51.308(g) also requires states to develop periodic reports evaluating progress towards the reasonable progress goals for improving visibility in Class I areas inside the state and in neighboring states. The timing of these progress reports due during the period 2016-2019 will not change under the final rule. There are similar reporting requirements under 40 CFR 51.309, a section of the regional haze rule in which three states (Utah, Wyoming, and New Mexico) elected to submit their SIPs, and its requirements for the period 2016-2019 are being altered by the final rule in that the progress reports that would otherwise have been due in 2018 are being eliminated.

Other sections of 40 CFR 51 relate to reasonably attributable visibility impairment (RAVI). Under the final rule, all states will potentially be subject to FLM certifications of RAVI, as opposed to the current 36. The historical rarity of a RAVI certification implies that no additional RAVI certifications would occur during the 3-year period at issue and likely no RAVI certifications even if the pre-existing rule were to have remained in place.

With all of these final changes considered, the overall burden on states represents a reduction compared to what would otherwise occur if the provisions of the pre-existing rule were to have stayed in place. See Table 7.1 for an estimate of these reductions, as had been presented in the proposed rule ICR supporting statement.

Table 7.1 Estimated Annual Respondent Burden to Implement Requirements: Pre-Existing Rule vs. Final Rule Revisions (as stated in proposed rule ICR supporting statement)

Task Element	States			
	Average Annual Hours: Current Rule	Average Annual Cost (\$): Current Rule	Average Annual Hours: Final Rule Revisions (estimated in proposed rule ICR supporting statement)	Average Annual Cost (\$): Final Rule Revisions (estimated in proposed rule ICR supporting statement)
Develop and submit §308(g) or 309(d) (10) Implementation Plan – 5-year periodic reports	1,307 Calculation: (280 hours per plan x 14 plans)/3 years= 1,307 hr/yr	64,719 Calculation: (1,307 hrs per yr x labor rate of \$49.53)	1,307 <i>(No change)</i>	64,719 Calculation: (1,307 hrs per yr x labor rate of \$49.53)
Develop and submit periodic comprehensive SIP revisions	9,000 Calculation: (500 hours per plan x 54 plans)/3 years= 9,000 hr/yr	445,770 Calculation: (9,000 hrs per yr x labor rate of \$49.53)	2,000 Calculation: (500 hours per plan x 12 early plans)/3 years= 2,000 hr/yr	99,060 Calculation: (2,000 hrs per yr x labor rate of \$49.53)
Early analysis to support SIP revision development	0	0	2,667 Calculation: (200 hours per plan x 40 remaining on-time plans)/3 years= 2,667 hr/yr	132,097 (2,667 hrs per yr x labor rate of \$49.53)
Total Burden by Respondent	10,307	510,489	5,974	295,876

7.3 Responses to Comments Received

The EPA received two timely comments on the proposed rule ICR, which are summarized and discussed as follows.

Commenter Colorado Department of Public Health & Environment stated “the estimate of hours spent by states in the Supporting Statement is unduly low and, consequently, the estimated cost is low as well.” Commenter stated various reasons for this but did not provide documentation. Commenter stated its estimate that “a combined total of state staff time of 735 hours (est. \$41,300) is necessary to produce a 5-year progress report and about 1,961 hours (est. \$344,000) of staff time is necessary to develop a 10-year SIP revision” not including time to develop a regional modeling platform.

Commenter Nevada Division of Environmental Protection similarly stated “the estimate of hours spent by states in the Supporting Statement is unduly low and, consequently, the estimated cost is low as well.” Commenter stated various reasons for this but did not provide documentation. Commenter asserted that its estimate is “probably on the low side of average” due to the state only having one Class I area, and stated that other states with more Class I areas (such as California with 29 or several others with 12) will have “a much larger burden.” The number of Class I areas in a state is not necessary the only or the best measure of the burden of developing a SIP. Rather, the EPA expects that the workload scales more

closely with the number of sources that need to be analyzed for their contributions to visibility-impairing pollution, and that the number of sources located within a given state is, in general, independent of the number of Class I areas within a given state. The number of Class I areas may also be relevant, particularly for states with many Class I areas; however, this is not necessarily a defining metric of workload. Commenter stated its estimate that “Nevada estimates a combined total of one FTE for two years (4160 hours) to develop the SIP revision (proposed to incorporate progress report requirements by fall 2016) and one FTE for eight months (1320 hours) to prepare a progress report.”

In sum, the EPA estimated in the proposed rule ICR a total of 280 hours per progress report, compared to Colorado’s estimate of 735 hours and Nevada’s estimate of 1,320 hours. The EPA estimated in the proposed rule ICR 500 hours per SIP revision, compared to Colorado’s estimate of 1,961 hours and Nevada’s estimate of 4,160 hours. In addition, it is worth noting that during drafting of the proposed rule ICR, the EPA received feedback from the state of New Hampshire that it generally agreed with EPA’s estimates, with the caveat that SIP development may take longer than 500 hours in some cases. Also, as discussed previously, the EPA does not agree with all of commenter Nevada DEP’s assertions with regard to the number of Class I areas being the largest driver of the workload involved in SIP preparation.

In light of the fact that the EPA received only two comments on the proposed rule ICR, and therefore has limited data to use in deriving a final burden estimate, we are therefore revising our burden estimates to the approximate average of the estimates provided in the proposed rule ICR and the estimates provided by the commenters, or 778 hours per progress report and 2,207 hours per SIP revision. Notably, these figures are an average which means that in some instances, the workload will be higher, but in other instances, the workload may be lower. These figures are reflected in the EPA’s final estimates found in Table 7.2 below. Please note that commenters did not specifically state estimates for early analysis to support SIP revision development, therefore these figures are not being adjusted. Note also that the number of progress reports due during the period of this ICR is slightly different than that described in the proposed rule ICR, largely due to the slightly different time period being evaluated (December 2016 – December 2019 for the final rule ICR vs. March 2016 – March 2019 for the proposed rule ICR).

Table 7.2 Estimated Annual Respondent Burden to Implement Requirements: Final Rule Revisions (adjusted in response to comments received)

Task Element	States			
	<i>Average Annual Hours: Final Rule Revisions (estimated in proposed rule ICR supporting statement)</i>	<i>Average Annual Cost (\$): Final Rule Revisions (estimated in proposed rule ICR supporting statement)</i>	<i>Average Annual Hours: Final Rule Revisions (adjusted in response to comments received)</i>	<i>Average Annual Cost (\$): Final Rule Revisions (adjusted in response to comments received)</i>
Develop and submit §308(g) or 309(d) (10) Implementation Plan – 5-year periodic reports	1,307 <i>Calculation: (280 hours per plan x 14 plans)/3 years= 1,307 hr/yr</i>	64,719 <i>Calculation: (1,307 hrs per yr x labor rate of \$49.53)</i>	1,815 <i>(Calculation: (778 hours per plan x 7 plans)/3 years= 2,333 hr/yr)</i>	89,897 <i>Calculation: (1,815 hrs per yr x labor rate of \$49.53)</i>
Develop and submit periodic comprehensive SIP revisions	2,000 <i>Calculation: (500 hours per plan x 12 early plans)/3 years= 2,000 hr/yr</i>	99,060 <i>Calculation: (2,000 hrs per yr x labor rate of \$49.53)</i>	8,828 <i>Calculation: (2,207 hours per plan x 12 early plans)/3 years= 12,000 hr/yr</i>	437,251 <i>Calculation: (8,828 hrs per yr x labor rate of \$49.53)</i>
Early analysis to support SIP revision development	2,667 <i>Calculation: (200 hours per plan x 40 remaining on-time plans)/3 years= 2,667 hr/yr</i>	132,097 <i>(2,667 hrs per yr x labor rate of \$49.53)</i>	2,667 <i>(No change)</i>	132,097 <i>(No change)</i>
Total Burden by Respondent	5,974	295,876	13,310	659,245