

**EPA**

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

**INFORMATION COLLECTION REQUEST  
SUPPORTING STATEMENT FOR  
EPA ICR NUMBER 2540.04,  
ICR FOR THE REGIONAL HAZE REGULATIONS**



PROPOSED INFORMATION COLLECTION REQUEST SUPPORTING STATEMENT FOR  
**REGIONAL HAZE REGULATIONS (RENEWAL)**

**Executive Summary**

This ICR, EPA 2540.04 addresses the reporting and recordkeeping requirements under the final revisions to the Regional Haze Regulations. This ICR renews the prior ICR (EPA ICR No. 2540.03 OMB Control No. 2060-0704).

The burden in this ICR reflects changes in the activities conducted due to the normal progression of the program, and the actual activity expected due to the current implementation status of the program. For the upcoming period at issue in this renewal, September 30, 2023 through September 30, 2026, the following activities are expected to occur: (1) 13 states and the U.S. Virgin Islands developing periodic comprehensive SIP revisions that were due in 2021 under revised EPA rule requirements; (2) 50 state, the District of Columbia, and the U.S. Virgin Islands will be submitting progress reports due January 31, 2025 (these will not be SIP revisions).

**Table E-1. Estimated State Respondent Burden to Implement Requirements**

Task Element	States	
	Average Annual Hours	Average Annual Cost (\$)
Total Burden by Respondent	15,846	\$932,061.72

# 1 Identification of the Information Collection

## 1.1 Title

This document fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) with regards to determining the regulatory burden associated with the implementation of the Regional Haze Program (40 CFR 51.308) and requirements related to the Grand Canyon Visibility Transport Commission (40 CFR 51.309). It has been assigned EPA tracking number 2540.04. The title of this Information Collection Request (ICR) is “Renewal of the ICR for the Regional Haze Regulations.”

<p><b>EPA TRACKING NUMBER:</b> <b>2540.04</b></p> <p><b>OMB Control NUMBER:</b> <b>2060-0704</b></p>
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## 1.2 Description

Under the 1999 Regional Haze Rule, states are required to set periodic goals for improving visibility in the 156 Mandatory Class I Federal Areas. As states work to reach these goals, they must develop regional haze implementation plans that contain enforceable measures and strategies for reducing visibility-impairing pollution. States were required to develop their initial implementation plans by December 2007.

In January 2017, the EPA revised the Regional Haze Rule, extending the deadline for the second planning period to July 31, 2021, adjusting the interim progress report deadline, and removing the requirement for progress reports to be SIP revisions.

In accordance with the 2017 revision, periodic comprehensive revisions to implementation plans were due July 31, 2021 (i.e., the second planning period) and will be due on July 31, 2028 (i.e., the third planning period), and every 10 years thereafter. In between these comprehensive revisions to implementation plans, progress reports are required for submission. The first progress report was due 5 years from the submittal of the initial implementation plan and was required to be submitted as a SIP revision. Pursuant to the 2017 revision of the Regional Haze Rule, subsequent progress reports (due January 31, 2025, July 31, 2033, and every 10 years thereafter), are not required to be submitted as a SIP revision.

Subpart P of 40 CFR 51, Protection of Visibility, also known as the Regional Haze Rule<sup>1</sup>, is the subject of this clearance request. In the next 3 years, activities conducted by the states, Federal Land Managers (FLMs), and the EPA will focus on submitting both overdue SIP revisions and upcoming required progress reports for regional haze. 40 CFR 51.308(f)

<sup>1</sup> Final Rule: Protection of Visibility: Amendments to Requirements for State Plans, 82 FR 3078, January 10, 2017.

requires states to develop regional haze implementation plan revisions evaluating and reassessing reasonable progress goals, calculations of baseline and natural visibility conditions, the long-term strategy, the monitoring strategy, and other implementation plan requirements. There are similar reporting requirements under 40 CFR 51.309, a section of the Regional Haze Rule in which three states (Utah, Wyoming, and New Mexico) elected to submit their SIPs. Under section 309, these states adopted regional haze strategies for the period from 2003 to 2018 for sulfur dioxide emissions. These strategies are based on recommendations from the Grand Canyon Visibility Transport Commission (GCVTC) for protecting the 16 Class I areas in the Colorado Plateau area. During the next 3 years, 50 states, the District of Columbia, and the U.S. Virgin Islands will be responsible for submitting progress reports. 40 CFR 51.308(g) requires states to develop periodic reports evaluating progress towards the reasonable progress goals for improving visibility in Class I areas inside the state and in neighboring states, and 40 CFR 51.309(d)(10) requires similar actions on the part of the three states that submitted regional haze SIPs under 40 CFR 51.309.

The primary focus for estimating burden for this 3-year period (September 30, 2023 – September 30, 2026), will apply to the next program milestones which are the 5-year progress reports due January 31, 2025, for all states, the District of Columbia, and the U.S. Virgin Islands, and the periodic comprehensive SIP revisions associated with the 2<sup>nd</sup> planning period for thirteen states and the U.S. Virgin Islands that have not yet submitted revisions, which were due in July 2021 (see 40 CFR 51.308(f)) for all states.

Outstanding 1<sup>st</sup> planning period obligations are not accounted for within this burden estimation, although continued action on these items is expected during the 3-year period (2023-2026). Additionally, this estimation does not account for the burden associated with implementing the requirements of an approved 2<sup>nd</sup> planning period plan. Given the varied requirements of outstanding 1<sup>st</sup> planning period actions and 2<sup>nd</sup> planning period implementation actions, deriving a comprehensive estimation is not feasible. This decision is in line with the currently approved ICR which

- 2 **Need and Use of the Collection** also does not account for outstanding 1<sup>st</sup> planning period obligations. Section 169A of the Clean Air Act (CAA) sets forth a national goal for visibility. The goal is the “prevention of any future, and the remedying of any existing, impairment in visibility in mandatory Class I Federal areas which impairment results from man-made air pollution.” This section of the CAA also calls for EPA regulations to assure that states provide for
- 2.1 **Need / Authority for the Collection**

**PROPOSED INFORMATION COLLECTION REQUEST SUPPORTING STATEMENT FOR REGIONAL HAZE REGULATIONS (RENEWAL)**

reasonable progress toward meeting the national goal. The original regulations on protection of visibility in mandatory Class I Federal areas, developed in 1980, addressed visibility that is “reasonably attributable” to a single source or small group of sources. Actions under those regulations are triggered by a FLM. EPA’s Regional Haze Rule, promulgated in 1999, added new sections to the code of federal environmental regulations. These included sections 40 CFR 51.308 and 40 CFR 51.309. This ICR renewal request provides for continued implementation of the Regional Haze Rule (and considers obligations resulting from the 2017 rule revisions). During this ICR renewal clearance period, we anticipate that the requirements under 40 CFR 51.308(f) and (g) will be the major program focus.

**2.2 Practical Utility / Users of the Data**

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

**2.3 Caveats and Considerations**

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

Throughout this ICR, the reader will observe estimated values that show accuracy to the single hour or dollar. However, reporting values at the single unit level can be misleading. In most situations, the proper way to present estimated data would be to determine an appropriate level of precision and truncate values accordingly, usually in terms of thousands or millions of units. For instance, a spreadsheet generated estimation of \$5,456,295 could be presented in the text as \$5.5 (millions) or \$5,456 (thousands). One problem with such an approach is the loss of data richness when the report contains a mixture of very large and very small numbers. Consequently, to avoid the loss of information through rounding, this ICR reports all values at the single unit level and reminds the reader that there is no implied precision inherent in this style of reporting.

### **3 Non-Duplication, Consultation, and Other Collection Criteria**

#### **3.1 Non-Duplication**

This information collection renewal request is related to provisions in 40 CFR 51.308 (f) and (g) and 40 CFR 51.309(d)(10) which require periodic comprehensive SIP revisions and periodic reports describing progress towards the reasonable progress goals. In addition to the periodic comprehensive SIP revisions which were due July 31, 2021, for the second planning period, each state must submit a progress report evaluating whether improvement in visibility is made towards the reasonable progress goal for each mandatory Class I Federal area located within the state and in each mandatory Class I Federal area located outside the state which may be affected by emissions from within the state. The periodic comprehensive SIP revisions and progress reports required by the Regional Haze Rule are unique and do not duplicate other implementation plan requirements. Progress reports are due for all 50 states, the District of Columbia, and the U.S. Virgin Islands by January 31, 2025.

#### **3.2 Public Notice Requirements**

The EPA issued a Federal Register notice requesting comments on the proposed rule ICR on March 31, 2023 (88 FR 19301) and provided a 60-day public notice and comment period. The EPA received one timely comment during the comment period. Given the contents of this comment, some elements of proposed burden calculation were revised. This comment and associated revisions are discussed in section 7.3 of this document.

#### **3.3 Consultations**

Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, the EPA submitted questions to seven parties via e-mail. The individuals contacted were:

Michael Kiss  
Virginia Department of Environmental Quality  
[michael.kiss@deq.virginia.gov](mailto:michael.kiss@deq.virginia.gov)

David Healy  
New Hampshire Department of Environmental Services  
[david.healy@des.nh.gov](mailto:david.healy@des.nh.gov)

Preston McLane  
Florida Department of Environmental Protection  
[Preston.McLane@dep.state.fl.us](mailto:Preston.McLane@dep.state.fl.us)

Jerry Beasley  
Mississippi Department of Environmental Quality  
[Jerry\\_Beasley@deq.state.ms.us](mailto:Jerry_Beasley@deq.state.ms.us)

Maeve Mason  
South Carolina Department of Health and Environmental Control  
[masonmr@dhec.sc.gov](mailto:masonmr@dhec.sc.gov)

James Boylan  
Georgia Department of Natural Resources  
[James.Boylan@dnr.ga.gov](mailto:James.Boylan@dnr.ga.gov)

James Johnston  
Tennessee Department of Environment & Conservation  
[James.Johnston@tn.gov](mailto:James.Johnston@tn.gov)

In response to the consultation solicitation, James Johnston of the state of Tennessee provided a timely response, which is detailed in Section 7.3.

**3.4 Less Frequent Collection**

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

**3.5 General Guidelines**

All federal agencies must adhere to OMB’s general guidelines for information collections for approval of any rulemaking’s collection methodology. In accordance with the requirements of 5 CFR 1320.5, the Agency believes:

1. With the exception of the progress reports due in 2025, which are no longer required to be SIP revisions, the regional haze regulations do not require periodic reporting more frequently than every 5 years.
2. The regional haze regulations do not require respondents to participate in any statistical survey.
3. Written responses to Agency inquiries are not required to be submitted in less than 30 days.
4. Respondents do not receive remuneration for the preparation of reports required by the Act or part 51.
5. To the greatest extent possible, the Agency has taken advantage of automated methods of reporting.

The recordkeeping and reporting requirements contained in the Regional Haze Rule do not exceed any of the Paperwork Reduction Act guidelines contained in 5 CFR 1320.5, except for the guideline which limits retention

of records by respondents to 3 years. The Act requires both respondents and state or local agencies to retain records for a period of 5 years. The justification for this exception is found in 28 U.S.C. 2462, which specifies 5 years as the general statute of limitations for federal claims in response to violations by regulated entities. The decision in *U.S. v. Conoco, Inc.*, No. 83-1916-E (W.D. Okla., January 23, 1984) found that the 5-year general statute of limitations applied to the CAA.

**3.6 Confidentiality**

Confidentiality is not an issue for this ICR renewal. In accordance with the Clean Air Act Amendments of 1990, any monitoring information to be submitted by sources is a matter of public record. To the extent that the information required is proprietary, confidential, or of a nature that could impair the ability of the source to maintain its market position, that information is collected and handled subject to the requirements of 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, shall be maintained appropriately (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

**3.7 Sensitive Questions**

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

**3.8 Environmental Justice Considerations**

The EPA has not considered environmental justice in developing this information collection renewal request or the associated burden estimate. The EPA does, however, encourage states to consider whether there may be equity and environmental justice impacts when developing their regional haze strategies for the current period. States have discretion to consider environmental justice in determining the measures that are necessary to make reasonable progress and formulating their long-term strategies, as long as such consideration is reasonable and not contrary to the regional haze requirements.



## 4 The Respondents and the Information Requested

### 4.1 Respondents

The major categories of respondents directly affected during this ICR period of September 30, 2023, through September 30, 2026, include the 50 states and two territories (District of Columbia and U.S. Virgin Islands) that are developing period progress reports under 40 CFR 51.308(f) and (g). Additionally, 13 states and the U.S. Virgin Island have an outstanding obligation to develop and submit comprehensive SIP revisions that were due 7/31/21. The states and territories are developing periodic comprehensive SIP revisions and progress reports under 40 CFR 51.308(f) and (g).

### 4.2 Information Requested

The information required under this ICR renewal provides for a continuation of the process initiated with previous ICRs for the Regional Haze Rule. In this stage of the process, the states are mainly focusing on revising their SIPs and submitting periodic comprehensive SIP revisions, which were due by July 31, 2021. Thirteen states and the U.S. Virgin Islands have not yet submitted regional haze SIPs for the second planning period. Thus, the SIP revision burden falls in this ICR period for these states and territories. There are also 52 progress reports due during the period 2023-2026.

The information that is requested under this renewal period under the Regional Haze Rule requirements includes:

#### **Requirements for Periodic Reports Describing Progress towards the Reasonable Progress Goals**

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

The first progress report was due 5 years after the initial regional haze plan submission. Each regional haze implementation plan revision will also include a section that serves as a progress report. In between each SIP revision, periodic reports are required every 5 years. The next periodic report is due by January 31, 2025.

**Requirements for Regional Haze Periodic Comprehensive SIP Revision for the Second Planning Period**

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

Thirteen states and the U.S. Virgin Islands have outstanding obligations to prepare and submit periodic comprehensive SIP revisions that were due by July 31, 2021.

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

### 5.1 Agency Activities

**EPA.** Each EPA Regional office is responsible for reviewing and acting on the periodic comprehensive SIP revisions and progress reports. For this ICR renewal period, the EPA will primarily be reviewing the SIP revisions and progress reports required under CFR 51.308(f) and (g). The ten EPA Regional offices and the EPA headquarters offices will provide direction and facilitate resolution of major issues, and deliver data, tools, and training to the states as needed. EPA action on SIPs is a regulatory action that undergoes notice and comment rulemaking under the Administrative Procedure Act. Thus, each Regional office must address public comments before acting on the SIP revisions.

**FLMs.** The FLMs are authorized to review the progress reports, the periodic comprehensive regional haze SIP revisions and offer comments to the states in fulfillment of the requirement under 40 CFR 51.308(i)(4) for the states to coordinate their regional haze efforts with the FLMs. This is in addition to any involvement by FLMs in a public comment period.

### 5.2 Collection Methodology and Management

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

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

wages, with the weight defined by the percentage of total effort each burden source applied. Consequently, the cost developed in this ICR should be interpreted as an upper bound on the actual cost of administration by the source. The methodology for determining cost per hour can be found in greater detail in section 6.2, below.

- While this ICR renewal estimates burden to federal and state agencies, it does not include costs estimates to the industrial sources. This is because the effort for this ICR renewal period, September 30, 2023, through September 30, 2026, mainly involves preparation and review of the periodic comprehensive SIP revisions and progress reports required under CFR 51.308(f) and (g) of the Regional Haze Rule. Sources, for the most part, will not be involved in preparation of these reports.

The periodic comprehensive SIP revisions prepared by the states were due by July 31, 2021. Because several states and the U.S. Virgin Islands have not yet submitted SIPs and have outstanding obligations to do so, we are including the requirements for SIP submission in the supporting statement for this ICR renewal. The periodic comprehensive SIP revisions must at a minimum include the following elements (similar elements are required for the initial SIPs):

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

The progress reports for the second implementation period prepared by the states are, in most cases, due 5 years after the state submits its regional haze SIP revision. These progress reports must at a minimum include the following elements:

- A description of the status of all measures included in the regional haze implementation plan for achieving reasonable progress.
- A summary of the emissions reductions achieved throughout the state through implementation of the measures.
- An assessment of the following visibility conditions and changes for each mandatory Class I Federal area within the state with values

for most impaired and least impaired days expressed in terms of 5-year averages of the annual values: current visibility conditions for the most impaired and least impaired days; the difference between current visibility conditions for the most impaired and least impaired days and baseline visibility conditions; and the change in visibility impairment for the most impaired and least impaired days over the past 5 years.

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

### **5.3 Small Entity Flexibility**

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

The EPA determined that it was not necessary to prepare a regulatory flexibility analysis in connection with the Regional Haze Rule (January 10, 2017, 82 FR 3078) because the rule did not have a significant economic impact on a substantial number of small entities. Similarly, this ICR will not impose any direct requirements on small entities and will apply primarily to states which are developing the SIP revisions.

#### **5.4 Collection Schedule**

States were required to submit their first periodic progress reports, in the form of a SIP revision, 5 years after the initial regional haze plan submission. Each regional haze implementation plan revision will also include a section that serves as a progress report. In between each SIP revision, periodic reports are required every 5 years. The next periodic report is due on January 31, 2025. There are 52 progress reports due during the period 2023-2026.

All states (including those subject to a Federal Implementation Plan) were required to develop and submit periodic comprehensive SIP revisions by July 31, 2021. Thirteen states and the U.S. Virgin Islands have not yet submitted SIP revisions to EPA. For the purposes of this ICR, we expect these thirteen states, and the U.S. Virgin Islands will be developing SIP revisions during this ICR period.

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

This ICR renewal will apply to all 50 states, the District of Columbia, and the U.S. Virgin Islands which are working on periodic progress reports which are due on January 31, 2025, as well as 13 states and the U.S. Virgin Islands which are working on submitting periodic comprehensive SIP revisions. All periodic comprehensive SIP revisions were due by July 31, 2021. For this renewal period, the burden for industrial sources will be negligible as plans and reports are required from the states.

Table 6.1 summarizes the results for each of the major categories of respondents with details discussed in the narrative below.

**Develop and Submit Progress Reports as required under the Regional Haze Rule.** Based on the elements that are required for the report, which are described in section 5.2 above, an estimate of 240 hours per state to complete the 5-year progress report was proposed. Much of the analysis for the report will entail the states assessing changes in their emissions inventories for the reporting period and reporting on changes in visibility based on available monitoring data. This burden estimate does not include any hours for preparation and finalization of the emissions inventories because it is assumed that the EPA will provide an approved inventory, with appropriate forward projections of future visibility conditions, which the states may use for their analyses. For each individual state, we proposed that approximately 160 hours on average is needed to analyze, evaluate, and summarize changes in the inventory and monitoring data over the reporting period, and another 80 hours is sufficient to prepare the report. These estimates were based on informal conversations with state and the EPA's technical staff.

In estimating the burden associated with the development of 5-year periodic reports, both the general qualitative review from the Sierra Club and NPCA and the quantitative review from the state of Tennessee suggested a higher estimate is appropriate. We are therefore revising our burden estimate of the periodic report to the approximate average of the estimates provided in the proposed rule ICR and the estimates provided by the state of Tennessee during consultation, of 320 hours per plan. Notably, these figures are an average which means that in some instances, the workload will be higher, but in other instances, the workload may be lower. These figures are reflected in the EPA’s final estimates found in Table 7.2 below.

**Develop and Submit Periodic Comprehensive SIP Revisions (or Initial SIPs) as required under the Regional Haze Rule.** Based on the elements that are required for the periodic comprehensive SIP revisions (or initial SIPs), which are described in section 5.2 above, and a review of previous ICRs, we believe that an estimate of 2,207 hours per state to complete the periodic comprehensive SIP revision (or initial SIP) is reasonable. We are applying a conservative estimate by including all 2,207 hours in the forthcoming ICR renewal period (2020-2023), though EPA recognizes that some of this SIP development is already occurring during the current ICR renewal period.

In estimating the burden associated with the development of periodic comprehensive SIP revisions, the general qualitative review from the Sierra Club and NPCA suggested a higher estimate while the quantitative review from the state of Tennessee suggested a lower estimate. We are therefore retaining the initial burden estimate proposed for periodic comprehensive SIP revisions, of 2,207 hours per plan.

**Table 6.1. Estimated Respondent Burden to Implement Requirements**

Task Element	Hours/State	Hours/Source	Year Incurred
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	320	0	2023-2026
Develop and submit periodic comprehensive SIP revisions	2,207	0	2023-2026

**6.2 Estimating Respondent Costs**

This ICR uses the most recently available wage values with the wage rate methods established in the New Source Review (NSR) ICRs.<sup>2</sup> For this

<sup>2</sup> U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards,



renewal period, the burden for industrial sources will be negligible as the reports are required from the states with review being done by the EPA and the FLMs.

Consistent with methodologies for previous NSR ICRs, the labor rate used to calculate federal, state, and local respondents' labor costs is approximated from the 2023 federal government pay schedule. It is assumed that each hour of technical staff will be associated with 5.5 minutes (9% of an hour) of managerial time and 7.5 minutes (13%) of clerical support.<sup>3</sup> Benefits (at 16%), sick and vacation leave (at 10%) and general overhead (at 29% of labor wages) have also been included to produce a total, loaded hourly rate of \$58.82.

**Table 6.2 Determination of Federal, State, and Local Wage Rates**

Annual Salary of Technical Staff, GS 11 Step 3 (FY 23 Schedule)*		\$63,273.00
Annual Cost of Supervisory Staff, GS 14 Step 5 (FY 23 Schedule)*	\$113,228.00	
Factor (1/11)	0.09	
		\$10,190.52
Annual Cost of Support Staff, GS 6 Step 6 (FY 23 Schedule)*	\$42,080.00	
Factor (1/8)	0.13	
		\$5,470.40
Annual Applicable Salary of Technical Staff		\$78,933.92
Benefits (at 16%)		\$12,629.43
Sick Leave / Vacation (at 10%)		\$7,893.39
General Overhead (at 29%)		\$22,890.84
Total Cost Per FTE		\$122,347.58
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$58.82

\* <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/GS.pdf> February 2023

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

### 6.2.3 Annualized Capital Costs

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

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*INFORMATION COLLECTION REQUEST FOR CHANGES TO PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW: EMISSIONS TEST FOR ELECTRIC GENERATING UNITS, August 2006, p. 20.*

<sup>3</sup> Ibid.

**6.3 Estimating Agency Burden and Cost**

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

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

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

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

Table 6.3 presents our estimate of the Agency burden in the ICR clearance period which is the average to review one state plan. In developing these estimates, we considered previous estimates for similar activities, particularly related to the time necessary to review progress reports and SIPs and prepare federal register notices and respond to public comments.

For the progress reports, summing the total hours from Table 6.3 (240 hours) and multiplying by 52 total progress reports yields a total estimate of 12,480 hours. Note that because the upcoming progress reports do not require a SIP revision, agencies will not need to respond to public comments. Using the calculated labor rate of \$58.82/hr. from Table 6.2, multiplied by the 12,480 hours gives an estimated cost of \$734,073.60, which when averaged over the 3-year collection period is about \$244,691.20 per year as the Agency’s burden estimate for the progress reports.

For the periodic comprehensive SIP revisions, summing the total hours from Table 6.3 (420 hours) and multiplying by 14 total periodic comprehensive SIP revisions yields a total estimate of 5,880 hours. Using the calculated labor rate of \$58.82/hr, from Table 6.2, multiplied by the 5,880 hours gives an estimated cost of \$345,861, which when averaged over the 3-year collection period is about \$115,287.20 per year as the Agency’s burden estimate for the periodic comprehensive SIP revisions or initial SIPs.

**Table 6.3. Estimated Agency Burden to Implement Requirements**

Task Element	Hours/EPA Regional Office	Hours/EPA Headquarters	Hours/FLM	Year Incurred
Review §308(g) or 309(d)(10) Implementation Plan – 5-year progress reports	160	40	40	2023 - 2026
Review periodic	200	40	40	2023 - 2026

Task Element	Hours/EPA Regional Office	Hours/EPA Headquarters	Hours/FLM	Year Incurred
comprehensive SIP revisions or initial SIPs				
Respond to Public Comments and Prepare Federal Register Notices (Periodic Comprehensive SIP Revisions only)	120	20	0	2023 – 2026
TOTAL (Progress Report)	160	40	40	2023 - 2026
TOTAL (Periodic Comprehensive SIP Revision)	320	60	40	2023 - 2026

#### 6.4 Estimating the Respondent Universe

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

**States.** We assume that 50 states, the District of Columbia, and the U.S. Virgin Islands will develop and submit the periodic progress reports required in 2025. We assume that 13 states and the U.S. Virgin Islands will develop and submit the periodic comprehensive SIP revisions that were due on July 31, 2021.

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

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

#### 6.5 Bottom Line Burden and Cost

Tables 6.4 summarizes the total annual respondent burden to prepare and submit the 5-year progress reports and the periodic comprehensive revisions to state SIPs (or initial SIPs). The total respondent burden is estimated to be 15,846 hours per year and \$932,061.72 per year. As described in section 6.2.2 and 6.2.3, there are no operation and maintenance costs, or capital costs associated with activities to be conducted during this 3-year clearance period. The total number of respondents is 52 (52 state agencies.)

**Table 6.4. Estimated Annual Respondent Burden to Implement Requirements**

Task Element	States	
	Average Annual Hours	Average Annual Cost (\$)
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	5,547 Calculation: (320 hours per plan x 52 plans)/3 years= 5,547 hr/yr)	\$326,274.54 Calculation: (5,547 hrs per yr x labor rate of \$58.82 = \$326,274.54)
Develop and submit periodic comprehensive SIP revisions	10,299 Calculation: (2,207 hours per plan x 14 plans)/3 years= 10,299 hr/yr)	\$605,787.18 Calculation: (10,299 hrs per yr x labor rate of \$58.82 = \$605,787.18)
<b>Total Burden for Respondent</b>	15,846	\$932,061.72

**6.6 Reasons for Change in Burden**

The burden estimates for this ICR reflect the requirements of the 2017 final Regional Haze Rule with respect to the scheduled events and activities in the implementation process. The last collection request anticipated the program consisting of submission and review of SIP revisions. The change in burden reflects changes in the activities conducted due to the normal progression of the program, the fact that the periodic comprehensive regional haze SIP revisions will need to be acted on by the EPA and the states will be working on and submitting those periodic comprehensive SIP revisions, and the fact that 52 progress reports will be due in the period covered by this information collection request, 2023-2026.

**6.7 Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 106 hours per respondent (5,547 hours/52 reports) for progress reports and 736 hours per respondent (10,299 hours/14 SIPs) for comprehensive SIP revisions. The total burden for both progress reports and comprehensive SIP revisions amounts to 842 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjusting the existing ways to comply with any

previously applicable instructions and requirements; training personnel to be able to respond to a collection of information; searching data sources; completing and reviewing the collection of information; and transmitting or otherwise disclosing the information. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including using automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2023-0138, that is available for public viewing at the Air and Radiation Docket and Information Center, in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington D.C. 20503, Attention: Desk Officer for EPA. Please include EPA Docket ID No. EPA-HQ-OAR-2023-0138 and OMB Control Number 2060-0704 in any correspondence.

## **7 Changes vs. the Previous 3-Year Period**

### **7.1 Summary of Changes in This 3-Year Period**

In the previous 3-year period, EPA expected 52 SIP revisions and 0 progress reports. In this 3-year period, there are 52 progress reports expected, while no early analysis is expected. EPA expects 14 SIP revisions due to the second implementation period due date of July 31, 2021 (from 13 states and the U.S. Virgin Islands).

### **7.2 Estimating Change in Respondent Burden**

Under the Regional Haze Rule, the SIPs revisions for all states were due by July 31, 2021. As a result, activities conducted by the states, FLMs, and the

EPA will shift from focusing on early analysis to support SIP revision development to focusing on progress reports and SIP revisions for the second implementation period. Under the rule, 40 CFR 51.308(g) also requires states to develop periodic reports evaluating progress towards the reasonable progress goals for improving visibility in Class I areas inside the state and in neighboring states. The next progress reports are due by January 31, 2025. There are 52 progress reports due during the period 2023-2026. There were no progress reports due during the previous ICR period of 2020-2023. Further, only 13 states and the U.S. Virgin Islands are expected to submit SIPs in this 3-year period, as compared to the previous 3-year period, where the EPA expected 52 SIP revisions. With these changes considered, the overall burden on states represents a decrease compared to the previous 3-year period, mainly due to the decrease in SIP submittals. These changes are noted in Table 7.1 below, which demonstrates the difference between the previous 3-year analysis and the current 3-year analysis.

**Table 7.1. Estimated Annual Respondent Burden to Implement Requirements: Previous 3-Year Period vs. Current 3-Year Period**

Task Element	States			
	Average Annual Hours: Previous 3-Year Period	Average Annual Cost (\$): Previous 3-Year Period	Average Annual Hours: Current 3-Year Period (estimated in proposed ICR renewal supporting statement)	Average Annual Cost (\$): Current 3-Year Period (estimated in proposed ICR renewal supporting statement)
Develop and submit §308(g) or 309(d) (10) Implementation Plan – 5-year periodic reports	0 <i>(There are no progress reports due in the period 2020-2023)</i>	0 <i>(There are no progress reports due in the period 2020-2023)</i>	5,547 Calculation: (320 hours per plan x 52 plans)/3 years= 5,547 hr/yr)	\$326,274.54 Calculation: (5,547 hrs per yr x labor rate of \$58.82 = \$326,274.54)
Develop and submit periodic comprehensive SIP revisions	38,255 Calculation: (2,207 hours per plan x 52 plans)/3 years= 38,255 hr/yr	1,894,770 Calculation: (38,255 hrs per yr x labor rate of \$49.53)	10,299 Calculation: (2,207 hours per plan x 14 plans)/3 years= 10,299 hr/yr)	\$605,787.18 Calculation: (10,299 hrs per yr x labor rate of \$58.82 = \$605,787.18)
<b>Total Burden by Respondent</b>	38,255	1,894,770	15,846	\$932,061.72

### 7.3 Responses to Comments Received

Public comments were previously requested via the Federal Register (88 FR 19301) on March 31, 2023, during a 60-day comment period. The EPA received one timely comment on the proposed rule ICR, which is summarized and discussed as follows.

Comment 1. Commenters National Parks Conservation Association (NPCA) and Sierra Club contend that EPA made an erroneous assumption that all SIPs received and reviewed during the proposed 3-year period would be approvals. Thus, the commenters explain that EPA did not account for the additional work associated with SIP disapprovals including the promulgation of FIPs.

Response 1. The EPA's estimates in this ICR project the burden associated with all known steps in the SIP development and submittal process, not potential "as needed" steps that may or may not occur after SIP submittal. Additionally, given the outstanding decisions of approvability on several 2nd planning period SIP revisions, estimating the number of disapprovals and their associated burdens during the current 3-year period would be speculative.

Comment 2. NPCA and Sierra Club also contend that the proposed estimate does not account for additional resource commitments associated with four-factor analyses. The commentator emphasizes the RHR provision which states the state has a duty to conduct a "robust" analysis of potential reasonable progress controls. Although the state mostly relies on the source for such analysis, the commenters explain that in the case a source produces a flawed or incomplete analysis, the state must take action to ensure corrections are made. The commenters explain that as a result, such actions are not accounted for in the proposed ICR renewal.

Response 2. As previously stated, the EPA's estimates in this ICR project the burden associated with all known steps in the SIP development and submittal process, including the selection of sources and conducting a four-factor analysis.

Comment 3. NPCA and Sierra Club comment that EPA's definition of "affected entities" is unclear. In particular, the commenters are concerned with the lack of inclusion of tribes, non-state agencies, and Regional Planning Organizations, in the proposed estimates.

Response 3. The primary regulatory requirements within the proposed 3-year period largely fall on the 52 state agencies discussed within the ICR/action. While the EPA recognizes the role tribes, non-state agencies, and Regional Planning Organizations play in the regional haze program, the EPA notes that the work of these additional entities varies largely across states and the Regional Haze Rule does not mandate that these entities undertake required work during the applicable period. Thus, it is infeasible and outside the scope of

this ICR to include an estimate of their activities. Additionally, the burden estimates provided for the 52 state agencies does account for the breadth of action taken to meet the regulatory requirements during the 3-year period, including consultation efforts (such as with Federal Land Managers), public comment, and other requirements of the RHR.

Comment 4. NPCA and Sierra Club comment that “EPA incorrectly summarized the post-SIP submission tasks by excluding three tasks and mischaracterizing another task.” Therefore, the commenters explain that EPA estimates do not account for all post-SIP submission tasks.

Response 4. The tasks listed in section 4.2 provide a high-level summary of the tasks necessary to meet the regulatory requirements of the program. Section 5.2 provides a more detailed list of tasks, including smaller steps subsumed by the more general list in 4.2. Thus, the tasks not explicitly identified in section 4.2 were still considered when determining the estimated burden. To clarify, section 4.2 has been adjusted in the final action to match the more detailed list provided in 5.2.

Comment 5. NPCA and Sierra Club contend that the proposed listing of the tasks necessary to prepare a RH SIP revision are oversimplified and do not accurately portray the full regulatory requirements of 40 C.F.R. 51.308(f).

Response 5. In accordance with the PRA, an ICR is developed to reflect the burden associated with meeting the regulatory requirements of a program. The proposed listing of tasks reflect the regulatory needs of 40 C.F.R. 51.308(f). Additionally, the list provided is in line with the estimates provided in the existing regional haze ICR, where SIP revisions were the main burden of the 3-year ICR period.

Comment 6. NPCA and Sierra Club request documentation in support of the proposed time estimates. The commenters state that the proposed estimates were provided with no basis.

Response 6. As is stated in in section 2.3 of the ICR renewal, the estimates provided are a “best guess” of the impact of the Regional Haze Rule over the next 3-year period. Estimates provided in the first notice of renewal reflect the time burden estimates published in previous ICRs. Following the initial notice of the ICR renewal, a consultation opportunity was provided with state representatives. Additionally, the state of Tennessee responded to the consultation request, providing the number of hours coded under the Regional Haze Rule in their Time & Activity database between 9/30/17 and 9/30/2020. Tennessee estimates that approximately 1,339 hours were expended by staff on SIP revisions during this 3-year period. Based on additional information within the database, Tennessee concluded that approximately 400 hours would be expended by their staff on producing 5-year progress reports over a 3-year



period. The EPA took this documentation into account when developing the final burden estimate.

Comment 7. NPCA and Sierra Club comment that the renewal should “include costs for purchase and maintenance of equipment used in the regional haze program.” Concern was expressed on the exclusion of costs associated with ambient air quality monitoring equipment and management.

Response 7. This action/information collection request does not impose any new information collection burden for ambient air quality monitoring. OMB has previously approved the information collection activities for ambient air monitoring data and other supporting measurements reporting and recordkeeping activities associated with the 40 CFR part 58 Ambient Air Quality Surveillance rule and has assigned OMB control number 2060-0084. The information that we anticipate the air agencies will use in responding to this collection request is consistent with current requirements related to information needed to verify the authenticity of monitoring data submitted to the EPA’s AQS database.

Comment 8. NPCA and Sierra Club contend that the proposed ICR renewal fails to consider the costs and resources associated with addressing Environmental Justice and Civil Rights considerations during the proposed 3-year period.

Response 8. While the EPA does encourage states to consider whether there may be equity and environmental justice impacts when developing their regional haze strategies for the current period, such considerations are not required under 40 CFR § 51.308. Since such considerations are not required, the costs and resources associated with addressing such considerations would differ greatly across respondents. Thus, estimating the burden associated with these considerations is infeasible.

Comment 9. The commenters explain that the EPA wrongly excludes source resource commitments from its cost estimate. NPCA and Sierra Club note that states typically assign a reasonable progress analysis for a source to the source itself, which requires the source to hire a consulting firm. The commenters note, however, that the proposed ICR renewal does not fully account for this possibility for the thirteen states and the U.S. Virgin Islands which have not yet submitted their second round SIPs.

Response 9. The primary regulatory requirements within the proposed 3-year period largely fall on the 52 state agencies discussed within the ICR/action. While the EPA recognizes the role sources play in the regional haze program, the EPA notes that the work of these additional entities varies largely across states, making an accurate estimation of their efforts infeasible. Additionally, the burden estimates provided for the 52 state agencies does account for the

breadth of action taken to meet the regulatory requirements during the 3-year period, including consultation efforts with non-state agencies.

No numerical estimates of burden for the 3-year period from 2020-2023 were provided by commenters, therefore the EPA has limited data to use in deriving a final burden estimate. In estimating the burden associated with the development of 5-year periodic reports, both the general qualitative review from the Sierra Club and NPCA and the quantitative review from the state of Tennessee suggest a higher estimate is appropriate. We are therefore revising our burden estimate of the periodic report to the approximate average of the estimates provided in the proposed rule ICR and the estimates provided by the state of Tennessee during consultation, of 320 hours per plan. Notably, these figures are an average which means that in some instances, the workload will be higher, but in other instances, the workload may be lower. These figures are reflected in the EPA’s final estimates found in Table 7.2 below.

In estimating the burden associated with the development of periodic comprehensive SIP revisions, the general qualitative review from the Sierra Club and NPCA suggested a higher estimate while the quantitative review from the state of Tennessee suggested a lower estimate. We are therefore retaining the initial burden estimate proposed for periodic comprehensive SIP revisions, of 2,207 hours per plan.

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

Task Element	States			
	Average Annual Hours (estimated in proposed rule ICR supporting statement)	Average Annual Cost (\$) (estimated in proposed rule ICR supporting statement)	Average Annual Hours (adjusted in response to comments received)	Average Annual Cost (\$) (adjusted in response to comments received)
Develop and submit §308(g) or 309(d)(10) Implementation Plan – 5-year periodic reports	4,160 Calculation: (240 hours per plan x 52 plans)/3 years= 4,160 hr/yr)	\$244,691.20 Calculation: (4,160 hrs per yr x labor rate of \$58.82 = \$244,691.20)	5,547 Calculation: (320 hours per plan x 52 plans)/3 years= 5,547 hr/yr)	\$326,274.54 Calculation: (5,547 hrs per yr x labor rate of \$58.82 = \$326,274.54)
Develop and submit periodic comprehensive SIP revisions	10,299 Calculation: (2,207 hours per plan x 14 plans)/3 years= 10,299 hr/yr)	\$605,787.18 Calculation: (10,299 hrs per yr x labor rate of \$58.82 = \$605,787.18)	10,299 Calculation: (2,207 hours per plan x 14 plans)/3 years= 10,299 hr/yr)	\$605,787.18 Calculation: (10,299 hrs per yr x labor rate of \$58.82 = \$605,787.18)
<b>Total Burden for Respondent</b>	14,459	\$850,478.38	15,846	\$932,061.72