

**Information Collection Request Renewal  
Supporting Statement:  
Implementation of the 8-hour National Ambient Air  
Quality Standards for Ozone  
EPA ICR # 2347.04**

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**EPA Information Collection Request Renewal for the  
Implementation of the 8-hour National Ambient Air Quality  
Standards for Ozone**

## **1. Identification of the Information Collection Request**

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

The title of the Information Collection Request Renewal is “Implementation of the 8-hour National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements,” which is assigned ICR number 2347.04, Office of Management and Budget (OMB) Reference number 2060-0695. The ICR No. 2347.01 and the renewals to date applied to the 2008 8-hour ozone NAAQS before the ozone NAAQS was revised in 2015. This proposed ICR renewal adds the burden of implementing the 2015 8-hour ozone NAAQS while continuing to address ongoing requirements for the remaining 2008 ozone nonattainment areas. It also includes the burden estimate for areas subject to ongoing requirements to implement the revoked 1997 ozone NAAQS.

### **1(b) Abstract/Executive Summary**

The Paperwork Reduction Act requires the information found in this Information Collection Request (ICR) number 2347.04 to assess the burden (in hours and dollars) of the implementation of the 8-hour National Ambient Air Quality Standards for ozone, initially promulgated in 1997 and revised in 2008 and 2015. States are implementing the 2008 ozone NAAQS pursuant to the CAA and implementation regulations (see 77 FR 30160 for the final 2008 ozone classifications rule and 80 FR 12264 for the final 2008 ozone SIP Requirements Rule). The current ICR for the period from April 2018 to April 2021 includes the burden for states to implement the 2008 ozone NAAQS in areas of the country designated nonattainment for those standards. State activities include, but are not limited to, submission of attainment demonstrations, reasonable further progress (RFP) plans, and reasonably available control technology (RACT) determinations. This proposed ICR renewal updates the burden estimates for states to meet the planning requirements for remaining nonattainment areas for the 2008 ozone NAAQS over the next 3-year period, which apply primarily to 2008 ozone Serious nonattainment areas that may miss their July 20, 2021 attainment date and may need to be reclassified to a higher classification with new SIP revisions due from the states.

This proposed ICR renewal also includes the burden estimate for activities to implement the new 2015 8-hour ozone standard and for SIP revisions due from states with second 10-year maintenance plans due for their redesignated 1997 ozone and 2008 ozone areas. On October 1, 2015, EPA strengthened the 8-hour NAAQS for ground-level ozone. The EPA revised the primary and secondary 2015 8-hour ozone NAAQS level to 0.070 parts per million (ppm) from the previous 2008 8-hour ozone standards of 0.075 ppm. The primary and secondary ozone standards are designed to protect public health and the protection of sensitive trees and plants, respectively.

The EPA subsequently issued two rules governing the implementation of the 2015 NAAQS. The first was a rule addressing classification of ozone nonattainment areas for the 2015 ozone NAAQS based on their air quality concentrations, which was

finalized on March 9, 2018 (See 83 FR 10376). The second was a rule governing the development of State Implementation Plans (SIPs) under the Clean Air Act (CAA) and addressing a range of other issues important for implementing the 2015 ozone NAAQS, referred to as the 2015 ozone NAAQS SIP Requirements Rule, which was finalized on December 6, 2018 (See 83 FR 62998). The EPA issued these two implementation rules so that states may know which statutory requirements apply for purposes of developing SIPs to implement the 2015 NAAQS.

In addition to the 2015 NAAQS, ozone standards that have been previously promulgated will remain in effect unless otherwise provided in a future EPA rulemaking. Accordingly, states are also implementing the 2008 ozone NAAQS and the revoked 1997 ozone NAAQS. Certain planning obligations for the 2008 NAAQS remain in effect for many areas designated nonattainment for the 2008 standards, including areas that were subsequently designated nonattainment for the 2015 standard. Areas that are nonattainment for both standards, along with areas that make up the ozone transport region (OTR), are subject to SIP requirements for both standards, with parallel sets of requirements and due dates as specified in the CAA and in EPA's suite of implementation rules. In addition, states are still implementing certain requirements for the 1997 ozone NAAQS. Although this NAAQS is revoked, there are certain requirements that must still be met under the CAA's anti-backsliding provisions.

This ICR estimates the implementation burden for the 3 years following the ICR approval date for all three NAAQS. The burden estimated for the 2008 NAAQS includes states with 8 nonattainment areas currently classified as Serious that could be reclassified to Severe-15. The estimate of 8 areas is based on preliminary 2020 air quality data. The 2008 ozone Serious classification carries a statutory attainment date of July 20, 2021. If an area fails to attain by that date, the area will be reclassified as Severe-15 and a new Severe area SIP will be due within 12-24 months from the reclassification action, which is during the reporting period for this ICR. The burden estimate for the 2015 NAAQS is associated with plan development and plan revisions related to ongoing implementation efforts in 52 areas originally designated nonattainment, and includes the requirements for the 12 states and the District of Columbia in the OTR. The 1997 NAAQS burden includes development of second 10-year maintenance plans required from states with maintenance areas for this NAAQS, which are due 8 years after the effective date of the first maintenance plans' final approval by EPA.

The estimates for a given planning cycle include both the state burden to develop and submit, and the EPA burden to review and to approve or disapprove, attainment plans to meet the requirements prescribed in CAA sections 110 and part D, subparts 1 and 2 of title I. An ozone NAAQS attainment plan contains rules and other measures designed to improve air quality and achieve the NAAQS by the deadlines established under the CAA. It also must address several additional CAA requirements related to demonstrating timely attainment and must contain contingency measures in the event the nonattainment area does not achieve "reasonable further progress" (RFP) during

the attainment period or in the event the area does not attain the NAAQS by its attainment date. States that have attained the NAAQS by the applicable attainment date may be eligible to submit a redesignation request and maintenance plan to receive a redesignation from “nonattainment” to “attainment.” After a state submits an attainment or maintenance plan, the CAA requires the EPA to approve or disapprove the plan. Tribes may develop or submit attainment plans but are not required to do so.

The original ICR #2237.01 applied to the 2008 8-hour ozone NAAQS after the ozone NAAQS was revised in 2012. The ICR renewal # 2347.02 applied for the period February 1, 2015 through January 31, 2018. The ICR renewal # 2347.03 applied for the period February 1, 2018, through April 30, 2021. The ICR #2347.01 and the renewals to date applied to the 2008 8-hour ozone NAAQS before the ozone NAAQS was revised in 2015. This new ICR renewal adds the burden of implementing the 2015 8-hour ozone NAAQS and addresses any new requirements for areas that continue as nonattainment for the 2008 ozone standards. It also provides new burden estimates for the information collection resulting from ongoing implementation of the revoked 1997 ozone NAAQS. As such, it updates the ICR #2347.03 to renew and update the information collection for the 2008 NAAQS, while also adding in information collection for the 2015 and revoked 1997 NAAQS. The ICR renewal will be effective through its 3-year period from April 30, 2021 to April 30, 2024.

The administrative burden for the areas and activities covered by this ICR reflects an increase for the 2008 NAAQS, and also reflects an increase for the 2015 NAAQS due to significant requirements coming due during the next three years. Also, this ICR renewal estimates a small amount of additional burden to states to meet the anti-backsliding requirements for the revoked 1997 NAAQS. However, the new burden is generally mitigated by these factors.

1. Some promulgated federal rules reduce future emissions of ozone precursors. As a consequence, some designated nonattainment areas are projected to attain and maintain the 8-hour ozone NAAQS without significant local controls, which may relieve them of the obligation to submit additional SIP elements.
2. Nonattainment areas classified Marginal for the 2015 ozone NAAQS are not required to develop and adopt additional state rules to fulfill RFP requirements set forth by the 2015 ozone SIP Requirements Rule.
3. For those areas where states must submit RFP SIPs, the emission reductions associated with federal emission reducing rules are creditable toward RFP requirements.
4. Some states already have experience developing SIPs for the 1-hour, the 1997 8-hour ozone NAAQS and the 2008 8-hour ozone NAAQS. Hence, they are familiar with SIP development activities for an ozone NAAQS and likely have trained staff that can support such activities.

The Agency anticipates administrative burden for state governments and the EPA of 357,400 hours and 67,034 hours, respectively. Fifty percent of the hours are estimated to be expended in the 1<sup>st</sup> year with the remainder spent in the 2<sup>nd</sup> and 3<sup>rd</sup> year of the ICR period. Tribes are not required to conduct attainment demonstrations or submit RFP or RACT SIPs. The burden to develop required SIPs for the two tribal areas located in California were included in the Agency burden hours. The 67,034 hour burden for EPA includes 25,200 hours for EPA to develop the tribal planning and control requirements for the Morongo Band of Mission Indians and Pechanga Band of Luiseno Mission Indians.

The present value of the total additional costs for state governments (i.e., the respondents) is estimated at \$25.2 million for the 3-year period. This is equivalent to an equal annual cost stream of \$8.4 million per year during the 3-year period of this ICR.

The present value of the Agency administrative cost burden is estimated at \$4.6 million dollars. This is equivalent to an equal annual stream of costs of \$1.5 million per year during the 3-year period.

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

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

Part D of Title I of the CAA sets forth the plan (implementation) requirements for areas designated nonattainment with a promulgated NAAQS. When the CAA Amendments of 1990 were enacted, the Subpart 2 provisions were specific to designated nonattainment areas for the 1-hour ozone NAAQS, but the ozone standards were revised in 1997. As a result of litigation and subsequent court decisions, a different implementation framework was developed for the 1997 8-hour ozone NAAQS, set at 0.08 ppm. EPA's 1997 8-hour ozone NAAQS Implementation Rule was issued in two phases: Phase 1 was published on April 30, 2004, and Phase 2 was published on November 29, 2005.

On March 12, 2008, EPA revised the 8-hour primary and secondary ozone standards to a more stringent level of 0.075 parts per million (ppm). EPA then completed two rulemakings for implementing the 2008 8-hour ozone NAAQS:

1. Final Implementation of the 2008 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach, Attainment Deadlines and Revocation of the 1997 Ozone Standards for Transportation Conformity Purposes (77 FR 30160, May 21, 2012).
2. Final Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements; Revocation of the 1997 NAAQS ([80 FR 12264](#), March 6, 2015).

On October 1, 2015, EPA again strengthened the ozone NAAQS. Specifically, EPA set both the 8-hour primary and secondary ozone standards at a

level of 0.070 ppm. For purposes of the 2015 ozone NAAQS, the EPA is generally applying the same overall framework and policy approach of the implementation provisions associated with the previous 8-hour NAAQS, with the exception of elements addressed in the adverse portions of the D.C. Circuit's February 2018 decision in *South Coast Air Quality Management District v. EPA*, 882 F.3d 1138 (D.C. Cir. 2018), to provide for regulatory certainty and consistent implementation across time. EPA completed two rulemakings for implementing the 2015 8-hour ozone NAAQS:

1. Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach (83 FR 10376, March 9, 2018).
2. Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (83 FR 62998 December 6, 2018).

EPA promulgates implementation rules so that states may know how to interpret statutory requirements for purposes of developing SIPs to implement the 2015 8-hour ozone NAAQS. The intended effect of the SIP Requirements Rule is to provide certainty to states regarding their planning obligations such that states may begin SIP development upon designation and classification of areas for that 8-hour standard.

Because there are now three different 8-hour ozone NAAQS currently in effect, with different planning timeframes and attainment dates, it is necessary to track information collection requirements for all NAAQS in parallel. The burden information presented here consists of estimates for both the non-revoked 2008 and 2015 ozone NAAQS and the revoked 1997 ozone NAAQS. The burden estimates for implementing each of the 3 8-hour ozone NAAQS are then combined to determine the total burden for the 3-year period.

This ICR is developed in response to the implementation framework to fulfill requirements of the Paperwork Reduction Act.

## **2(b) User/Users of the Data<sup>1</sup>**

The EPA and the public use the data collected from respondents to judge the adequacy of SIPs to meet the statutory purposes of attaining and maintaining the NAAQS. In particular, EPA must approve or disapprove, through notice-and-comment rulemaking, state plan submittals. Accordingly, the data collected from respondents include modeled attainment demonstrations, RFP SIP submissions, and RACT SIP submissions. The attainment demonstration indicates what emissions reductions are necessary to attain and maintain the 8-hour ozone NAAQS. The RFP SIP describes how the RFP obligation will be met by the affected nonattainment areas as emission reductions are phased in over time. The RACT SIP identifies the

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<sup>1</sup> Attainment demonstrations as well as RFP and RACT SIP submissions are viewed as analytical products to some, but are regulations to others. In the context of the Paperwork Reduction Act, the attainment demonstration and RFP and RACT SIP submissions are considered data.

assessment of present controls on affected sources of emissions to see if they meet RACT requirements, and it identifies where additional measures and emissions reductions are required. The RACT requirements can be used to meet RFP requirements; the RACT and RFP requirements can also be used to satisfy the emission reduction requirements to attain and maintain the 8-hour ozone NAAQS. The similarities between the RACT and RFP requirements may be reflected in the attainment demonstration.

Regional and headquarters EPA offices use the information as part of their review of attainment demonstrations, RFP SIPs, and RACT SIPs to determine their adequacy. Emission reducing regulations developed by the states and approved by the EPA are federally enforceable.

States use the attainment demonstrations, RFP SIP submissions, and RACT SIP submissions to inform their citizenry, including potentially regulated entities, of the control strategy to bring an area into attainment. They also use this information and analysis to fulfill federal obligations under Title I, subpart D of the CAA and EPA's associated implementation rules.

The potentially regulated entities use this information in assessing future emission reduction requirements and control measures.

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

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

There are three primary requirements that apply to nonattainment areas for the 2008 ozone NAAQS and 2015 ozone NAAQS for which this proposed ICR renewal estimates the information collection burden: the attainment demonstration, the RFP SIP submission, and the RACT SIP submission. Another small part is the second maintenance plan SIP revisions for a small number of areas subject to ongoing requirements to implement the revoked 1997 ozone NAAQS and/or the 2008 ozone NAAQS.

There are other activities covered by separate, existing ICRs which complement the activities required for the attainment demonstration, RFP SIP submission, and RACT SIP submission. One example is the Air Emissions Reporting Rule (AERR). Salient ICRs and their titles are identified below.

- Requirements for Preparation, Adoption, and Submittal of Implementation Plans
  - o 51.121-51.122 NO<sub>x</sub> SIP Call.....2060-0445
  - o 51.160-51.166 New Source Review.....2060-0003
  - o 51.321-51.323 Air Quality Data Reporting.....2060-0088
  - o 51.353-51.354 Vehicle Inspection/Maintenance.....2060-0252

- o 51.365-51.366 Vehicle Inspection/Maintenance.....2060-0252
- Ambient Air Monitoring Reference and Equivalent Methods
  - o 53.4 .....2080-0005
  - o 53.9(f),(h),(i).....2080-0005
  - o 53.14.....2080-0005
  - o 53.15 .....2080-0005
  - o 53.16(a)-(d),(f).....2080-0005
- Outer Continental Shelf Air Regulations
  - o 55.4-55.8 .....2060-0249
  - o 55.11-55.14 .....2060-0249
- Ambient Air Quality Surveillance
  - o 58.11-58.14 .....2060-0084
  - o 58.20-58.23 .....2060-0084
  - o 58.25-58.28 .....2060-0084
  - o 58.30-58.31 .....2060-0084
  - o 58.33 .....2060-0084
  - o 58.35 .....2060-0084
  - o 58.40-58.41 .....2060-0084
  - o 58.43 .....2060-0084
  - o 58.45 .....2060-0084
  - o 58.50 .....2060-0084
- Air Emissions Reporting Requirements (AERR)
  - o ICR 2170.07.....2060-0580
- Determining Conformity of Federal Actions to State or Federal Implementation Plans
  - o 91.150-93.160 .....2060-0279
- Transportation Conformity Determinations for Federally Funded and Approved Transportation Plans, Programs, and Projects
  - o ICR 2130.06 .....2060-0561

**Attainment Demonstration.** The attainment demonstration requirement would appear as revisions to 40 CFR 51.1108 and 51.1308, which implements CAA subsections 172(c)(1), 182(b)(1)(A), and 182(c)(2)(B). The attainment demonstration for the 2015 8-hour ozone NAAQS is unique and does not directly duplicate other implementation plan requirements. However, the states typically (and are encouraged to) build upon related implementation planning processes they used for the 2008 and 1997 8-hour ozone attainment NAAQS demonstrations, the 1-hour ozone NAAQS, Regional Haze rule, and/or fine particulate matter (PM<sub>2.5</sub>) NAAQS. Taking such steps, where appropriate, may reduce the incremental administrative burden and enable identification of control strategies that achieve requisite multi-pollutant environmental progress at a lower cost.

**RFP SIP Submission.** This requirement would be addressed as revisions to 40 CFR 51.1110 and 51.1310. Although the RFP submission does not duplicate other plan requirements, the RFP submission may complement them. For example, the

emission reductions associated with the RFP SIP also contribute to the attainment demonstration.

States are encouraged to build upon related analyses for federal emission reducing rules as well as salient PM<sub>2.5</sub> NAAQS and Regional Haze implementation requirements where appropriate. Taking such steps may reduce the incremental administrative burden. For example, the temporal and spatial nature of emission reductions associated with federal rules may be sufficient to meet the RFP requirements. Hence, the need to identify additional emission reductions to meet RFP requirements may be mitigated in some instances.

In addition, states are encouraged, where appropriate, to take into account similar analyses and planning efforts to meet certain PM<sub>2.5</sub> NAAQS and Regional Haze implementation requirements. Such actions may result in RFP plans which achieve requisite multi-pollutant environmental progress at a lower cost.

**RACT SIP Submission.** This requirement would be addressed in revisions to 40 CFR 51.1112 and 51.1312, which implement CAA subsections 172(c)(1) 182(b)(2), (c),(d), and (e).

**Second 10-year maintenance plan.** This requirement stems from CAA section 175A(b).

### **3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)**

The bulk of this ICR is related to the implementation requirements that apply for the 2015 ozone standards and the 2008 ozone standards. The EPA requested comments last on the 2015 ozone standard implementation rules finalized for the classifications rule on November 17, 2016 ([81 FR 81276](#)) and the Nonattainment Area State Implementation Plan Requirements on December 6, 2018 ([83 FR 62998](#)).

This proposed ICR renewal was published for a 60 day public comment period. The proposal FRN published on December 8, 2020 -- <https://www.govinfo.gov/content/pkg/FR-2020-12-08/pdf/2020-26872.pdf> . The comment period closed February 8, 2021 with no comments received.

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

The EPA solicited comment on the proposed and final SIP Requirements Rule for the 2015 8-hour NAAQS that included one public hearing. The prior extension of the current 8-hour ozone NAAQS implementation ICR (renewal through January 31, 2021) requested public comments via the Federal Register (82 FR 45843) on October 2, 2017 and (82 FR 51829) on November 8, 2017, during a 60-day comment period. The Office of Resources, Operations and Management requested public comments via 83 FR 2150 on January 16, 2018.

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

The collections under 40 CFR 51.1108 and 51.1308, 51.1110 and 51.1310, and 51.1112 and 51.1312 are necessary to provide assurances that identified levels of emission reductions are adequate to ensure timely attainment and maintenance of the ozone NAAQS while adhering to the mandatory measures and requirements for all areas. The collections are generally one-time collections mandated by the Clean Air Act as part of the specific milestones the Act sets out for bringing nonattainment areas into attainment and are therefore not able to be collected less frequently.

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

The associated reporting and recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR 1320.5. This proposed renewal meets the current Paperwork Reduction Act guidelines set forth by OMB. Those guidelines reflect the requirements of 5 CFR 1320.6. The relevant ozone NAAQS implementation rules do not require:

- reporting more than once a year;
- respondents to participate in a statistical survey;
- responses to Agency inquiries in less than 30 days;
- respondents to receive remuneration for preparation of reports;
- records to be kept more than 3 years,<sup>2</sup>and,
- manual methods of reporting.<sup>3</sup>

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

The information accounted for in this proposed ICR renewal is requested from states. To fulfill the attainment demonstration, RFP SIP submission, and RACT SIP submission requirements, states may use emissions levels and control efficiency data provided by certain facilities in the private and public sector. This information is available from a variety of sources. It is the assimilation and analysis of such data that is required in the attainment demonstration, RFP SIP submittal, and the RACT SIP submittal.

There were 52 initial nonattainment areas for the 2015 ozone standards and an additional 8 nonattainment areas for the 2008 standards with SIP revisions expected to be due from their respective states during this proposed ICR renewal's applicable 3-year period. When considering the nonattainment areas for the 2015 ozone standards comprised of portions of two or more states, the 52 nonattainment areas result in 62 total responses from states. The 62 responses do not include the 2 tribal nonattainment areas for which the affected EPA Regional Office will be required to develop the SIP response. The burden estimate for the 2008 NAAQS accounts for eight of the nine nonattainment areas currently classified as Serious that could be

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<sup>2</sup> However, states may choose to retain the information for more than 3 years.

<sup>3</sup> However, states must still submit their attainment demonstration, RFP SIP, and RACT SIP.

reclassified to Severe-15, and thus subject to additional attainment planning requirements, if the areas fail to attain the NAAQS by the July 20, 2021, attainment date.

States should already have information from emission sources, as facilities should have provided this information to meet prior 8-hour and 1-hour ozone NAAQS SIP requirements, operating permits, and/or emissions reporting requirements. Such information does not generally reveal the details of production processes. But, to the extent it may, the affected facilities are protected. Specifically, the completion of the emissions and control efficiency information that is confidential, proprietary, and trade secret is protected from disclosure under the requirements of subsections 503(e) and 114 (c) of the Clean Air Act.

### **3(g) Sensitive Information**

The requested attainment demonstration, RFP SIP submission, and RACT SIP submission, and second 10-year maintenance plan, do not include questions whose answers would require sensitive information.

## **4.0 The Respondents and the Information Requested**

### **4(a) Respondents and Nonattainment areas**

Table 1 lists 8 nonattainment areas for the 2008 ozone NAAQS currently classified as Serious that could be re-classified to Severe-15 based on preliminary 2020 air quality data.<sup>4</sup> The Serious classification has a statutory attainment date of July 20, 2021. EPA is required to determine within 6 months whether these areas attained the NAAQS by the attainment date. If an area fails to attain it will be reclassified as Severe-15 and a new Severe area SIP will become due<sup>5</sup>, which will likely be during the reporting period for this ICR. Accordingly, this analysis estimates the burden for each state in Table 2 to prepare and submit the SIP revisions required for their respective nonattainment areas, or portions of nonattainment areas, based on the area's reclassification to Severe-15. For the 8 nonattainment areas identified for which states would be required to develop and submit Severe area SIP revisions, there are 2 multi-state nonattainment areas, each of which requires a submission from three affected states. The analysis estimates the state burden to prepare an attainment demonstration for the Severe-15 classification as well as submit an updated RFP and RACT SIP.

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<sup>4</sup> The inclusion or omission of named ozone nonattainment areas in this document in no way pre-judges the outcome of any EPA regulatory action via notice and comment rulemaking, such as for a determination of attainment by the attainment date and/or reclassification (in the event an area is determined to have failed to timely attain). Areas are listed for illustrative purposes and to provide a basis for EPA's burden estimate associated with respondents fulfilling specific planning requirements.

<sup>5</sup> The SIP submission due dates for any reclassified 2008 ozone Severe-15 nonattainment areas will be set forth in the reclassification action.

**Table 1. 2008 Ozone NAAQS Nonattainment Areas Classified as Serious that are not meeting NAAQS based on preliminary air quality data as of September 2020**

2008 Ozone NAAQS Nonattainment Areas	EPA Region
Chicago-Naperville, IL-IN-WI	5
Denver-Boulder-Greeley-Ft. Collins-Loveland, CO	8
Dallas-Fort Worth, TX	6
Houston-Galveston-Brazoria, TX	6
Kern Co (Eastern Kern), CA	9
Nevada Co. (Western part), CA	9
New York-N. New Jersey-Long Island, NY-NJ-CT	1, 2
San Diego County, CA	9

**Table 2. Numbers of Nonattainment Areas or Parts of Areas that Potentially Could Be Reclassified to Severe 15 for 2008 ozone NAAQS by State and EPA Regional Office**

State	EPA Region	Nonattainment Areas (or Portions of Areas) in State
California	9	3
Colorado	8	1
Connecticut	1	2
Illinois	5	1
Indiana	5	1
New Jersey	2	1
New York	2	1
Texas	6	1
Wisconsin	5	1

Table 3 lists the 52 nonattainment areas for the 2015 ozone standards. The analysis estimates the burden for each state to prepare and submit the SIP revisions required for their respective nonattainment areas, or portions of nonattainment areas, based on the area’s classification.<sup>6</sup> For the 50 nonattainment areas identified for which states are required to develop and submit SIP revisions for implementing the 2015 ozone NAAQS, there are 7 multi-state nonattainment areas, each of which requires a submission from multiple affected states. The estimate also includes the

<sup>6</sup> Tribes are not required to develop attainment demonstrations or submit RFP or RACT SIPs. The burden to develop required SIPs for the two listed tribal areas is included in the Agency burden hours.

requirements for the 12 states and the District of Columbia in the OTR to determine if RACT is satisfied by a previously-approved state SIP. The analysis estimates the areas that must prepare an attainment demonstration as well as submit RFP and RACT SIPs based on the areas' original classification. The states with areas classified Moderate or higher are subject to the attainment demonstration<sup>7</sup>, RACT SIP submission, and RFP SIP submission requirements.

There are other entities that may be indirectly affected by state SIP submissions, as they may comment on the draft submissions before they are forwarded to EPA's Regional Offices. These include potentially regulated entities, representatives of special interest groups, and individuals. Consideration of the burden on these entities is beyond the scope of the Paperwork Reduction Act.

**Table 3. Classifications of 8-Hour Ozone (2015) Nonattainment Areas<sup>8</sup>**

2015 Ozone NAAQS Nonattainment Areas	2015 Ozone NAAQS Classification
Los Angeles-South Coast Air Basin, CA	Extreme
San Joaquin Valley, CA	Extreme
Los Angeles-San Bernardino Counties (West Mojave Desert), CA	Severe 15
Riverside County (Coachella Valley), CA	Severe 15
Morongo Band of Mission Indians, CA	Serious
Ventura County, CA	Serious
Kern County (Eastern Kern), CA	Moderate
Nevada County (Western part), CA	Moderate
New York-Northern New Jersey-Long Island, NY-NJ-CT	Moderate
Sacramento Metro, CA	Moderate
San Diego County, CA	Moderate
Allegan County, MI	Marginal
Amador County, CA	Marginal
Atlanta, GA	Marginal
Baltimore, MD	Marginal
Berrien County, MI	Marginal
Butte County, CA	Marginal
Calaveras County, CA	Marginal
Chicago, IL-IN-WI	Marginal
Cincinnati, OH-KY	Marginal

<sup>7</sup> Section 179B(a) of the Clean Air Act provides that in lieu of the attainment demonstration requirement, a state may choose to demonstrate that the plan would be adequate to attain and maintain the NAAQS but for emissions emanating outside the United States. For the purposes of this ICR, the burden of such a demonstration under 179B is assumed to be comparable to that associated with developing an attainment demonstration.

<sup>8</sup> See <https://www3.epa.gov/airquality/greenbook/jbtc.html>.

Cleveland, OH	Marginal
Columbus, OH <sup>9</sup>	Marginal
Dallas-Fort Worth, TX	Marginal
Denver Metro/North Front Range, CO	Marginal
Detroit, MI	Marginal
Dona Ana County (Sunland Park Area), NM	Marginal
Greater Connecticut, CT	Marginal
Houston-Galveston-Brazoria, TX	Marginal
Imperial County, CA	Marginal
Las Vegas, NV	Marginal
Louisville, KY-IN	Marginal
Manitowoc County, WI	Marginal
Mariposa County, CA	Marginal
Muskegon County, MI	Marginal
Northern Milwaukee/Ozaukee Shoreline, WI	Marginal
Northern Wasatch Front, UT	Marginal
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, CA	Marginal
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	Marginal
Phoenix-Mesa, AZ	Marginal
San Antonio, TX	Marginal
San Francisco Bay Area, CA	Marginal
San Luis Obispo (Eastern part), CA	Marginal
Sheboygan County, WI	Marginal
Southern Wasatch Front, UT	Marginal
St. Louis, MO-IL	Marginal
Sutter Buttes, CA	Marginal
Tuolumne County, CA	Marginal
Uinta Basin, UT	Marginal
Washington, DC-MD-VA	Marginal
Yuma, AZ	Marginal
Door County, WI <sup>10</sup>	Marginal (Rural Transport)
Tuscan Buttes, CA	Marginal (Rural Transport)

As stated earlier and as indicated in Table 3, some nonattainment areas have portions in more than one state. Furthermore, sometimes these multi-state areas span more than one EPA Region. For example, the Philadelphia-Wilmington-Atlantic City nonattainment area encompasses part of Pennsylvania, Maryland, New Jersey, and Delaware. Pennsylvania, Maryland and Delaware are in EPA Region 3 jurisdiction,

<sup>9</sup> On 8/21/2019, the Columbus, OH area was redesignated from nonattainment to maintenance ([84 FR 43508](#)).

<sup>10</sup> On 6/10/2020, the Door County, WI area was redesignated from nonattainment to maintenance (85 FR 35377).

while New Jersey is in EPA Region 2 jurisdiction. This could increase the administrative burden of the required SIP submissions.

The numbers of 2015 ozone NAAQS initial nonattainment areas, or portions of areas, in each state and the associated EPA Regional Office are presented in Table 4. When considering the areas with portions in multiple states, EPA anticipates 66 total responses from the states that are potentially affected by planning requirements for the 2015 ozone NAAQS. As stated earlier, tribes are not required to develop attainment demonstrations or submit RACT or RFP SIPs. The burden to develop required SIPs for the two tribal areas located in California were included in the Agency burden hours.

**Table 4. Numbers of Nonattainment Areas or Portions of Areas for 2015 ozone NAAQS by State and EPA Regional Office**

State	EPA Region	Nonattainment Areas (or Portions of Areas) in State
Arizona	9	2
California	9	19
Colorado	8	1
Connecticut	1	2
Delaware	3	1
Georgia	4	1
Illinois	5	2
Indiana	5	2
Kentucky	4	2
Maryland	3	3
Michigan	5	4
Missouri	7	1
New Jersey	2	2
New Mexico	6	1
Nevada	9	1
New York	2	1
Ohio	5	3
Pennsylvania	3	1
Texas	6	3
Utah	8	3
Wisconsin	5	5
District of Columbia	3	1
Virginia	3	1

Table 5 lists 27 nonattainment areas for the 2015 ozone NAAQS currently classified as Marginal that could be reclassified to Moderate based on preliminary 2020 air quality data. Areas with a Marginal classification have a statutory attainment date of August 3, 2021. EPA is required to determine within 6 months whether these areas attained the NAAQS by the attainment date. If EPA determines that an area failed to timely attain, it will be reclassified to Moderate and a Moderate area SIP will become due<sup>11</sup>, most likely during the reporting period for this ICR. Accordingly, this analysis estimates the burden for each state in Table 5 to prepare and submit the SIP revisions required for their respective nonattainment areas based on the area’s reclassification to Moderate.<sup>12</sup> The analysis estimates the state burden to prepare an attainment demonstration for the Moderate classification as well as submit an updated RFP and RACT SIP. For purposes of this analysis, we based our burden estimate on an assumption that there will be 36 state-portions associated with 27 nonattainment areas for which states may need to develop 2015 ozone Moderate area SIP submissions.

**Table 5. 2015 Ozone NAAQS Nonattainment Areas Classified as Marginal that are not meeting NAAQS based on preliminary air quality data as of September 2020**

State	EPA Region
Allegan County, MI	5
Baltimore, MD	3
Berrien County, MI	5
Chicago, IL-IN-WI	5
Cincinnati, OH-KY	4,5
Cleveland, OH	5
Dallas-Fort Worth, TX	6
Denver Metro/North Front Range, CO	8
Detroit, MI	5
Dona Ana County (Sunland Park), NM	6
Greater Connecticut, CT	1
Houston-Galveston-Brazoria, TX	6
Imperial County, CA	9

<sup>11</sup> The SIP revision due dates for any reclassified 2015 ozone Moderate nonattainment area will be set forth in the reclassification action.

<sup>12</sup> Section 179B(b) of the Clean Air Act provides that any State that demonstrates to EPA’s satisfaction that the State would have attained the ozone NAAQS by the applicable attainment date but for emissions from outside the U.S. will not be subject to reclassification to the next highest level. Thus, it is possible that some areas listed in Table 5 may opt to make an approvable section 179(b) demonstration in lieu of being reclassified, but the EPA does not currently have information indicating how many areas may attempt to do so. By accounting for the full burden of reclassification for any such areas, this ICR provides a conservative estimate because the burden for an approved section 179B(b) demonstration is less than the burden resulting from reclassification.

Las Vegas, NV	9
Louisville, KY-IN	4,5
Mariposa County, CA	9
Muskegon County, MI	5
Northern Milwaukee/Ozaukee Shoreline, WI	5
Northern Wasatch Front, UT	8
Pechanga Band of Luiseno Mission Indians, CA (included with Region 9 estimated burden)	9
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	2,3
Phoenix-Mesa, AZ	9
Sheboygan County, WI	5
St. Louis, MO-IL	5
Tuolumne County, CA	9
Uinta Basin, UT	8
Washington, DC-MD-VA	3

Table 6 lists the names of states with 2008 NAAQS maintenance areas that are required to submit a SIP revision in the form of second 10-year maintenance plans. The second maintenance plan SIP revisions are due 8 years after the effective date of the first maintenance plans' approval by EPA. The SIP submission due dates fall during the 3-year time period that this proposed ICR renewal covers (2021 to 2024).

**Table 6. 2008 Ozone NAAQS Maintenance Areas with second maintenance plan (MP) submission due in the ICR period**

<b>State</b>	<b>Area Name with State(s)</b>	<b>Redesignation Effective Date</b>	<b>2nd MP Due Date</b>
NC	Charlotte-Rock Hill, NC-SC	8/27/2015	8/27/2023
SC	Charlotte-Rock Hill, NC-SC	1/11/2016	1/11/2024
TN	Knoxville, TN	8/12/2015	8/12/2023

Table 7 lists the names of states with 1997 NAAQS maintenance areas that are required to submit a SIP revision in the form of second 10-year maintenance plans. The second maintenance plan SIP revisions are due 8 years after the effective date of the first maintenance plans' approval by EPA. The SIP submission due dates fall during the 2021 to 2024 ICR period.

**Table 7. 1997 Ozone NAAQS Maintenance Areas with second maintenance plan (MP) submission due in the ICR period**

State	Area Name with State(s)	Redesignation Effective Date	2nd MP Due Date
GA	Atlanta Area, GA	1/2/2014	1/2/2022
NH	Boston-Manchester-Portsmouth (SE) Area, NH	3/4/2013	3/4/2021
NC	Charlotte-Gastonia-Rock Hill Area, NC-SC	1/2/2014	1/2/2022
NV	Las Vegas, NV	2/7/2013	2/7/2021
AZ	Phoenix-Mesa, AZ	10/17/2014	10/17/2022
CA	San Diego, CA	7/5/2013	7/5/2021
MO	St. Louis Area, MO-IL	2/20/2015	2/20/2023
R9	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation	4/3/2015	4/3/2023

**4(b) Information Requested**

The information requested under this ICR, such as attainment demonstrations, RFP SIPs, RACT SIP submissions, and second 10-year maintenance plans, is prescribed in the CAA and implementing regulations for the 1997, 2008, and 2015 ozone NAAQS. The implementation framework set forth in the regulations does not adopt a “one-size-fits all” approach to meeting any of these required submissions. This flexibility enables states to customize, to the extent allowed by the CAA, their approach to attaining and maintaining any of the 8-hour ozone NAAQS. In the context of reporting and recordkeeping burden, EPA considers this burden to reflect 100 percent reporting burden.

**Data Items.** The emissions and control efficiency data required for the attainment demonstration, RFP SIP submission, and RACT SIP submission should have been collected as a result of reporting activities required by other OMB approved ICRs. For example, see the ICR associated with the Air Emissions Reporting Rule (AERR): <https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr>. In addition, air pollutant concentration data is covered already by OMB Control Number 2060-0084; the New Source Review provisions are covered by OMB Control Number 2060-003; and the Reformulated Gasoline Requirements are covered by OMB Control Number 2060-0277.

There may be other data that states use. For example, states may identify economic and population growth rates, federal rules that reduce future emissions of ozone precursors, and meteorological data. These data are presently available.

**Respondents' Activities.** The states will compile and reference the data, set forth the methodology, conduct analyses, develop initial drafts, hold hearings, adopt rules, regulations, and programs, have discussions with EPA staff as appropriate, refine the draft demonstration and RFP and RACT SIP submissions, or second maintenance plans, as appropriate, adopt the SIP revisions, and forward to EPA.

**Agency Activities.** EPA staff in the regional offices may facilitate timely submission of the attainment demonstration, RFP SIP submission, RACT submission, and/or second maintenance plan by reviewing draft materials and answering questions from the states regarding: requirements, potential data sources, analysis tools, the draft attainment demonstration and other submissions. Upon official submission from the state, the EPA Regional Offices will evaluate the SIP submissions and take rulemaking actions to approve or disapprove the SIP revisions.

EPA headquarters staff will provide guidance to EPA regional offices and states during the development phase of states' SIP revisions and after their official submission, assisting in resolving issues of national policy importance to foster timely submission and action on submissions.

**Reporting Protocols.** The dates for the new 2008 ozone Severe-15 nonattainment submissions will be set forth in the reclassification action. The dates for the 2015 ozone nonattainment and OTR submissions was set forth in the final implementation rule (40 CFR 51.1308, 51.1310, 51.1312 and 51.1316). Second 10-year maintenance plans for maintenance areas for the 2008 ozone NAAQS and the revoked 1997 ozone NAAQS are due 8 years after the effective date of the first maintenance plans' approval by EPA.

## **5.0 The Information Collected—Agency Activities, Collection Methodology, and Information Management**

### **5(a) States, EPA Regional Offices, and EPA Headquarters Offices**

**States:** State agencies' activities include<sup>13</sup>:

- Forecast baseline emissions, develop and evaluate emission reduction strategies where warranted, conduct air quality modeling to verify maintenance and attainment of the relevant 8-hour ozone NAAQS.
- Calculate the emission reductions necessary to fulfill RFP requirements, determine creditable emissions reductions, where necessary determine additional emissions reductions and compliance timing to meet RFP requirement. Draft findings, hold state hearings, make revisions as warranted. Submit RFP SIP to EPA Regional office. Have discussions with EPA.
- Identify RACT applicable sources and their control measures under baseline and attainment conditions, and evaluate alternatives. Draft findings, hold state

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<sup>13</sup> In some instances, there are local air pollution control districts within the states. These local agencies work in partnership with the states to facilitate accomplishment of the listed activities.

hearings, make revisions as warranted. Submit RACT SIP to EPA Regional Office. Have discussions with EPA.

- Develop maintenance plan, including projected emissions inventory and modeled maintenance demonstration, hold state hearings, make revisions as warranted. Submit plan to EPA Regional office. Have discussions with EPA.

**EPA Regional Offices.** The regional office activities include:

- Answering inquiries put forth by the states.
- Reviewing data, analysis, and attainment demonstrations, RFP SIPs and RACT SIPs, and second 10-year maintenance plans.
- Rulemaking actions approving or disapproving the SIP submissions.
- Develop SIP requirements for nonattainment areas on Tribal land.

**EPA Headquarters.** The EPA headquarters office activities include:

- Facilitating information flow and problem solving amongst the regions regarding demonstrations and submittals from the states to address novel issues and ensure nationally consistent approaches.
- Answering questions regarding application and interpretation of salient rule provisions.

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

The attainment demonstration, RFP and RACT SIP submittals, and second 10-year maintenance plans are expected to be submitted through the State Planning Electronic Collection System (SPeCS), for which all states are registered.

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

For an approved ICR, the Agency must demonstrate that it has taken all practical steps to develop separate and simplified requirements for small businesses and other small entities. See 5 CFR 1320.6(h). The 8-hour ozone NAAQS implementation requirements do not impose a direct administrative burden on small entities.

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

States have undertaken a significant amount of planning activities related to meeting the 2008 ozone NAAQS to date. During the period from April 2021 through April 2024, there are additional submissions reflected in the revised burden estimates in this ICR renewal for the 2008 ozone NAAQS nonattainment areas with a Serious classification. These areas will have to meet a statutory attainment date of July 20, 2021. If an area fails to attain, the area will be reclassified as Severe-15 and a new Severe area SIP will be due during the reporting period for this ICR.

During the period from April 2021 through April 2024, there are three sets of scheduled deliverables for the 2015 ozone nonattainment areas: the Moderate area attainment demonstration; RFP SIP submission; and RACT SIP submission. The RFP submissions are due August 3, 2021, which is 3 years after the effective date of the designations. The attainment demonstration submissions are due August 3, 2021 or 2022 which is 3 or 4 years after the effective date of the designations depending on the areas' classification.<sup>14</sup> The due date for the attainment demonstration, RACT SIP, and RFP SIP submission for any 2015 ozone Marginal areas that are reclassified to Moderate is also expected to fall during the 3-year period covered by this proposed ICR renewal.

Second 10-year maintenance plans are due 8 years after the effective date of an area's first maintenance plan's approval by EPA.

## **6.0 Estimate the Burden of the Collection**

This section provides information on the cost and hours associated with the information collection for both the respondents (the affected states) and the Agency (regional and headquarters offices). Hours and costs are presented for the activities associated with each collection item for a nonattainment area (or portion) in a given state, as well as the equivalent annual and present value numbers.

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

The estimated respondent burden is that associated with the activities that result in the attainment demonstration, RFP SIP submission, RACT SIP submission, and/or second 10-year maintenance plan submission.

The estimated burden is incremental to that required by other EPA environmental reporting obligations. The incremental burden for some areas may be less than for others. There are several reasons for this disparity:

- The severity of the nonattainment problem varies among the designated areas.
- Certain areas or portions of areas may already have developed and implemented RACT requirements.
- Some areas may have future predicted 8-hour ozone design values that demonstrate expeditious attainment, within 3 years of designation, under baseline conditions.
- Some areas may fulfill the RFP requirement as a result of creditable emissions reductions resulting from federal rules that reduce ozone precursor emissions.

**2008 Ozone NAAQS.** As of September 2020, there were 11 nonattainment areas with a Serious classification for the 2008 ozone NAAQS. We currently anticipate that 8 of the state's areas may fail to attain the 2008 ozone standard by the Serious area

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<sup>14</sup> States with areas designated Serious or higher are allowed up to 4 years to submit the required attainment demonstration.

attainment date of July 20, 2021 and will be reclassified to Severe-15, and that states will be responsible to develop Severe area plans. Table 1 lists these areas, most of which have been working for several years to improve ozone air quality through state-enforceable rules. Thus, the programs and regulations already in place offer a starting point for states to develop additional control strategies to meet their Severe area requirements. We have estimated a state burden of 5,000 hours per area (or state portion of each area) for these areas to meet the additional Severe area requirements.

**2015 Ozone NAAQS.** As noted elsewhere in this document, 39 areas were initially designated Marginal nonattainment for the 2015 ozone NAAQS, with an attainment date of August 3, 2021. EPA will determine which areas attained by this attainment date based on air quality data from 2018 through 2020. Based on preliminary 2020 air quality data as of September 2020, for purposes of this proposed ICR renewal, EPA is assuming that 27 of these 39 areas will not attain the 2015 ozone NAAQS and will be reclassified to Moderate. States in which these areas are located will be subject to Moderate area planning requirements, including submitting an attainment demonstration, RACT SIP submittal, and RFP SIP submittal. EPA is estimating a burden of 5,100 hours for each of the areas (or state portions of these areas) listed in Table 5. This proposed ICR renewal also includes a nominal burden estimate of 100 hours per area (or state portion of these areas) for states with the remaining 12 Marginal areas. The state burden estimates do not include the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation nonattainment area because the estimated 3-year burden of 5,100 hours is included in the regional office burden estimate to develop plans for the area if it is reclassified to Moderate.

There are also five areas with an original classification of Moderate for the 2015 NAAQS. For all of these areas, states have submitted SIP revisions for the previous RACT requirements for 2008, 1997 or 1-hr ozone NAAQS. Also, many of these areas had RFP plans in place for the 1-hour ozone NAAQS and the 1997 and 2008 8-hour ozone NAAQS. In addition, for some of these areas, the RFP requirement is met or reduced because of creditable emission reductions resulting from federal rules reducing emissions of volatile organic compounds (VOCs) and/or nitrogen oxides (NOx).<sup>15</sup> States with Moderate areas are estimated to spend 5,000 hours to develop and submit the attainment demonstration. We have used the same estimated incremental burden for these areas that we did in ICR No. 2236.02, 2347.02 and 2347.03.

The ICR also estimates the burden for states to implement the 2015 ozone NAAQS “Moderate-like” requirements for states in the Ozone Transport Regions. An estimated burden of 500 hours was included for the 12 states in the Ozone Transport Region and the District of Columbia to certify the current state SIPs meets the CAA Section 184(b)(1)(B) RACT requirements.

There are 7 areas with a Serious or above classification for the 2015 NAAQS. We have used the same estimated incremental burden for these areas that we did in

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<sup>15</sup> The Second Addendum to the Economic Assessment for the 8-hour Ozone Implementation Rule, U.S. EPA 8-29-05.

ICR No. 2236.02, 2347.02 and 2347.03. for areas with more extended attainment dates. This incremental additional burden is 20,000 hours per area per state. This represents 15,000 more hours to develop and submit the attainment demonstration than estimated for Moderate areas. The estimate formula was adjusted to have Region 9 incur burden of developing the Tribal planning and control requirements for the Serious tribal Morongo Band of Mission Indians nonattainment area.

**Second 10-Year Maintenance Plans.** States are required to submit a second 10-year maintenance plan for maintenance areas or portions of maintenance areas for the 1997 ozone NAAQS not also designated as nonattainment for the 2008 ozone NAAQS, and for any maintenance area that is approaching the end of its first 10-year maintenance period for the 2008 ozone NAAQS. Tables 6 and 7 list the states required to submit second maintenance plans for 2008 ozone NAAQS maintenance areas and 1997 ozone NAAQS maintenance areas, respectively. The states are estimated to spend 100 hours to develop and submit the second maintenance plan SIP revisions.

**Combined Estimated Burden.** Because of the front-loaded state burden to develop attainment demonstrations, RACT SIP revisions, and RFP SIP revisions, states are often spending 50% of the total estimated incremental burden in the 1<sup>st</sup> year and 25% in each of the 2<sup>nd</sup> and 3<sup>rd</sup> years of the ICR period. Table 8 provides the estimated incremental burden for SIP revisions due from states for all of the listed 8-hour ozone requirements. This estimated incremental burden is for each state to submit the required SIP revisions during the ICR period.

**Table 8. Estimated Incremental Burden for the States Attainment Demonstration, RACT SIP Submission, and RFP SIP Submission including Marginal Area Burdens, OTR RACT Burden, second maintenance plans and 2008 Ozone Severe 15 Reclassification Burden**

State	EPA Region	No. of Areas or Parts of Areas or OTR States	Additional hours Year 1	Additional hours Year 2	Additional hours Year 3
Arizona	9	3	2,650	1,325	1,325
California	9	23	60,550	30,275	30,275
Colorado	8	2	5,050	2,525	2,525
Connecticut	1	4	7,800	3,900	3,900
District of Columbia	1	2	2,800	1,400	1,400
Delaware	3	2	2,800	1,400	1,400
Georgia	4	2	100	50	50
Illinois	5	3	7,600	3,800	3,800
Indiana	5	3	7,600	3,800	3,800
Kentucky	4	2	5,100	2,550	2,550

Massachusetts	1	1	250	125	125
Maryland	3	4	7,900	3,950	3,950
Maine	1	1	250	125	125
Michigan	5	4	10,200	5,100	5,100
Missouri	7	2	2,600	1,300	1,300
New Hampshire	1	2	300	150	150
New Jersey	2	4	7,800	3,900	3,900
New Mexico	6	1	2,550	1,275	1,275
Nevada	9	2	2,600	1,300	1,300
New York	2	3	5,250	2,625	2,625
North Carolina	4	2	100	50	50
Ohio	5	3	5,150	2,575	2,575
Pennsylvania	3	2	2,800	1,400	1,400
Rhode Island	1	1	250	125	125
South Carolina	4	1	50	25	25
Tennessee	4	1	50	25	25
Texas	6	5	10,150	5,075	5,075
Utah	8	3	5,150	2,575	2,575
Virginia	3	2	2,800	1,400	1,400
Vermont	1	1	250	125	125
Wisconsin	5	5	10,200	5,100	5,100
<b>Total</b>		<b>96</b>	<b>178,700</b>	<b>89,350</b>	<b>89,350</b>

#### 6(b) Estimating Respondent Cost

Labor costs are estimated for state governments using the total of projected additional hours for the states listed in Table 8. These estimates do not reflect staff experience and economies of scale. The hourly rates are the result of estimated direct and indirect cost per employee. The main source of the information is <http://www.opm.gov/oca/payrates/index.htm>.

The estimated weighted direct salary cost per employee is \$46.52 per hour. This results from a summation of the professional, managerial, and support staff components.

- Hourly equivalent 2020 Salary of Permanent Professional Staff at GS 11, Step 3 is \$38.36. This is the average of hourly equivalent rates for the San Francisco, CA and Washington, D.C. areas.
- To account for permanent managerial staff, 1/11 or 9.1% of the hourly rate for GS 13, Step 3 is added to the professional staff hourly rates. The average hourly equivalent rate for GS-13 using rates for San Francisco, CA and Washington, D.C. is \$54.68. The 9.1 percent estimate of that is \$4.97.
- To account for permanent support staff at GS-6, Step 6, 1/8 or 12.5% of the hourly rate is also added to the professional staff hourly rates. The average hourly equivalent rate for GS-6, Step 6 using rates for San Francisco, CA and Washington, D.C. is \$25.51. The 12.5 percent estimate of that is \$3.19.

The estimated hourly indirect cost per employee is \$26.98. This amount is the sum of the following:

- Benefits at 16% of the weighted direct hourly equivalent salary cost per employee or \$7.44.
- Sick and annual leave at 10% of the weighted direct hourly equivalent salary cost per employee or \$4.65.
- General overhead at 32% of the weighed direct hourly equivalent salary cost per employee or \$14.89.

The estimated total weighted direct and indirect hourly equivalent salary cost per employee is \$73.50. The estimated total incremental respondent burden for states to submit the required SIP revisions during the ICR period is provided in Table 9.

**Table 9. Estimated Total Incremental Cost and Hour Burden for the States (Respondents) to Fulfill Listed 8-Hour Ozone NAAQS Implementation Tasks**

No. of Areas or Parts of Areas or OTR states	Additional Cost for Year 1	Additional Cost for Year 2	Additional Cost for Year 3	Burden for the 3-year ICR period
96	\$13.1 million	\$6.57 million	\$6.57 million	357.4 thousand hours

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

The estimated agency burden is derived from the burden estimates for the respondents based on historical input from regional office staff. The original draft estimates were developed by EPA headquarters staff with review by regional office staff. Subsequent refinement of the Agency burden and cost estimates are based on “rules of thumb” for estimating time spent to review and process SIP submissions.

The respondent burden was summed for each EPA regional office and a percentage was applied to the overall yearly burden estimate to reflect regional office activities related to SIP preview and processing. Once yearly burdens were estimated for the agency’s regional offices, a percentage of those amounts was used to derive estimates for the EPA’s headquarters office burden.

**Agency Regional Office Burden.** Table 10 summarizes total incremental respondent burden by EPA regional office and provides estimates of total incremental agency regional office burden. The summary of total incremental respondent burden comes from Tables 4 and 5. The agency regional office burden is presumed to be 10% of the estimated total incremental burden for respondent by EPA regional office except for the 2 Tribal areas in Region 9. The EPA Region 9 will develop the SIP requirements for the 2 Tribal nonattainment areas. Table 10 has a separate line item for the Region 9 respondent burden for the Tribal areas that has 100% of the burden for responding under Region 9 instead of the 10% presumption. The total incremental burden allocation for the agency regional offices in Table 8 is 50% in year 1, 25% in year 2, and 25% in year 3.

In discussions with agency regional office staff, they indicated that the total incremental burden estimates were rough estimates. However, some regional office staff felt that a more reasonable allocation of total incremental agency regional office burden would be 37.5% in year 1, 37.5% in year 2, and 25% in year 3. If that allocation were used, the corresponding agency regional office burden estimates in years 1, 2, and 3 would be 18,128, 18,128, and, 12,085 respectively.

**Table 10. Estimated Agency Regional Office Burden Derived by Taking 10% of Regional Respondent Burden Total for Years 1, 2, and 3 with the Region 9 Tribal burden estimate added.**

EPA Regional Office	Total State Respondents' Burden	Year 1 Agency Regional Office Burden	Year 2 Agency Regional Office Burden	Year 3 Agency Regional Office Burden
1	23,800	1,190	595	595
2	26,100	1,305	653	653
3	32,600	1,630	815	815
4	10,800	540	270	270
5	81,500	4,075	2,038	2,038
6	25,400	1,270	635	635
7	5,200	260	130	130
8	20,400	1,020	510	510
9	131,600	6,580	3,290	3,290
10	No Areas	No Areas	No Areas	No Areas
R9 Tribal areas		12,600	6,300	6,300
<b>Grand Total</b>	<b>357,400</b>	<b>30,470</b>	<b>15,235</b>	<b>15,235</b>

\* Region 9 will incur burden of developing the Tribal planning and control requirements for the 2 tribal nonattainment areas – Morongo Band of Mission Indians and Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation. Estimate of 3-year burden of 20,000 hours for Region 9 to develop Tribal plans for the 2008 ozone Morongo area classified as Serious and 5,100 hours for the 2015 ozone Pechanga area plan classified as Marginal the reclassified as Moderate. Additional 100 hours for Pechanga second maintenance plan for 1997 ozone NAAQS. The first year estimate is 50% of the 3-year burden.

**Agency Headquarters Burden.** The Regional Office burden estimates for years 1, 2, and 3 are the State respondents total multiplied by 10% to arrive at an estimate for Headquarters burden for the same 3 years. Resulting hours for year 1 is 3,047 and 1,524 for years 2 and 3.

**Total Incremental Burden for the Agency.** The regional and headquarters office burden estimate for year 1 is 33,517 hours. The estimates for years 2 and 3 are 16,759 hours each year.

**Total Cost for the Agency.** Using the weighted direct and indirect salary equivalent hour rate derived in section 6(b), the total incremental burden hours are multiplied by that rate. The result is the total cost estimate for the Agency; see Table 11.

**Table 11. Total Cost Estimate for the Agency**

<u>Entity</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Regional Office	\$2.17 million	\$1.08 million	\$1.08 million
Headquarters Office	\$0.22 million	\$0.11 million	\$0.11 million
<b>Total Agency Cost</b>	\$2.39 million	\$1.19 million	\$1.19 million

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

Title I of the Clean Air Act of 1990 provided a classification system for 1-hour ozone NAAQS nonattainment areas along with prescribed programs and measures for those areas. In essence, there was no incremental administrative burden associated with the implementation of the 1-hour standard associated with discretionary action on the part of the agency. However, with the promulgation of the 8-hour ozone NAAQS, the nonattainment designations, and the finalization of Phases 1 and 2 of the Ozone Implementation rule, the Office of Management and Budget believed there were there were additional administrative burdens by the Agency. The ICR attempts to estimate the additional burden for the 2008 ozone nonattainment areas which are now classified as Serious that may be reclassified to Severe-15 resulting in new SIP requirements due from the states with the respective areas. This ICR also attempts to develop estimates of the incremental burden resulting from the transition from the 2008 8-hour to the same 8-hour form of the standard for the 2015 ozone NAAQS, and resulting from the ongoing implementation of the revoked 1997 ozone NAAQS.

The methodology does not subtract the decreased burden that some areas experienced because of the move to an ozone standard with the same 8-hour form as the previous 1997 and 2008 NAAQS. In this case, the burden estimates presented may be biased high. Failure to consider staff experience and economies of scale given implementation of the fine particulate matter (PM<sub>2.5</sub>) NAAQS and Regional Haze activities may also impart an upward bias to the estimates. On the other hand, areas classified as Marginal have to attain the standard by 2021. If any of these areas do not attain the 8-hour standard by 2021, there could be additional burdens for states in which such areas are located that may not be fully reflected in the present estimates.

The primary respondents are the states, as they have over 90% of the estimated additional burden. There is also burden imposed on the regional and headquarters offices of EPA. Most of the cost to states is assumed to be incurred in year 1 of the 3-year period covered by this ICR. In the Agency's roles as facilitator, compiler, reviewer, and preparer, the estimated burden for the Agency is also expected to be greater in the 1<sup>st</sup> year than in the 2<sup>nd</sup> or 3<sup>rd</sup> years.

The total incremental respondent universe burden and cost estimates are presented in Table 12.

**Table 12. Total Incremental Respondent & Agency Universe Burden and Cost Estimates**

<b>Entity</b>	<b>Average Yearly Burden Hours</b>	<b>3-Year Burden Hours</b>	<b>Present Value of Costs for 3-Year Burden</b>
States	119,133	357,400	\$ 25,261,140
Agency	22,345	67,034	\$ 4,590,306
<b>Total</b>	141,478	424,434	\$ 29,851,446

\*The estimates are in current year (2020) dollars. Costs for years 2 and 3 are calculated using the equation Present Value = Future Value/ (1 + interest rate)<sup>t</sup>, where "t" is the number of years hence (i.e., 0 for year 1, 1 for year 2, 2 for year 3) and the interest rate is set at 3.25%. The adjusted values for years 1, 2, and 3 are then summed.

**6(d) Reasons for Change in Burden**

We are estimating an increase in annual burden of 85,133 hours above the 34,000 hours estimated from the last approved ICR for 8-hour ozone NAAQS implementation. The primary reason for this increase is that, in addition to some respondents continuing to submit information for the 2008 NAAQS, respondents will also be submitting information for the 2015 NAAQS and the revoked 1997 NAAQS. For this reason, it is difficult to directly compare the prior 2008 NAAQS-only burden estimate to this combined 2008/2015/1997 NAAQS estimate. The estimates provided in this supporting statement differ from the prior 2008 NAAQS-only estimate due to the following:

- An increase resulting from the increase in the number of nonattainment areas from 46 areas for the 2008-only ozone NAAQS to 60 areas for the combined 2008 and 2015 ozone NAAQS.
- An increase due to the fact that previous ozone ICRs did not include the burden estimate for the states in the Ozone Transport Regions to certify the current state SIPs meet CAA section 184(b)(1)(B) RACT requirements.
- An increase due to the fact that previous ozone ICRs did not include the burden estimate for the states to develop second 10-year maintenance plans,

- 39 of 52 areas are classified as Marginal for the 2015 ozone NAAQS with 27 of the 39 not meeting that NAAQS based on preliminary air quality data, which may result in reclassification to Moderate and additional planning burden. The burden estimate is based on the 5,100 hours for a reclassification to Moderate classification during the ICR 3-year period.
- Six of the 52 initially designated 2015 ozone nonattainment areas are Serious or higher, with an estimated 20,000 hours for states to develop each of the required plans.
- The estimates have been calculated in 2020 dollars and some assumptions regarding overhead, O&M costs, and capital costs have been adjusted to meet current guidelines and common procedures for preparing ICRs.

#### **6(f) Burden Statement**

The total burden to the state respondents for this information collection is estimated to be a total of 357,400 labor hours (an average of 119,133 labor hours per year) with a total labor cost of \$8.4 million (present value) over the 3-year period (or approximately \$271,000 per state for the 31 state respondents including the District of Columbia). The average annual reporting burden is 1,241 hours per response, with approximately 3.1 responses per state for 96 state responses. There are no capital or operating and maintenance costs associated with the proposed rule requirements.

Burden is defined at 5 CFR 1320.3(b) as the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information or for a Federal agency other than EPA to do so. This estimate includes the time and burden needed to conduct the tasks associated with the attainment demonstration submittal, RACT SIP submittal, RFP SIP submittal, and/or the second 10-year maintenance plan submittal. In achieving these tasks, such incremental efforts may include reviewing instructions as well as verifying, processing, maintaining, and disclosing information. Such efforts may require incremental development, acquisition, installation, and/or utilization of technological systems for several purposes. These purposes include collecting, verifying, validating, processing, maintaining and disclosing information associated with the listed tasks. The incremental efforts may result from adjusting the ways to comply with the previously applicable instructions associated with the 1-hour ozone NAAQS or prior 8-hour ozone NAAQS, as appropriate. Consequently, in achieving the listed tasks, there could be some incremental burden associated with learning/training, searching data sources, and transmitting the deliverables.

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 EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the *Federal Register* to display the OMB control number for the approved information collection requirements that apply for purposes of implementing multiple 8-hour ozone NAAQS. However, as stated in the November 29, 2005 *Federal Register* notice for the 8-hour ozone implementation rule, "...failure to have

an approved ICR for this rule does not affect the statutory obligation for the States to submit SIPs as required under part D of the CAA.”

The Agency established a docket for the 2008 8-hour ozone NAAQS SIP Requirements Rule under Docket ID No. EPA-HQ-OAR-2020-0415, which is available for online viewing at: <http://www.regulations.gov>. Although listed in the index, some information such as Confidential Business Information is not publicly available. Other information such as copyrighted materials are not placed on the internet, but are available in hard copy form at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. The telephone number for the Public Reading Room is (202) 566-1744 and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566-1742. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

## **PART B**

This section is not applicable because statistical methods are not used in data collection associated with the implementation rule.