

SUPPORTING STATEMENT
FOR
PREVENTION OF SIGNIFICANT DETERIORATION
AND NONATTAINMENT NEW SOURCE REVIEW

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Prepared for:

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) TITLE OF THE INFORMATION COLLECTION REQUEST (ICR)

1This report is entitled Prevention of Significant Deterioration and Nonattainment New Source Review, EPA ICR No. 1230.33, OMB Control No. 2060-0003.

1(b) SHORT CHARACTERIZATION/ABSTRACT

1The analyses in this document have been performed in support of a renewal of the New Source Review (NSR) Program Information Collection Request (ICR) (Office of Management and Budget (OMB) Control No. 2060-0003; Environmental Protection Agency (EPA) ICR No. 1230.33). The regulations covered under this ICR are contained in parts 49, 51, and 52 of Title 40 of the *Code of Federal Regulations* (CFR). These requirements govern the state and federal programs for preconstruction review and permitting of major new and modified sources pursuant to part C “Prevention of Significant Deterioration” (PSD) and part D “Program Requirements for Nonattainment Areas” (nonattainment major NSR or NNSR) of Title I of the Clean Air Act (CAA), which together are commonly referred to as “major NSR.” In addition, these requirements govern the state and federal programs for preconstruction of minor new and modified sources pursuant to CAA section 110(a)(2)(C), which is commonly referred to as “minor NSR.” The types of information collection activities addressed in this ICR are those necessary for the preparation and submittal of construction permit applications and the issuance of final permits. Thus, the respondents addressed in this ICR are (1) the pollutant-emitting sources that must apply for and obtain permits, and (2) the state and local reviewing authorities that must review the permit applications and issue the permits. Specific burden-producing activities are listed in Appendix A. The administrative, reporting, and recordkeeping burden for industry respondents (permit applicants), state and local implementing agencies and the EPA are summarized in Table 6-4.

1The NSR Program ICR was last renewed in October 2017 (EPA ICR No. 1230.32). The currently approved respondent burden for the NSR program stands at approximately 5.5 million hours per year for nearly 147,000 responses (with associated labor costs of about \$425 million), plus about \$3.5 million in one-time start-up costs.

1This renewal ICR for the NSR program estimates the annual respondent burden at approximately 3.0 million hours (with labor costs of about \$234 million) for just over 60,000 responses, plus one-time start-up costs of about \$3.4 million. The change (net decrease) in the cost estimate is due largely to a significant reduction in the estimated number of NSR permits issued annually, based on a review of permit activity in recent years.

The estimated annual burden in this renewal ICR consists of approximately 1.4 million hours for industry respondents (with labor costs of about \$131 million and start-up costs of about \$3.4 million) and 1.6 million hours for state and local reviewing authority respondents (with labor costs of about \$103 million). The estimated annual burden for the EPA is about 9,000 hours and \$512,000.

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED/AUTHORITY FOR THE COLLECTION

1Section 110 of the CAA requires all states to submit an implementation plan that contains a preconstruction review program for all new or modified stationary sources, including any provisions necessary for this program to meet the specific requirements of parts C and D of title I of the CAA related to major construction. Section 110(a)(2)(C) of the CAA requires that no new or modified stationary source, in conjunction with existing source emissions in the same area, can interfere with the attainment or maintenance of the National Ambient Air Quality Standards (NAAQS). It further requires that no source can construct without securing a permit to ensure that the objectives of parts C and D of title I of the CAA are met.

1Part C of title I of the CAA outlines specific construction requirements for new and modified sources constructing in areas that do not violate the NAAQS. These requirements are more commonly referred to as the “prevention of significant deterioration” or “PSD” rules, which require a prospective major new or modified source to: (1) demonstrate that the NAAQS and increments will not be exceeded, (2) ensure the application of best available control technology (BACT), and (3) protect Federal Class I areas from adverse impacts, including adverse impacts on air quality related values (AQRVs).

Similarly, part D of title I of the CAA specifies requirements for major new and modified sources constructing in areas designated as nonattainment for a NAAQS pursuant to section 107 of the CAA. The part D provisions also apply to major source permitting in the Northeast Ozone Transport Region as established under section 184 of the CAA. The part D rules, which are often referred to as the “nonattainment major NSR” or “NNSR” rules, generally require a prospective major construction project to: (1) ensure the application of controls which will achieve the lowest achievable emission rate (LAER), (2) certify that all major sources in a state which are owned or controlled by the same person (or persons) are in compliance with all air emissions regulations, (3) secure reductions in existing source emissions (“offsets”) that comply with specific statutory offset ratios and are otherwise equal to, or greater than, those reductions necessary to show the required progress toward attainment and maintenance of the applicable NAAQS, and (4) conduct an analysis showing that the benefits of the source significantly outweigh its environmental and social costs.

2(b) PRACTICAL UTILITY/USERS OF THE DATA

1Before the owner or operator of a facility can commence construction or modification of its source, it must comply with all applicable construction permit requirements. The owner or operator of a stationary source must develop or collect all relevant information not otherwise available to the federal, state, local, or tribal reviewing authority. The reviewing authority reviews the application materials submitted by the owner or operator and either declares the permit application complete for processing or provides the owner or operator guidance on how to correct the deficiencies in the application. If the application has deficiencies, the applicant collects any additional data identified by the reviewing authority so that the permit application can be deemed “complete.” Although sufficient information must be submitted by the applicant

before its permit application can be classified as complete, some additional clarifying information might need to be submitted at a later date by the applicant to assist the reviewing authority to finalize the permit.

For major sources to be constructed or modified in attainment areas, the reviewing authority uses the permit application information to determine: (1) whether the source will cause or contribute to a violation of the NAAQS or air quality increments, (2) if the technology the source is proposing is BACT and (3) whether the source's emissions will adversely affect any Federal Class I areas, including AQRVs in these areas. For major sources to be constructed or modified in nonattainment areas, the permit application information is used by the reviewing authority to determine whether: (1) the source will apply LAER, (2) the source will have secured the required emissions offsets, (3) the source has demonstrated that all other of its major sources in the same state are in compliance with all applicable air emissions regulations and (4) the source has demonstrated that its benefits significantly outweigh its environmental and social costs. For minor sources that are large enough to be subject to minor NSR to be constructed or modified in attainment and nonattainment areas, the reviewing authority uses the permit application information to determine whether the source will cause or contribute to a violation of the NAAQS. Minor NSR programs may include a control technology requirement or require ambient air quality modeling to protect the NAAQS.

Once the application is complete, the reviewing authority makes a preliminary determination including a draft permit regarding the approvability of the permit application. For major NSR, this draft permit, along with the application and supporting information, is made available to the public for at least 30 days. The reviewing authority must then respond to public comments and take action on the final permit. Typically, a final major NSR action must be taken on a permit by the reviewing authority within 1 year of receipt of a complete application. For minor NSR, the public comment period and deadline for a final permit action may be shorter.

In addition, the public and other permit applicants may use some of the data collected. The EPA operates a reasonably available control technology (RACT)/BACT/LAER Clearinghouse (RBLC)⁴ which contains many BACT and LAER determinations to aid applicants and reviewers in identifying reasonable and available control technologies. The Clean Air Act Amendments of 1990 require that the BACT or LAER information in each permit must be gathered by the reviewing authority and submitted for entry into the RBLC database as a reference for making future control technology determinations. Annual reports containing RBLC update information are also available to the public through the National Technical Information Service.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) NONDUPLICATION

¹The information collection activities required under the NSR regulations are not routinely performed 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 the EIS and NSR programs be coordinated to the

⁴ The RBLC is available on the EPA web site at <https://cfpub.epa.gov/RBLC/>.

maximum extent possible so as to minimize duplicating the collection of data. Some of the required information also may already be available from states or other federal agencies. However, even when these data are available, they are not generally adequate to address completely the relevant NSR requirements.

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

On February 14, 2020, the EPA published a notice in the *Federal Register* announcing its intention to submit this ICR to OMB. The notice provided a 60-day public comment period, which ended on April 14, 2020. No public comments were received.

3(c) CONSULTATIONS

¹This ICR is a renewal of the existing ICR for the NSR program. It incorporates the same elements of the program that were included in the last renewal, without change.

Prior to this renewal, the EPA contacted Ms. Leslie Sue Ritts, Counsel for the National Environmental Development Association's Clean Air Project (NEDA/CAP) (<http://www.nedacap.org>), requesting feedback on the burden for industrial facilities to obtain PSD, NNSR, and minor NSR permits. NEDA/CAP is a multi-sector manufacturing coalition of companies that operate facilities across the United States. No input was received from NEDA/CAP.

In addition, for feedback from state and local agency respondents we contacted Ms. Karen Mongoven of the National Association of Clean Air Agencies (NACAA) (571-970-6678) and Jason Sloan of the Association of Air Pollution Control Agencies (AAPCA) (859-244-8043). No input was received from AAPCA member agencies. Based on information received from seven NACAA member agencies, the EPA revised upward the burden associated with reviewing and issuing PSD and minor NSR permits.

Also for this renewal, information was obtained from the EPA's 10 Regional Offices on the number of PSD, NNSR, and minor NSR permits issued in the United States in recent years. Based on the information received, the numbers of permits of each type were reduced for this renewal.

3(d) EFFECTS OF LESS FREQUENT COLLECTION

¹The CAA defines the rate of reporting by sources, states, and local entities. Consequently, less frequent collection is not possible.

3(e) GENERAL GUIDELINES

¹The 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 EPA believes:

1. The NSR regulations do not require periodic reporting more frequently than semi-annually.
2. The NSR regulations do not require respondents to participate in any statistical survey.
3. Written responses to EPA inquiries are not required to be submitted in less than 30 days.
4. Special consideration has been given in the design of the NSR program to ensure that the requirements are, to the greatest extent possible, the same for federal requirements and those reviewing authorities who already have preconstruction permitting programs in place.
5. Confidential, proprietary, and trade secret information necessary for the completeness of the respondent's permit are protected from disclosure under the requirements of section 503(e) and section 114(c) of the CAA.
6. The NSR regulations do not require more than one original and two copies of the permit application, update, or revision to be submitted to the EPA.
7. Respondents do not receive remuneration for the preparation of reports required by the CAA or 40 CFR part 49, 51, or 52.
8. To the greatest extent possible, the EPA has taken advantage of automated methods of reporting.
9. The EPA believes the impact of NSR regulations on small entities to be insignificant and not disproportionate.

The recordkeeping and reporting requirements contained in the NSR program do not exceed any of the PRA guidelines contained in 5 CFR 1320.5, except for the guideline which limits retention of records by respondents to 3 years. The CAA 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(f) CONFIDENTIALITY

1Confidentiality is not an issue for the NSR program. In accordance with the Clean Air Act Amendments of 1990, the information that is to be submitted by sources as a part of their permit applications and updates, applications for revisions, and is a matter of public record. To the extent that the information required for the completeness of a federal permit is proprietary, confidential, or of a nature that it could impair the ability of the source to maintain its market position, that information is collected and handled subject to the requirements of section 503(e) and section 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—Confidentiality of Business Information (see 40 CFR 2) shall be maintained appropriately. States typically have similar provisions.

3(g) SENSITIVE QUESTIONS

1The consideration of sensitive questions (i.e., sexual, religious, personal, or other private matters) is not applicable to the NSR program. The information gathered for purposes of establishing an NSR permit for a source do not include personal data on any owner or operator.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

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

Table 4-1 lists the industrial groups the EPA expects will contain the majority of the industrial respondents affected by the NSR program. These categories were chosen because of their relative incidence in seeking major NSR permits based on a search of the RBLC for the years 2017 through 2019.

Table 4-1. Most Numerous Industrial Respondents by Industrial Group

Industry Group	SIC	NAICS [†]
Electrical Services	491	221111, 221112, 221113, 221114, 221115, 221116, 221117, 221118, 221121, 221122
Industrial Organic Chemicals	286	325110, 325120, 325130, 325180, 325193, 325194, 325199, 325998
Sawmills and Planing Mills	242	321113, 321912, 321918, 321920, 321999, 337215
Steel Works, Blast Furnaces, and Rolling and Finishing Mills	331	331110, 331210, 331221, 331222, 332618, 324199
Pulp, Paper, and Paperboard Mills	261, 262, & 263	322110, 322121, 322122, 322130
Petroleum Refining	291	324110
Gas Production and Distribution	492	221210, 486210
Cement, Hydraulic	324	327310

[†] North American Industry Classification System

The respondents also include state and local air regulatory agencies that serve as the reviewing authorities for the NSR program, SIC Code 9511 and NAICS Code 924110. Because of the national scope of the NSR program, these governmental respondents are in all 50 states as well as many U.S. territories. In total, we recognize up to 123 such state and local reviewing authorities, depending on the segment within the overall NSR program.

An exception to the list of affected industries in Table 4-1 applies to the minor NSR program in Indian country. For that program, the industrial groups expected to be most affected are listed in Table 4-2.

Table 4-2. Most Numerous Industrial Respondents by Industrial Group in Indian Country

<u>Industry Group</u>	<u>NAICS</u>
Animal food manufacturing	311119
Asphalt hot mix	324121
Auto body refinishing	811121
Beef cattle complex, slaughter house, and meat-packing plant	3116
Casting foundry (iron)	331511
Chemical preparation	3251
Clay and ceramics operations (kilns)	32711
Concrete batching plant	327320
Crude petroleum and natural gas extraction	211111
Dry cleaning and laundry services	812320
Electric power generation	22111
Fabricated metal products	3329
Fabricated structural metal	3323
Fiber glass operations	3279
Gasoline bulk plant	424710
Gasoline station (storage tanks, refueling)	4471
Grain elevator	424510
Machinery manufacturing	33311
Millwork (wood products manufacturing)	32191
Natural gas-distribution systems	221210
Natural gas liquid extraction (major source)	211112
Oil and gas production/operations (minor Oil & Gas)	21111
Other (natural gas-fired boilers)	72112 ^a
Printing operations	32311
Professional, scientific, and technical services	54171 ^b
Sand and gravel mining	212321
Sand- and shot-blasting operations	238990
Sawmills (minor source)	321113
Sawmills (major source)	321113
Sewage treatment facilities	221320
Softwood veneer and plywood manufacturing	321212
Solid waste landfill	562212
Stone Mining and Quarrying	21231
Surface coating operations	332812
Wood kitchen cabinet manufacturing	337110

^a NAICS associated with “other” facilities is that for casino-hotels, which was the most frequently mentioned type of “other” facility.

^b This sector included based on natural gas-fired boilers.

4(b) INFORMATION REQUESTED

4(b)(i) DATA ITEMS, INCLUDING RECORDKEEPING REQUIREMENTS

1Tables A-1 and A-2 of Appendix A summarize the industry respondent data and information requirements that owners or operators of major sources must include in PSD and NNSR construction permit applications. The tables also include the appropriate references in 40 CFR part 51 for the data and information requirements that govern the way states implement NSR programs. For each reference in part 51, corresponding language will be found in part 52. In this ICR analysis, the minor NSR burden is for owners or operators of minor sources to submit information to demonstrate that they are exempt from the major source construction permit requirements and that they will not cause or contribute to a violation of any NAAQS and that they will meet all requirements of the applicable implementation plan. Because state minor NSR programs vary widely in form and requirements, it is not practical to list specific requirements for these programs other than the general requirements found in 40 CFR 51.160. The specific items required by the minor NSR program for Indian country are listed in Appendix A-3.

Table A-4 of Appendix A summarizes the data and information requirements that state and local reviewing authority respondents must meet for major NSR permits. Table A-4 also shows the part 51 references for the specified data and information requirements. Because of the variability of state minor NSR programs, it is not practical to list specific requirements for these programs other than the general requirements found in 40 CFR 51.160 and 51.161. The EPA is the reviewing authority for the minor NSR program in Indian country. Thus, state and local agencies are not respondents for that program.

4(b)(ii) RESPONDENT ACTIVITIES

1Table 6-1 lists the activities, burden, and estimated costs for industry respondents under the NSR program under 40 CFR parts 49, 51, and 52. For the part C and D programs, these activities include three broad categories: Preparation and Planning; Data Collection and Analysis; and Permit Application. Within each of these categories, further subdivision of a source's activities can be found. The EPA anticipates it will take 127 part C major sources an average of approximately 1,080 hours to complete each PSD application, for a total of 137,160 hours. Each of the 109 part D NNSR sources will require an average of 642 hours, or a total of approximately 69,978 hours each year, to complete part D NNSR applications. Each minor source will require an average of approximately 40 hours to complete its application requirements, for a total of 1,200,000 hours across both state and local minor NSR programs and the minor NSR program in Indian country.

Table 6-2 lists the activities, burden, and estimated costs for state and local reviewing authority respondents under the NSR program. We estimate that it will take these agencies an average of approximately 379 hours to process each of the estimated 127 part C PSD applications, for a total of 48,133 hours annually. For each of the 109 part D NNSR applications, we believe an average of 128 hours will be required, totaling approximately 13,952 hours each year. Each minor NSR application for state and local minor NSR programs will require an average of approximately 50 hours, for an annual total of 1,500,000 hours. State and local agencies do not

act as reviewing authorities for minor NSR program in Indian country. In addition, state and local reviewing authority respondents are expected to submit state implementation plan (SIP) revisions to conform their rules to amendments to the major NSR regulations in part 51. We estimate an average of 32 SIP revisions per year, each requiring 40 hours to prepare for a total of 1,280 hours annually.

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

5(a) AGENCY ACTIVITIES

Table 6-3 lists the EPA's activities associated with NSR permitting. These activities generally involve oversight review of state and local reviewing authorities' major NSR permitting actions and more complicated minor NSR actions to verify that the requirements of the CAA and the implementing part 51 and 52 regulations are being met. In addition, the EPA will have to review the SIP revisions submitted by the reviewing authorities. Finally, the EPA serves as the reviewing authority for the minor NSR program in Indian country.¹

5(b) COLLECTION METHODOLOGY AND MANAGEMENT

¹The owners and operators of new or modified stationary sources affected by the NSR regulations will be responsible for submitting construction permit applications to the reviewing authority. The reviewing authority will log in permit applications, store applications in a central filing location at the reviewing authority's offices, notify the Federal Land Manager (FLM) and provide a copy of the application (if applicable), and transmit copies of each application to the EPA. Once construction permits have been approved, the reviewing authority will submit control technology information to the EPA's RBLC database. Because the construction permits and associated control technology determinations are performed on a case-by-case basis, the regulations will not contain additional forms that owners or operators would have to fill out and submit to the reviewing authority. States will likely use their current permit application forms for NSR purposes. The NSR program in Indian country is an exception – the EPA has developed application forms for the registrations and permits required under that program.

Qualified personnel who work for the 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 the calculations were performed. The 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 RBLC and other sources will be reviewed for information on control technology determinations made for sources similar to the sources included in the permit application. Confidential information submitted by the applicant will be handled according to the reviewing authority's confidential information handling procedures. The public will be provided the opportunity to review a permit application and other materials relevant to the reviewing authority's decision on issuing the permit, including FLM findings, by obtaining a copy from the

reviewing authority or by attending the public hearing. The NSR regulations will not require information through any type of survey.

5(c) SMALL ENTITY FLEXIBILITY

¹The 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, an 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.

A Regulatory Flexibility Act Screening Analysis (RFASA) developed as part of a 1994 draft Regulatory Impact Analysis (RIA) and incorporated into the September 1995 ICR renewal analysis reported an initial regulatory flexibility screening analysis showed that the changes to the NSR program due to the 1990 Clean Air Act Amendments would not have an adverse impact on small entities.² This analysis encompassed the entire universe of applicable major sources that were likely to also be small-businesses. The Agency estimates there are approximately 50 "small business" major sources.³ Because the administrative burden of the NSR program is the primary source of the NSR program's regulatory costs, the analysis estimated a negligible "cost to sales" (regulatory cost divided by the business category mean revenue) ratio for this source group. Currently, there is no economic basis for a different conclusion.

¹The Agency may not, under any circumstances, exempt a major source of air pollution. Since the impacts of NSR regulations which may impact small entities are predominantly to major sources, little room exists for regulatory flexibility to avert the impact of the proposed rulemaking on small entities through exemption.

¹Even though the NSR program is not anticipated to have an adverse impact on a significant number of small businesses, measures are in place to assist in those incidental exceptions. Implementation of small business stationary source technical and environmental compliance assistance programs, as called for in section 507 of the CAA (at the federal and state levels) can reduce the reporting burden of small entities which are subject to major NSR. These programs may significantly alleviate the economic burden on small sources by establishing: (1) programs to assist small businesses with determining what CAA requirements apply to their sources and when they apply and (2) guidance on alternative control technology and pollution prevention for small businesses. In addition, under the minor NSR program in Indian country, the EPA has developed general permits and permits by rule for some source categories to simplify the permitting process, as well as a Federal Implementation Plan (FIP) to cover true minor sources in the oil and natural gas segment.

²² "Economic Assessment of the Impacts of Part C and D Regulatory Changes," June 2, 1994.

³³ The definition for "small business" employed for all SIC categories in this analysis was any business employing fewer than 500 employees.

5(d) COLLECTION SCHEDULE

1 Respondents are not subjected to a collection schedule per se under NSR permitting regulations of parts 49, 51, and 52. In general, each affected source is required to submit an application as a prerequisite to receiving a construction permit. Preparation of a construction permit application is a one-time-only activity for each project involving construction of a new source or modification of an existing source. The applicable SIP typically states the time period that is necessary to process a permit application and issue a permit; consequently, a prospective source would be obliged to work backward from the planned commencement of construction to determine the optimum submittal date for the application. The NSR permit regulations will not require periodic reporting or surveys.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) ESTIMATING RESPONDENT BURDEN

Table 6-1 identifies the average burden by activity for the industrial respondents. The average burden for an industrial respondent remains unchanged since the previous ICR renewal at 1,080 hours per PSD permit application. An estimated 6 percent of the part C PSD permit applications, or eight applicants, will require preconstruction air quality monitoring. The associated direct start-up cost is estimated at \$427,474 per source. This value was derived by applying the Bureau of Labor Statistics' (BLS') online inflation calculator to the value determined in 2011 dollars for a previous renewal (\$366,006).⁵ The industry respondent burden for each part D NNSR permit also remains unchanged from the last renewal at 642 hours per NNSR permit application.

As in previous ICR renewals, the burden for industry respondents for the minor NSR program in Indian country is combined with the state/local minor NSR program burden. Taken together, the average minor NSR burden for an industry respondent is about 40 hours. This averages the expected burden across all types of minor NSR permits, including new minor sources, new synthetic minor sources, synthetic-based modifications, true minor modifications, netting-based minor modifications, registrations, requests for coverage under a general permit, notifications of coverage under a permit by rule, and minor/administrative permit revisions.

Table 6-2 identifies the average burden by activity for the state and local reviewing authority respondents. Changes were made for this renewal pursuant to consultation with NACAA member agencies to more accurately reflect the burdens of these activities, with the per-permit burden for a PSD permit increased to 379 hours. The burden for a part D permit remains unchanged from the last renewal at 128 hours per permit. For state and local reviewing authority respondents, we estimate 50 hours per permit for minor NSR permits, which is an increase from the previous renewal. Note that the EPA, rather than state and local agencies, acts as the

⁵ <https://data.bls.gov/cgi-bin/cpicalc.pl?cost1=366006&year1=201101&year2=201911>, accessed in December 2019. This online calculator provides the inflation in the Consumer Price Index between any two years. In this case, we entered the amount in 2011 dollars (\$366,006) and retrieved the inflated value in 2019 dollars (\$427,474).

reviewing authority under the minor NSR program in Indian country, so the reviewing authority burden for that program does not fall on state and local reviewing authority respondents.

6(b) ESTIMATING RESPONDENT COSTS

16(b)(i) ESTIMATING LABOR COSTS

In this ICR, nearly the entire burden for all respondents (and the EPA) is treated as a labor cost. The explanation for the absence of capital and operations and maintenance costs appears below in sections 6(b)(ii) and 6(b)(iii). There is only an annual value of the costs of the ICR burden, which is equal to the cost of the first yearly outlay. The same annual ICR burden and cost are reported for each year because the EPA projects that the yearly average number of permit applications will be constant over the term of the ICR.

In order to improve the accuracy of cost estimates, this renewal ICR updates the wage rates to values in 2019 dollars. To derive the labor rate for industry respondents, we obtained the mean hourly wage for Environmental Engineers of \$44.54 from a recent BLS Occupational Employment Statistics, which gives wages as of May 2018.⁶ We escalated the hourly wages to September 2019 using the BLS Employment Cost Index (ECI) for private industry workers, resulting in hourly wages of \$46.25.⁷ The escalation calculation for Environmental Engineers is as follows:

$$Wage_{Sept\ 2019} = Wage_{May\ 2018} \times \frac{ECI_{Sept\ 2019}}{ECI_{June\ 2018}}$$

$$Wage_{Sept\ 2019} = \$44.54 \times \frac{137.9}{132.8} = \$46.25$$

Finally, to determine the total 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 \$93.00 per hour in 2019 dollars. This labor rate was applied to all industry respondent burden hours to calculate the sources' labor costs.

Assuming that approximately 6 percent of the industrial respondents submitting part C PSD permit applications will conduct preconstruction ambient air quality monitoring, we estimated that eight applicants will be required to conduct such monitoring. The average cost for this activity is estimated to be \$427,474, which is the inflation-adjusted figure based on the value of

⁶ Environmental Engineer hourly wages obtained from "Occupational Employment Statistics, Occupational Employment and Wages, May 2018, 17-2081 Environmental Engineers," U.S. Dept. of Labor, BLS. (<http://www.bls.gov/oes/current/oes172081.htm> accessed December 2019).

⁷ 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. 32 Private Industry Workers - All Workers. (<http://www.bls.gov/web/eci/echistrynaics.pdf> accessed December 2019).

\$366,006 included in the 2012 ICR renewal. As note previously, this inflation adjustment was made using the BLS' online inflation calculator.

The updated labor rate used for reviewing authority respondents in this ICR renewal was determined similarly to that above for industry respondents. For reviewing authorities, 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 \$32.02 for Environmental Engineers from the same recent BLS Occupational Employment Statistics publication that we used for industry respondents. We escalated this May 2018 hourly wage to Sept 2019 as discussed above using the ECI for state and local government workers, resulting in hourly wages of \$33.15.⁸ As above, we assumed a 100 percent factor to account for benefits and overhead and rounded the resultant rate to the nearest dollar, yielding \$66.00 per hour in 2019 dollars.

6(b)(ii) ESTIMATING CAPITAL AND OPERATIONS AND MAINTENANCE COSTS

Even if an applicant is a brand new company and the prospective source is a “greenfield” source (the EPA estimates less than 1 percent of the combined number of major and minor industrial respondents fit that description) most, and perhaps all, of the equipment needed to prepare permit applications (for example, the computers and basic software) will be part of the source’s business operation inventory. Furthermore, much of the data and regulatory and policy information for making technology determinations and even models for performing ambient air impact analyses are available in electronic form from several different EPA web sites for just the communication charges, which are typically absorbed in routine business overhead expenses.

Since the purchase of capital equipment is believed to be an insignificant factor in permit application preparation, the EPA assumes the operation, maintenance, or services for same are negligible. Further, once a permit is issued, there is no operations and maintenance cost associated with it. It remains unaltered unless the source or the reviewing authority discovers specific reasons to reexamine it and change any conditions or specifications. If purely administrative, the changes are handled exclusively by the reviewing authority. If changes have the potential for environmental consequences, the action may be significant enough to be counted as a separate and new application, to which a new burden and cost may be ascribed.

6(b)(iii) CAPITAL/START-UP OPERATING AND MAINTENANCE (O&M) COSTS

Capital/start-up and O&M costs are non-labor related costs. One-time capital/start-up costs are incurred with the purchase of durable goods needed to provide information. According to the PRA, 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

⁸ 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. 48 State and Local Government Workers - Public Administration. (<http://www.bls.gov/web/eci/echistrynaics.pdf> accessed December 2019).

preparing a major or minor source permit application. For the same reason, the O&M costs associated with start-up capital equipment are zero for most of the sources for this ICR. However, as shown in Table 6-1, 8 of the 127 part C PSD permit applications each year are projected to require preconstruction air quality monitoring, which costs a total \$3,419,792. This one-time cost includes pre-application monitoring of air quality via contract services.

6(b)(iv) ANNUALIZING 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 permit, or the ICR, whichever is shorter. However, in the case of NSR, there are only labor costs for preparing and processing permit applications. Labor costs are expensed when incurred and not amortized. Therefore, the capital costs for NSR permitting are zero.

6(c) ESTIMATING AGENCY BURDEN AND COST

1Staff in the EPA's Regional Offices typically review major NSR permits and more complicated minor NSR permits issued by state and local reviewing authorities. In addition, Regional Office staff also serve as the reviewing authority for the minor NSR program in Indian country. The EPA expects its review of NSR permits to comprise the tasks listed in Table 6-3. The cost estimate uses a "loaded" labor rate of \$56 per hour. The rate reflects the assumption that the staff reviewing permits are classified as Grade 12 Step 5. The corresponding salary is loaded with benefits at the rate of 60 percent.⁹

6(d) ESTIMATING THE RESPONDENT UNIVERSE AND TOTAL BURDEN AND COST

1For the purpose of estimating burden in this ICR, the respondent universe is defined by the annual number of permit applications prepared by major and minor sources, and the annual number of permit applications processed by state and local reviewing authorities. The estimate for part C PSD permits has decreased to 127 permits per year since the last renewal, while the estimate for part D NNSR permits has decreased to 109 permits per year. In both cases, the revised estimates are based on the 3-year average of the number of permits from 2017-2019 as reported by the EPA Regional Offices. The estimate for minor NSR permits has significantly decreased to 30,000 per year based on the annual average reported by the EPA Regional Offices from 2018-2019 (2017-2019 for minor NSR permits in Indian country).

The number of reviewing authorities is unchanged from the previous ICR renewal. For that renewal, a review of the EPA Regional Office websites found that the number of reviewing authorities varies by program as follows: 123 for minor NSR, 118 for NNSR, and 86 for PSD. This analysis also uses the appropriate source count for individual permit-related items (e.g., attending pre-application meetings with the source). The resulting number of responses for this ICR renewal is then estimated to be as follows:

1. 127 part C PSD permit applications prepared by industry.

⁹ Federal Labor Cost obtained from U.S. Office of Personnel Management 2019 General Schedule Table 2019-GS. Hourly labor rate assumed is GS-12, Step 5 (Technical Labor).

2. 109 part D NNSR permit applications prepared by industry.
3. 30,000 minor NSR permit applications prepared by industry.
4. 127 part C (PSD) permit applications processed by state and local reviewing authorities.
5. 109 part D (NNSR) permit applications processed by state and local reviewing authorities.
6. 30,000 minor NSR permit applications processed by state and local reviewing authorities.

For each category of permit application, the total number of responses is twice the number of permit applications (i.e., one “response” by the applicant and one by the reviewing authority for each permit). In addition, many reviewing authorities must submit changes to their existing SIP programs or demonstrate that their existing programs are at least equivalent to the EPA’s new requirements. Over the next 3 years, we estimate that 95 SIP revisions will be submitted, covering revisions for purposes of the Project Emissions Accounting Rule, NSR Error Corrections Rule, and the 2015 Ozone Implementation Rule. Rounding upward to be conservative, this comes to an average of 32 per year.

The total annual effort for industry respondents submitting part C PSD permit applications is 137,160 hours, and the corresponding annual cost is \$16,175,672. The total annual effort for industry respondents submitting part D NNSR permit applications is 69,978 hours, and the corresponding annual cost is \$6,507,954. The total annual effort for industry respondents submitting minor NSR permit applications is 1,200,000 hours, and the corresponding annual cost is \$111,600,000. For industry respondents, the overall total annual effort is 1,407,138 hours and \$134,283,626.

The total annual effort for state and local reviewing authority respondents processing part C PSD permit applications is 48,133 hours, and the corresponding annual cost is \$3,176,778. The total annual effort for state and local respondents processing part D NNSR permit applications is 13,952 hours, and the corresponding annual cost is \$920,832. The total annual effort for state and local reviewing authority respondents processing minor NSR permits is 1,500,000 hours, and the corresponding annual cost is \$99,000,000. State and local respondents also will spend approximately 1,280 hours for SIP revisions, at an annual cost of \$84,480. For the state and local respondents, the overall total annual effort is 1,563,365 hours and \$103,182,090.

6(e) BOTTOM LINE BURDEN HOURS AND COST TABLES

16(e)(i) RESPONDENT TALLY

Table 6-4 summarizes the estimated burden and cost to industry respondents, state and local agency respondents, and the EPA for submittal and processing of NSR permit applications and the issuance of the permits. For industry and state and local agency respondents, the overall total annual burden is 2,970,503 hours and \$237,465,716.

6(e)(ii) THE AGENCY TALLY

The total annual effort for the EPA for processing part C PSD permit applications is 2,032 hours, and the corresponding annual cost is \$113,792. The total annual effort for the EPA for

processing part D NNSR permit applications is 1,744 hours, and the corresponding annual cost is \$97,664. The total annual effort for the EPA for reviewing complex minor NSR permits in state/local programs and for serving as the reviewing authority for the minor NSR program in Indian country is 5,200 hours, and the corresponding annual cost is \$291,200. The total annual effort for the EPA for reviewing SIP revisions is 160 hours, and the corresponding annual cost is \$8,960. For the EPA, the overall total annual effort is 9,136 hours and \$511,616.

6(e)(iii) VARIATIONS IN THE ANNUAL BOTTOM LINE

The annual burden and cost are not projected to vary significantly over the 3-year period of this ICR. The NSR program overall is now mature. While the actual number of permit actions can be expected to vary from year to year, no systematic variation or trend is expected.

6(f) REASONS FOR CHANGE IN BURDEN

In terms of hours, there is a significant decrease in the total estimated respondent burden compared with the ICR currently approved by OMB because the estimated number of all types permits has decreased since the previous ICR renewal. In terms of dollars, the burden similarly has decreased significantly since the previous renewal due to the decline in the estimated number of permits.

The decrease in annual burden and cost is primarily driven by the very significant decrease in the estimated number of minor NSR permits, from 73,000 per year in previous ICR renewal to the current estimate of 30,000 per year. The larger estimate of minor NSR permits was carried forward in several previous renewals without being reexamined. For this renewal, the number of minor NSR permits was reassessed through consultation with the EPA Regional Offices to arrive at the current estimate. The EPA is confident that this estimate better reflects the actual number of such permits issued annually.

6(g) BURDEN STATEMENT

The average burden on an industrial respondent submitting a part C PSD permit application is 1,080 hours. The average burden on an industrial respondent submitting a part D NNSR permit application is 642 hours. The average burden on an industrial respondent submitting a minor NSR permit application is about 40 hours.

The average burden on a state or local reviewing authority respondent processing a part C PSD permit application is 379 hours. The average burden on a state or local reviewing authority respondent processing a part D NNSR permit application is 128 hours. The average burden on a state or local agency respondent processing a minor NSR permit application is about 50 hours. The average burden on a state or local reviewing authority submitting a SIP revision is 40 hours.

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.

For those interested in commenting 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 No. EPA-HQ-OAR-2011-0901, 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, 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.¹⁰ 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. Once 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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2011-0901 and OMB control number 2060-0003 in any correspondence.

¹⁰ Note: As this document is being written, out of an abundance of caution for members of the public and staff, the EPA Docket Center and Reading Room is closed to public visitors to reduce the risk of transmitting COVID-19. The Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information on EPA Docket Center services and the current status, please visit online at www.epa.gov/dockets.

Table 6-1. Industrial Respondent Burden and Cost (Annual)

Activity	Units	Hours per Unit	Annual Hours	Annual Cost
I. Part C (PSD)				
A. Preparation and Planning				
Determination of Compliance Requirements	127	170	21,590	\$2,007,870
Obtain Guidance on Data Needs	127	172	21,844	\$2,031,492
Preparation of BACT Analysis	127	156	19,812	\$1,842,516
B. Data Collection and Analysis				
Air Quality Modeling	127	260	33,020	\$3,070,860
Determination of Impact on Air Quality Related Values	127	130	16,510	\$1,535,430
Post-construction Air Quality Monitoring	127	65	8,255	\$767,715
C. Permit Application				
Preparation and Submittal of Permit Application	127	60	7,620	\$708,660
Public Hearings	127	27	3,429	\$318,897
Revisions to Permit	127	40	5,080	\$472,440
D. Subtotal Burden		1,080	137,160	\$12,755,880
E. Direct Costs for Pre-construction Air Quality Monitoring	8			\$3,419,792
F. Total Costs				\$16,175,672
II. Part D (NNSR)				
A. Preparation and Planning				
Determination of Compliance Requirements	109	150	16,350	\$1,520,550
Obtain Guidance on Data Needs	109	100	10,900	\$1,013,700
B. Data Collection and Analysis				
Preparation of LAER Engineering Analysis	109	52	5,668	\$527,124
Demonstrate Offsets	109	52	5,668	\$527,124
Prepare Analysis of Alternative Sites, Processes, etc.	109	60	6,540	\$608,220
Air Quality Modeling	109	130	14,170	\$1,317,810
C. Permit Application				
Preparation and Submittal of Permit Application	109	49	5,341	\$496,713
Public Hearings	109	25	2,725	\$253,425
Revisions to Permit	109	24	2,616	\$243,288
D. Total		642	69,978	\$6,507,954
III. Minor NSR - State/Local and Indian Country Programs				
A. Preparation and Submittal of Registrations and Permit Applications	30,000	40	1,200,000	\$111,600,000
IV. GRAND TOTAL	30,236		1,407,138	\$134,283,626

Table 6-2. State and Local Respondent Burden and Cost (Annual)

Activity	Units	Hours per Unit	Annual Hours	Annual Cost
I. Part C (PSD)				
A. Attend Preapplication Meetings	127	56	7,112	\$469,392
B. Answer Respondent Questions	127	31	3,937	\$259,842
C. Log In and Review Data Submissions	127	25	3,175	\$209,550
D. Request Additional Information	127	11	1,397	\$92,202
E. Analyze for and Provide Confidentiality Protection	127	26	3,302	\$217,932
F. Prepare Completed Applications for Processing	127	43	5,461	\$360,426
G. File and Transmit Copies	127	9	1,143	\$75,438
H. Prepare Preliminary Determination	127	44	5,588	\$368,808
I. Prepare Notices for and Attend Public Hearings	127	46	5,842	\$385,572
J. Application Approval	127	57	7,239	\$477,774
K. Notification of Applicant of PA Determination	127	9	1,143	\$75,438
L. Submittal of Information on BACT/LAER to RBLC	127	22	2,794	\$184,404
M. Total		379	48,133	\$3,176,778
II. Part D (NNSR)				
A. Attend Preapplication Meetings	109	7	763	\$50,358
B. Answer Respondent Questions	109	10	1,090	\$71,940
C. Log In and Review Data Submissions	109	10	1,090	\$71,940
D. Request Additional Information	109	4	436	\$28,776
E. Analyze for and Provide Confidentiality Protection	109	4	436	\$28,776
F. Prepare Completed Applications for Processing	109	16	1,744	\$115,104
G. File and Transmit Copies	109	4	436	\$28,776
H. Prepare Preliminary Determination	109	10	1,090	\$71,940
I. Prepare Notices for and Attend Public Hearings	109	19	2,071	\$136,686
J. Application Approval	109	21	2,289	\$151,074
K. Notification of Applicant of PA Determination	109	2	218	\$14,388
L. Submittal of Information on BACT/LAER to RBLC	109	21	2,289	\$151,074
M. Total		128	13,952	\$920,832
III. Minor NSR - State/Local Programs				
Preparation and Issuance of Minor NSR Permits	30,000	50	1,500,000	\$99,000,000
IV. SIP Revisions				
Revision of SIP	32	40	1,280	\$84,480
V. GRAND TOTAL	30,268		1,563,365	\$103,182,090

Table 6-3. Agency Burden and Cost (Annual)

Activity	Units	Hours per Unit	Annual Hours	Annual Cost
I. Part C (PSD)				
A. Review and Verify Applicability Determination	127	2	254	\$14,224
B. Review Control Technology Determination	127	4	508	\$28,448
C. Evaluate Air Quality Monitoring	127	1	127	\$7,112
D. Evaluate Alternative and Secondary Impact Analysis	127	5	635	\$35,560
E. Evaluate Class I Area Analysis	127	3	381	\$21,336
F. Administrative Tasks	127	1	127	\$7,112
G. Total		16	2,032	\$113,792
II. Part D (NNSR)				
A. Review and Verify Applicability Determination	109	2	218	\$12,208
B. Review Control Technology Determination	109	4	436	\$24,416
C. Evaluate Offsets	109	1	109	\$6,104
D. Evaluate Air Quality Monitoring	109	5	545	\$30,520
E. Evaluate Alternative and Secondary Impact Analysis	109	3	327	\$18,312
F. Administrative Tasks	109	1	109	\$6,104
G. Total		16	1,744	\$97,664
III. Minor NSR - State/Local and Indian Country Programs				
Review Synthetic/Netting-Based State/Local Minor NSR Permits and Act as RA in Indian Country	1,300	4	5,200	\$291,200
IV. SIP Revisions				
Review of SIP Revisions	32	5	160	\$8,960
V. GRAND TOTAL	1,568		9,136	\$511,616

Table 6-4. NSR Program Information Collection Annual Burden Summary

		Total				Per Unit		
		Part C (PSD)	Part D (NNSR)	Minor NSR	Cumulative Total ^{a+b}	Part C (PSD)	Part D (NNSR)	Minor NSR
Number of Responses ^a		254	218	60,000	60,504			
Respondent Annual Burden Hours	Industry	137,160	69,978	1,200,000	1,407,138	1,080	642	40
	State/Local	48,133	13,952	1,500,000	1,563,365	379	128	50
	Industry and State/Local Agency Totals	185,293	83,930	2,700,000	2,970,503	1,459	770	90
Federal (Agency) Burden		2,032	1,744	5,200	9,136	16	16	4
Program Grand Total Burden		187,325	85,674	2,705,200	2,979,639	1,475	786	^g
Respondent Annual Cost ^c	Industry Labor ^d	\$12,755,880	\$6,507,954	\$111,600,000	\$130,863,834	\$100,440	\$59,706	\$3,720
	Other Direct Costs ^e	\$3,419,792	\$0	\$0	\$3,419,792	\$427,474	\$0	\$0
	Total Industry Costs ^f	\$16,175,672	\$6,507,954	\$111,600,000	\$134,283,626	\$127,367	\$59,706	\$3,720
	State/Local Costs	\$3,176,778	\$920,832	\$99,000,000	\$103,182,090	\$25,014	\$8,448	\$3,300
	Industry and State/Local Agency Totals	\$19,352,450	\$7,428,786	\$210,600,000	\$237,465,716	\$152,381	\$68,154	\$7,020
Agency Annual Costs		\$113,792	\$97,664	\$291,200	\$511,616	\$896	\$896	\$224
Program Grand Total Costs		\$19,466,242	\$7,526,450	\$210,891,200	\$237,977,332	\$153,277	\$69,050	^g

(a) The number of responses is twice the number of permitting actions for a given category due to (1) the applicant preparing the application, and (2) the state/local reviewing authority reviewing and issuing the permit.

(b) The reviewing authorities are expected to submit an average of 32 SIP revisions per year totaling 1,280 hours and \$84,480 to conform their major NSR programs to the revised rules. The EPA will review the 32 SIP revisions per year, totaling 160 hours and \$8,960. These figures are added into the Cumulative column.

(c) Costs are in current (2019) dollars and represent one-time permit application costs.

(d) The EPA estimates that 30% of the in-house hourly burden may be contracted, but because it is at the discretion of the applicant, the cost has not been converted to direct cost. Furthermore EPA assumes the labor rate would remain the same, in which case there is no impact on total annual costs.

(e) These direct costs are incurred only by the eight PSD sources (approximately 6% of the 127 sources that are subject to PSD), at \$427,474 per source, for pre-application monitoring of air quality via contract services. This cost is not incurred by Part D or minor NSR permit applicants.

(f) Per unit cost for PSD permits reflects the direct cost for pre-application monitoring averaged over all PSD permits. The estimated eight sources that require preconstruction monitoring are estimated to incur an average total cost of \$527,914 per application. The others will incur an average of \$100,440.

(g) It would not be meaningful to sum the Respondent and EPA per unit burden and costs for minor NSR permits because the EPA's per unit values are based on many fewer minor NSR permits than are the Respondents'. This is because the EPA reviews only a fraction of the minor NSR permit actions each year.

APPENDIX A

INFORMATION REQUIREMENTS

**TABLE A-1. INDUSTRY RESPONDENT DATA AND
INFORMATION REQUIREMENTS FOR
PREPARING PART C PSD CONSTRUCTION PERMITS**

Requirement	Regulation Reference
All information necessary to perform any analysis or make any determination required	40 CFR 51.166(n)(1)
Description of the nature, location, design capacity, and typical operating schedule	40 CFR 51.166(n)(2)(i)
Detailed schedule for construction	40 CFR 51.166(n)(2)(ii)
Description of continuous emission reduction system, emission estimates, and other information needed to determine that BACT is used	40 CFR 51.166(n)(2)(iii)
Air quality impact, meteorological, and topographical data	40 CFR 51.166(n)(3)(i)
Nature and extent of, and air quality impacts of general commercial, residential, industrial, and other growth in area of source	40 CFR 51.166(n)(3)(ii)
Use of air quality models to demonstrate compliance with NAAQS and increment	40 CFR 51.166(k) & (l)
Air quality monitoring data	40 CFR 51.166(m)
Impairment of visibility, soils, and vegetation	40 CFR 51.166(o)(1)
Air quality impact resulting from general commercial, residential, industrial, and other growth associated with source	40 CFR 51.166(o)(2)
Written notice of proposed relocation from portable source	40 CFR 51.166(i)(1)(iii) (d)
Description of the location, design construction, and operation of building, structure, facility, or installation	40 CFR 51.160(c)(2)
Description of the nature and amounts of emissions to be emitted	40 CFR 51.160(c)(1)
Description of the air quality data and dispersion or other air quality modeling used	40 CFR 51.160(f)
Sufficient information to ensure attainment and maintenance of NAAQS	40 CFR 51.160(c)-(e), 40 CFR 51.161-163

**TABLE A-2. INDUSTRY RESPONDENT DATA AND
INFORMATION REQUIREMENTS FOR
PREPARING PART D NNSR CONSTRUCTION PERMITS**

Requirements	Regulation Reference
Documentation that LAER is being applied	40 CFR 51.165(a)(2); 40 CFR part 51, Appendix S, section IV.A; 40 CFR 52.24(k)
Documentation that all sources owned or operated by same person are in compliance	40 CFR 51.165(a)(2); 40 CFR part 51, Appendix S, section IV.A; 40 CFR 52.24(k)
Documentation that sufficient emissions reductions are occurring to comply with specific offset requirements and to ensure RFP	40 CFR 51.165(a)(3); 40 CFR part 51, Appendix S, section IV.A; 40 CFR 52.24(k)
Documentation that benefits of proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification	40 CFR 51.165(a)(2)
Description of the location, design construction, and operation of building, structure, facility, or installation	40 CFR 51.160(c)(2)
Description of the nature and amounts of emissions to be emitted	40 CFR 51.160(c)(1)
Description of the air quality data and dispersion or other air quality modeling used	40 CFR 51.160(f)
Sufficient information to ensure attainment and maintenance of NAAQS	40 CFR 51.160(c)-(e) 40 CFR 51.161 40 CFR 51.162 40 CFR 51.163

**TABLE A-3. INDUSTRY RESPONDENT DATA AND
INFORMATION REQUIREMENTS FOR
PREPARING TRIBAL MINOR NSR PERMIT ACTIONS**

Requirement	Regulation Reference
Application for a source-specific permit including information on source operations, emissions units, control techniques, existing emission limitations and stack characteristics	40 CFR 49.154(a)(2)(i)-(x)
Request for coverage under a General Permit	40 CFR 49.156(e)(1)
Documentation demonstrating completion of the screening processes specified for consideration of threatened and endangered species and historic properties	40 CFR 49.156(f)(6)(iii) 40 CFR 49.104
Notification of coverage under a Permit by Rule	40 CFR 49.156(f)(6)(iv) 40 CFR 49.162(d)(1)(i) 40 CFR 49.163(d)(1)(i) 40 CFR 49.164(d)(1)(i)
Application for a new or modified synthetic minor source	40 CFR 49.158(a)
Application for an administrative permit revision	40 CFR 49.159(f)
Registration of sources including information on source operations, emissions units, control techniques and existing emission limitations	40 CFR 49.160(c)(1)(iv) 40 CFR 49.160(c)(2)
Notification of relocation, change in ownership or closure	40 CFR 49.160(d) 40 CFR 49.162(d)(5)(i)-(iii) 40 CFR 49.163(d)(5)(i)-(iii) 40 CFR 49.164(d)(5)(i)-(iii)

**TABLE A-4. PERMITTING AGENCY DATA
AND INFORMATION REQUIREMENTS**

Requirement	Regulation Reference
Early FLM notification and opportunity to participate in meetings	40 CFR 51.166(p)(1)(ii)
Submission of all permit applications to EPA	40 CFR 51.166(q)(1)
Submission of notice of application, preliminary determination, degree of increment consumption, and opportunity for public comment	40 CFR 51.166(q)(2)(iv)
Submission to FLM of permit applications	40 CFR 51.166(p)(1)
Submission of written request to exempt sources from review	40 CFR 52.21(i)(4)(vi)
Written request for use of innovative control technology	40 CFR 51.166(s)
Establishing and operating a permitting program for all new sources	40 CFR 51.160
Provide notice to EPA of all permits	40 CFR 51.161(d)
Provide for public comment for all NSR permits	40 CFR 51.161