

# U.S. Environmental Protection Agency

## Information Collection Request

**Title:** Implementation of the 8-hour National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements

**OMB Control Number:** 2060-0695

**EPA ICR Number:** 2347.05

**Abstract:** The Paperwork Reduction Act requires the information found in this Information Collection Request (ICR) number 2347.05 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). 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 and 2015 ozone NAAQS over the next 3-year period, which apply primarily to 2015 ozone Moderate nonattainment areas that may miss their August 3, 2024, 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 for SIP revisions due from states with second 10-year maintenance plans due for their redesignated 2008 and 2015 ozone areas, as well as 2008 and 2015 nonattainment areas that may be eligible for redesignation to attainment. On October 1, 2015, the 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 2008 8-hour ozone standards of 0.075 ppm. The primary and secondary ozone standards are designed to protect public health and protect sensitive trees and plants, respectively.

The EPA subsequently issued two rules governing the implementation of the 2015 NAAQS. The first was a rule addressing the classification of ozone nonattainment areas for the 2015 ozone NAAQS based on their air quality concentrations, 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 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 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 EPA's suite of implementation rules. In addition, states are still implementing certain requirements for the 1997 ozone NAAQS. Although this NAAQS is revoked, certain requirements 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 10 nonattainment areas with second maintenance plans coming due, which are due 8 years after the effective date of the first maintenance plans' final approval by EPA. The 2008 NAAQS has 22 nonattainment areas that may become eligible for redesignation to nonattainment. The estimate of 22 areas is based on preliminary 2024 air quality data and areas with design values below 70 ppm. The burden of estimate for the 2015 NAAQS includes states with 26 moderate nonattainment areas currently not meeting the NAAQS with an August 3, 2024, attainment date. If an area fails to attain this by that date, the area will be reclassified as Serious, and a new Serious area SIP will be due within 12-24 months of the reclassification action, which is during the reporting period for this ICR.

The estimates for a given planning cycle include both the state burden to develop and submit and the EPA burden to review and 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. It must contain contingency measures if the nonattainment area does not achieve "reasonable further progress" (RFP) during the attainment period or if 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.

The administrative burden for the areas and activities covered by this ICR reflects a decrease for the 2008 NAAQS and a decrease for the 2015 NAAQS due to a significant reduction in requirements coming due during the next three years compared to the implementation of the 2015 NAAQS in the previous ICR.

## **Supporting Statement A**

### **1. NEED AND AUTHORITY FOR THE COLLECTION**

*Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

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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, the EPA again strengthened the ozone NAAQS. Specifically, the EPA set the 8-hour primary and secondary ozone standards at 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, except for 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 the states 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 three different 8-hour ozone NAAQS are 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 the non-revoked 2008 and 2015 ozone NAAQS and the revoked 1997 ozone NAAQS. The burden estimates for implementing the three 8-hour ozone NAAQS are combined to determine the total burden for the ICR's 3-year period.

## **2. PRACTICAL UTILITY/USERS OF THE DATA**

*Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

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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 assessment of present controls on affected sources of emissions to see if they meet RACT requirements, and it determines 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.

Potentially regulated entities use this information to assess future emission reduction requirements and control measures.

### **3. USE OF TECHNOLOGY**

*Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

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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), which all states are registered with.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

*Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

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Three primary requirements 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 few areas subject to ongoing requirements to implement the revoked 1997 Ozone NAAQS and/or the 2008 Ozone NAAQS.

Other activities are covered by separate, existing ICRs that 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 NOx 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 the 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, it may complement them. For example, the emission reductions associated with the RFP SIP also contribute to the demonstration of attainment.

States are encouraged to build upon related analyses for federal emission-reducing rules and 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 consider 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 that achieve the 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).

## 5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

*If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.*

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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.

## 6. CONSEQUENCES OF LESS FREQUENT COLLECTION

*Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

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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.

## 7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with PRA Guidelines at 5 CFR 1320.5(d)(2).

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The associated reporting and recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR 1320.5(d)(2). This proposed renewal meets the current Paperwork Reduction Act guidelines set forth by OMB. The relevant ozone NAAQS implementation rules **do not require**:

- Report information to the Agency more often than quarterly;
- Respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- Respondents to submit more than an original and two copies of any document;
- Respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- Use of a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- Use of statistical data classification that has not been reviewed and approved by OMB;
- The inclusion of a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;
- Respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

## **8. PUBLIC COMMENT AND CONSULTATIONS**

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### **8a. Public Comment**

*If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.*

The EPA published a *Federal Register* notice on August 15, 2024 (89 FR 66382) that solicited comment on the 8 Hour Ozone NAAQS SIP Requirements Rule ICR Renewal. The EPA received one comment from the Texas Commission on Environmental Quality (TCEQ).

The TCEQ recommended that the burden for the State of Texas be at least 135,000 staff hours at a cost of approximately \$7.1 million to develop the SIP revisions and associated rules necessary to implement the eight-hour ozone NAAQS in the Dallas-Fort Worth, Houston-Galveston-Brazoria, and Bexar County nonattainment areas. TCEQ acknowledges the amount of work involved in SIP development varies from state to state; however, TCEQ recommends that the EPA consider the impacts of recent court rulings that may result in potential additional analyses and SIP revisions when estimating the costs for developing SIP revisions for the 8-hour ozone NAAQS.

At the onset of implementing the 8-hour ozone NAAQS, the EPA estimated that an average of 20,000 burden hours would be expended for Serious (and above) areas to develop the initial required SIP submissions to the EPA. This burden estimate was previously subject to notice and comment and approved by the Office of Management and Budget and has been used to estimate the entire burden for

attainment planning for the 8-hour ozone NAAQS. The EPA's methodology for estimating the average burden hours of an area reclassified to Serious assumes that the state has completed all of the required SIP submissions for Moderate areas, and thus the additional burden for a Serious classification is incremental to meeting previous requirements. The EPA's methodology for estimating the burden hours also considers a state's experience in meeting the same requirements for a previous ozone NAAQS. Similar to many other areas that were reclassified to Serious for 2015 Ozone in the EPA June 20, 2024, action, the Dallas, and Houston ozone nonattainment areas have been classified Serious for previous ozone NAAQS. Therefore, the EPA estimates the average burden hours would necessarily be significantly less than the full 20,000 hours estimated for a newly classified Serious area. The EPA assumes the state will build on and adjust the previous 2015 Ozone NAAQS Moderate area SIP submittal. Accordingly, the EPA reduced the estimated average burden from 20,000 total hours to initiate a complete Serious area SIP, to an average of 5,000 hours to revise an existing Moderate-area SIP after reclassification from Moderate to Serious. This would average about 1,666 hours annually over the 3-year period of this renewal. The 5,000 hours are intended to represent the burden on states to conduct the tasks associated with completing milestones covered during the ICR reporting period: the RACT SIP revisions, RFP SIP revisions and the attainment demonstration.

With regard to commenter's concerns that the burden estimated by the ICR is lower than the burden on Texas to implement the CAA requirements covered by this ICR, the burden estimated in this ICR represents an *average* burden across all states, considering all nonattainment areas to which the burden applies. Consequently, there are naturally going to be some states that have an actual burden that is higher than the average, as TCEQ notes in their comment, and some states that have a lower burden. These differences are likely based on the specific nature and degree of the ozone problem in each area, differences in controllable emission inventory, and program and personnel experience levels.

In addition, while the commenter requests that the EPA should consider the increased burden recent court rulings on burden estimates, the commenter did not provide any specific examples. The commenter did not provide any specific court cases, nor what specific burdens were potentially increased. During these ICR renewals, the EPA will account for new requirements that apply to sources as a result new statutory or regulatory requirements on ozone areas. These new or revised requirements might result from court cases potentially, but the EPA has not identified any new revised requirements as a result of court cases or otherwise, that would require the EPA to revise the burden estimates at this time.

The EPA notes that the burden of some tasks that are related to or provide a foundation for the attainment demonstration, RFP SIP revisions, and the RACT SIP revisions are collected as a result of reporting activities required by other OMB-approved ICRs. Therefore, this ICR does not account for those burdens. For example, see the ICR associated with the Consolidated Emissions Reporting Rule: <http://www.epa.gov/ttn/chief/cerr/index.html>. In addition, air pollutant concentration data is covered already by ICR 0940.30, OMB Control Number 2060-0084; the New Source Review provisions are covered by ICR 1230.34, OMB Control Number 2060-0003; and the Reformulated Gasoline Requirements are covered ICR 1591.27, OMB Control Number 2060-0277. A portion of the burden hours TCEQ identified may be accounted for in these and other ICRs.

The bulk of this ICR is related to the implementation requirements that apply to the 2015 and 2008 Ozone standards. The EPA last requested comments 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](#)).

#### **8b. Consultations**

*Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.*

The EPA solicited comments on the proposed and final SIP Requirements Rule for the 2015 8-hour NAAQS, including 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.

#### **9. PAYMENTS OR GIFTS TO RESPONDENTS**

*Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.*

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Not applicable.

#### **10. ASSURANCE OF CONFIDENTIALITY**

*Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.*

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

There are 27 nonattainment areas for the 2015 ozone standards and an additional 25 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 27 nonattainment areas result in 34 total responses from states, with 19 nonattainment areas currently classified as Moderate that could be reclassified to Serious, and thus subject to additional attainment planning requirements, if the areas fail to attain the NAAQS by the August 3, 2024, attainment date. The remaining 8 nonattainment areas are eligible or may become eligible during this ICR period for redesignation to attainment. The burden estimate for the 2008 NAAQS accounts for 6 nonattainment areas that have second maintenance plans

due and 19 nonattainment areas that are eligible or may become eligible for redesignation to attainment. When considering the nonattainment areas for the 2008 ozone standards comprised of portions of two or more states, the 25 nonattainment areas resulted in 32 total responses from states.

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.

## **11. JUSTIFICATION FOR SENSITIVE QUESTIONS**

*Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

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

## **12. RESPONDENT BURDEN HOURS & LABOR COSTS**

*Provide estimates of the hour burden of the collection of information. The statement should:*

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
  - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
  - *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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### **12a. Respondents/NAICS Codes**

Table 1 lists 19 nonattainment areas for the 2015 ozone NAAQS classified as Moderate that could be reclassified to Serious based on preliminary 2024 air quality data.<sup>1</sup> The Moderate classification has a statutory attainment date of August 3, 2024. EPA is required to determine within six months whether these areas attained the NAAQS by the attainment date. If an area fails to attain it will be reclassified as Serious, and a new Serious area SIP will become due<sup>2</sup>, which will likely be during the reporting period for

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<sup>1</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>2</sup> The SIP submission due dates for any reclassified 2015 ozone Serious nonattainment areas will be set forth in the reclassification action.

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 Serious. For the 19 nonattainment areas identified for which states would be required to develop and submit Serious area SIP revisions, there are three multi-state nonattainment areas, two of which require submission from three affected states and one from four. The analysis estimates the state burden to prepare an attainment demonstration for the Serious classification and submit an updated RFP and RACT SIP.

**Table 1. 2015 Ozone NAAQS Nonattainment Areas Classified as Moderate that are not meeting NAAQS based on preliminary air quality data as of April 2024.**

Area Name	Current Design Values as of 05/16/2022 (2019-2021)	Meets NAAQS Determination	EPA Region
Allegan County, MI	0.075	No	5
Baltimore, MD	0.072	No	3
Berrien County, MI	0.071	No	5
Chicago, IL-IN-WI	0.075	No	5
Cleveland, OH	0.072	No	5
Dallas-Fort Worth, TX	0.076	No	6
Denver Metro/North Front Range, CO	0.083	No	8
Greater Connecticut, CT	0.073	No	1
Houston-Galveston-Brazoria, TX	0.077	No	6
Las Vegas, NV	0.073	No	9
Mariposa County, CA	0.081	No	9
Milwaukee, WI	0.073	No	5
Muskegon County, MI	0.074	No	5
New York-Northern New Jersey-Long Island, NY-NJ-CT	0.082	No	1,2
Northern Wasatch Front, UT	0.078	No	8
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	0.071	No	2,3
Phoenix-Mesa, AZ	0.08	No	9
San Antonio, TX	0.073	No	6
Sheboygan County, WI	0.072	No	5

**Table 2. Numbers of Nonattainment Areas or Parts of Areas that Potentially Could Be Reclassified to Serious for 2015 ozone NAAQS by State and EPA Regional Office**

State	EPA Region	Nonattainment Areas (or
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		Portions of Areas) in State
Arizona	9	1
California	9	1
Colorado	8	1
Connecticut	1	2
Delaware	3	1
Illinois	5	1
Indiana	5	1
Maryland	3	2
Michigan	5	3
New Jersey	2	2
Nevada	9	1
New York	2	1
Ohio	5	1
Pennsylvania	3	1
Texas	6	3
Utah	9	1
Wisconsin	5	3

Table 3 lists the 52 nonattainment areas for the 2015 ozone standards and their current status. The analysis estimates the burden for only those states with actions due during this ICR 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>3</sup> For the 29 nonattainment areas identified for which states are required to develop and submit SIP revisions for implementing the 2015 ozone NAAQS, there are five multi-state nonattainment areas, each of which requires submission from multiple affected states. The states with areas classified Moderate or higher are subject to the attainment demonstration<sup>4</sup>, RACT SIP submission, and RFP SIP submission requirements. Therefore, the 20 Moderate areas that may be reclassified to Serious do not include those requirements in their estimates.

Other entities 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>5</sup>**

<sup>3</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.

<sup>4</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>5</sup> See <https://www3.epa.gov/airquality/greenbook/jbtc.html>, not all nonattainment areas are included in this ICR estimate as they don’t have SIP revisions coming due.

<b>Area Name</b>	<b>Current Status</b>	<b>Current Classification</b>
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Los Angeles-South Coast Air Basin, CA	Nonattainment	Extreme
San Joaquin Valley, CA	Nonattainment	Extreme
Los Angeles-San Bernardino Counties (West Mojave Desert), CA	Nonattainment	Severe 15
Riverside County (Coachella Valley), CA	Nonattainment	Severe 15
San Diego County, CA	Nonattainment	Severe 15
Kern County (Eastern Kern), CA	Nonattainment	Serious
Morongo Band of Mission Indians, CA	Nonattainment	Serious
Nevada County (Western part), CA	Nonattainment	Serious
Sacramento Metro, CA	Nonattainment	Serious
Ventura County, CA	Nonattainment	Serious
Allegan County, MI <sup>6</sup>	Nonattainment	Moderate
Baltimore, MD <sup>10</sup>	Nonattainment	Moderate
Berrien County, MI <sup>10</sup>	Nonattainment	Moderate
Chicago, IL-IN-WI <sup>10</sup>	Nonattainment	Moderate
Cincinnati, OH-KY <sup>7</sup>	Maintenance	Moderate
Cleveland, OH <sup>10</sup>	Nonattainment	Moderate
Dallas-Fort Worth, TX <sup>10</sup>	Nonattainment	Moderate
Denver Metro/North Front Range, CO <sup>10</sup>	Nonattainment	Moderate
Detroit, MI <sup>8</sup>	Maintenance	Moderate
Greater Connecticut, CT <sup>10</sup>	Nonattainment	Moderate
Houston-Galveston-Brazoria, TX <sup>10</sup>	Nonattainment	Moderate
Las Vegas, NV	Nonattainment	Moderate
Louisville, KY-IN <sup>10</sup>	Nonattainment	Moderate
Mariposa County, CA <sup>10</sup>	Nonattainment	Moderate
Milwaukee, WI <sup>10</sup>	Nonattainment	Moderate
Muskegon County, MI <sup>10</sup>	Nonattainment	Moderate
New York-Northern New Jersey-Long Island, NY-NJ-CT	Nonattainment	Moderate
Northern Wasatch Front, UT <sup>10</sup>	Nonattainment	Moderate
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation <sup>10</sup>	Nonattainment	Moderate

<sup>6</sup> Was redesignated from Marginal to Moderate in 87 FR 60897, effective date November 7, 2022. Once reclassified as Moderate, these areas will be required to attain the standard “as expeditiously as practicable” but no later than 6 years after the initial designation as nonattainment, which in this case would be no later than August 3, 2024.

<sup>7</sup> On November 3, 2023 the Northern Kentucky portion of the Cincinnati, OH-KY 2015 8-Hour Ozone nonattainment area was redesignated to attainment, 88 FR 68471

<sup>8</sup> On May 19, 2023, the Detroit, MI 2015 8-Hour Ozone nonattainment area was redesignated to attainment, 88 FR 32594.

Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE <sup>10</sup>	Nonattainment	Moderate
Phoenix-Mesa, AZ <sup>10</sup>	Nonattainment	Moderate
San Antonio, TX <sup>10</sup>	Nonattainment	Moderate
Sheboygan County, WI <sup>10</sup>	Nonattainment	Moderate
St. Louis, MO-IL <sup>10</sup>	Nonattainment	Moderate
Washington, DC-MD-VA <sup>10</sup>	Nonattainment	Moderate
Amador County, CA	Nonattainment	Marginal
Atlanta, GA <sup>9</sup>	Maintenance	Marginal
Butte County, CA	Nonattainment	Marginal
Calaveras County, CA	Nonattainment	Marginal
Cincinnati, OH-KY <sup>10</sup>	Maintenance	Marginal
Columbus, OH <sup>11</sup>	Maintenance	Marginal
El Paso-Las Cruces, TX-NM	Nonattainment	Marginal
Imperial County, CA	Nonattainment	Marginal
Louisville, KY-IN <sup>12</sup>	Maintenance	Marginal
Manitowoc County, WI <sup>13</sup>	Maintenance	Marginal
San Francisco Bay Area, CA	Nonattainment	Marginal
San Luis Obispo (Eastern part), CA	Nonattainment	Marginal
Southern Wasatch Front, UT	Nonattainment	Marginal
Sutter Buttes, CA	Nonattainment	Marginal
Tuolumne County, CA	Nonattainment	Marginal
Uinta Basin, UT	Nonattainment	Marginal
Yuma, AZ	Nonattainment	Marginal
Door County, WI <sup>14</sup>	Maintenance	Marginal (Rural Transport)
Door County-Revised, WI <sup>15</sup>	Maintenance	Marginal (Rural Transport)
Tuscan Buttes, CA	Nonattainment	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 parts of Pennsylvania,

<sup>9</sup> On November 7, 2023 the Atlanta, GA 2015 8-Hour Ozone nonattainment area was redesignated to attainment, 87 FR 35104.

<sup>10</sup> On June 9, 2022 the Ohio Portion of the Cincinnati, OH-KY 2015 8-Hour ozone nonattainment area was redesignated to attainment, 87 FR 35104.

<sup>11</sup> On August 21, 2019 the Columbus, OH 2015 8-Hour ozone nonattainment area was redesignated to attainment, 84 FR 43508

<sup>12</sup> On July 5, 2022 the Indiana portion of the Louisville, IN-KY 2015 8-Hour ozone nonattainment area was redesignated to attainment, 87 FR 39750.

<sup>13</sup> On February 2, 2022 the Manitowoc, WI 2015 8-Hour ozone nonattainment area was redesignated to attainment, 87 FR 5438

<sup>14</sup> On June 10, 2020, The Newport State Park Area in Door County, WI, 2015 8-Hour Ozone Nonattainment area was redesignated to attainment, 85 FR 35377.

<sup>15</sup> On April 29, 2022 the Revised Door County, WI (Partial) 2015 8-Hour ozone nonattainment area was redesignated to attainment, 87 FR 25410.

Maryland, New Jersey, and Delaware. Pennsylvania, Maryland, and Delaware are in EPA Region 3 jurisdiction, 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 SIP revisions due and portions in multiple states, EPA anticipates 34 total responses from the states 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.

**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 8 nonattainment areas for the 2015 Ozone NAAQS currently eligible or expected to be eligible for redesignation to attainment during this ICR period. Accordingly, this analysis estimates the burden for each state in Table 5 to prepare and submit the SIP revisions required for their respective redesignation to attainment request.

**Table 5. 2015 Ozone NAAQS Nonattainment Areas Eligible (or Expected to be Eligible) to Submit a Redesignation to Attainment Request.**

Area Name	Current Classification	Preliminary 2021 - 2023 Design Value	Meets NAAQS Determination
Amador County, CA	Marginal	0.067	Yes
Butte County, CA	Marginal	0.07	Yes
Calaveras County, CA	Marginal	0.07	Yes
Kern County (Eastern Kern), CA	Serious	0.064	Yes
San Francisco Bay Area, CA	Marginal	0.07	Yes
San Luis Obispo (Eastern part), CA	Marginal	0.07	Yes
Tuolumne County, CA	Marginal	0.068	Yes
Yuma, AZ	Marginal	0.067	Yes

Table 6 lists 19 nonattainment areas for the 2008 Ozone NAAQS currently eligible or expected to be eligible for redesignation to attainment during this ICR period. Accordingly, this analysis estimates the burden for each state in Table 6 to prepare and submit the SIP revisions required for their respective redesignation to attainment request. For this analysis, we based our burden estimate on the assumption that there will be 23 state portions associated with 19 nonattainment areas for which states may need to develop redesignations to attainment requests.

**Table 6. 2008 Ozone NAAQS Nonattainment Areas Eligible (or Expected to be Eligible) to Submit a Redesignation to Attainment Request.**

Area Name	Current Classification	Preliminary 2021 - 2023 Design Value	Meets NAAQS Determination
Allentown-Bethlehem-Easton, PA	Marginal	.067	Yes
Baltimore, MD	Moderate	.073	Yes
Calaveras County, CA	Marginal	.066	Yes
Chico (Butte County), CA	Marginal	.067	Yes
Dukes County, MA	Marginal	.067	Yes
Greater Connecticut, CT	Serious	.073	Yes
Jamestown, NY	Marginal	.069	Yes
Kern County (Eastern Kern), CA	Sever 15	.064	Yes
Lancaster, PA	Marginal	.064	Yes
Mariposa County, CA	Moderate	.073	Yes
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	Marginal	.073	Yes
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	Marginal	.073	Yes
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	Marginal	.073	Yes
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	Marginal	.073	Yes
Pittsburgh-Beaver Valley, PA	Marginal	.067	Yes
Reading, PA	Marginal	.069	Yes
San Francisco Bay Area, CA	Marginal	.070	Yes
San Luis Obispo (Eastern San Luis Obispo), CA	Marginal	.070	Yes
Seaford, DE	Marginal	.062	Yes
Tuscan Buttes, CA	Marginal	.071	Yes
Upper Green River Basin Area, WY	Marginal	.068	Yes
Ventura County, CA	Serious	.075	Yes

Table 7 lists the states with 2008 NAAQS maintenance areas required to submit a SIP revision in the form of a second 10-year maintenance plan. The second maintenance plan SIP revisions are due 8 years after the effective date of the first maintenance plan approval by the EPA. The SIP submission due dates fall during the 3 years this proposed ICR renewal covers (January 2025 to January 2028).

**Table 7. 2008 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, GA	6/2/2017	6/2/2025
LA	Baton Rouge	3/21/2017	3/21/2025
IN	Cincinnati, IN-KY	4/7/2017	4/7/2025
KY	Cincinnati, IN-KY	7/5/2017	7/5/2025
OH	Cleveland-Akron-Lorain, OH	1/6/2017	1/6/2025
IL	St. Louis-St. Charles-Farmington, IL-MO	3/1/2018	3/1/2026
MO	St. Louis-St. Charles-Farmington, IL-MO	9/20/2018	9/20/2026
DC	Washington, DC-MD-VA	8/15/2019	8/15/2027
MD	Washington, DC-MD-VA	5/15/2019	5/15/2027
VA	Washington, DC-MD-VA	5/15/2019	5/15/2027

## 12b. 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 ICR 0940-22, OMB Control Number 2060-0084; the New Source Review provisions are covered by ICR 1230.23, OMB Control Number 2060-003; and the Reformulated Gasoline Requirements are covered ICR 1591.24, OMB Control Number 2060-0277.

States may use other data. For example, they may identify economic and population growth rates, federal rules that reduce future emissions of ozone precursors, and meteorological data. These data are currently available.

## 12c. Respondent Activities

**States:** State agencies’ activities include:<sup>16</sup>

<sup>16</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.

- Forecast baseline emissions, develop and evaluate emission reduction strategies where warranted, and 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, and determine additional emissions reductions and compliance timing to meet RFP requirements. Draft findings, hold state hearings, and make revisions as warranted. Submit RFP SIP to the EPA Regional office. Have discussions with the EPA.
- Identify RACT applicable sources and their control measures under baseline and attainment conditions and evaluate alternatives. Draft findings, hold state hearings, and make revisions as warranted. Submit RACT SIP to the EPA Regional Office. Have discussions with the EPA.
- Develop a maintenance plan, including projected emissions inventory and modeled maintenance demonstration. Hold state hearings and make revisions as warranted. Submit the plan to the EPA regional office and discuss it with the EPA.

The states will compile and reference the data, set forth the methodology, conduct analyses, develop initial drafts, hold hearings, adopt rules, regulations, and programs, discuss 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 them to EPA.

#### **12d. Respondent Burden Hours and Labor Costs**

The estimated respondent burden is associated with the activities that result in the attainment demonstration, RFP SIP submission, RACT SIP submission, redesignation to attainment, 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 three years of designation under baseline conditions; and
- Some areas may fulfill the RFP requirement because of creditable emissions reductions resulting from federal rules that reduce ozone precursor emissions.

**2008 Ozone NAAQS.** As of April 2024, there were 19 nonattainment areas, 25 total respondents, that are eligible or may be eligible for redesignation to attainment for the 2008 ozone NAAQS. It is the responsibility of the state to request redesignation to attainment. During the ICR renewal period, we anticipate that one Severe-15, two Serious, two Moderate, and fourteen Marginal areas with one multi-state area may attain the 2008 Ozone NAAQS. These 25 areas are listed in Table 6. The EPA estimates an additional state burden of 1,000 hours per area (or state portion of each area) to develop and submit the redesignation request, and these estimates are consistent with estimates from previous ICRs.

**2008 Second MPs.** Additionally, 6 nonattainment areas, 3 multi-state areas, and 10 states total have second maintenance plans due during this ICR period. The EPA is estimating an additional state burden of 100 hours per area (or state portion of each area) to develop and submit second maintenance plans.

**2015 Ozone NAAQS.** As of April 2024, 19 nonattainment areas were classified as Moderate for the 2015 Ozone NAAQS. We anticipate that 26 state portions of those nonattainment areas may fail to attain the 2015 ozone standard by the Moderate attainment date of August 3, 2024. Those areas that fail to attain by the attainment date will be reclassified as Serious, and those states will be responsible for developing Serious area plans. Table 1 lists these areas, most of which have been working to improve ozone air quality for several years 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.

In addition, 8 nonattainment areas across 8 states are eligible or may become eligible for redesignation to attainment for the 2015 ozone NAAQS; it is the responsibility of each state to request redesignation to attainment. During the ICR renewal period, we anticipate that 1 Serious and 7 Marginal nonattainment areas may attain the 2015 Ozone NAAQS. These 8 areas are listed in Table 5. The EPA estimates an additional state burden of 1,000 hours per area (or state portion of each area) to develop and submit the redesignation request, and these estimates are consistent with estimates from previous ICRs.

**Combined Estimated Burden.** Because of the front-loaded state burden to develop SIP revisions, redesignation requests, and second maintenance plans, states often spend 50% of the total estimated incremental burden in the 1<sup>st</sup> year and 25% in 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 SIP revisions due from states for all of the listed 8-hour ozone requirements. Including 2015 NAAQS Moderate to Serious reclassification, 2008 NAAQS second maintenance plans, and Affected States to Request Redesignation to Attainment.**

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
AZ	9	2	3,000	1,500	1,500
CA	9	16	10,000	5,000	5,000
CO	8	1	2,500	1,250	1,250
CT	1	3	5,500	2,750	2,750
DC	1	1	50	25	25
DE	3	3	3,500	1,750	1,750
GA	4	1	50	25	25
IL	5	2	2,550	1,275	1,275
IN	5	2	2,550	1,275	1,275
KY	4	1	50	25	25

LA	6	1	50	25	25
MA	1	1	500	250	250
MD	3	5	6,050	3,025	3,025
MI	5	3	7,500	3,750	3,750
MO	7	1	50	25	25
NJ	2	3	5,500	2,750	2,750
NV	9	1	2,500	1,250	1,250
NY	2	2	3,000	1,500	1,500
OH	5	2	2,550	1,275	1,275
PA	3	6	5,000	2,500	2,500
TX	6	3	7,500	3,750	3,750
UT	8	1	2,500	1,250	1,250
VA	3	1	50	25	25
WI	5	3	7,500	3,750	3,750
WY	8	1	500	250	250
<b>Totals</b>		<b>66</b>	<b>80,500</b>	<b>40,250</b>	<b>40,250</b>

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 result from estimated directed and indirect costs 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 \$53.54 per hour, based on the summation of the professional, managerial, and support staff components.

- Hourly equivalent 2024 Salary of Permanent Professional Staff at GS 11, Step 3 is \$44.38. These are the average 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 \$60.25. The 9.1 percent estimate of that is \$5.48.
- 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 \$29.52. The 12.5 percent estimate of that is \$3.69.

The estimated hourly indirect cost per employee is \$31.05. This amount is the sum of the following:

- Benefits at 16% of the weighted direct hourly equivalent salary cost per employee or \$8.57.
- Sick and annual leave at 10% of the weighted direct hourly equivalent salary cost per employee or \$5.35.
- General overhead at 32% of the weighted direct hourly equivalent salary cost per employee or \$17.13.

The estimated total weighted direct and indirect hourly equivalent salary cost per employee is \$84.60. Table 9 provides the estimated total incremental respondent burden for states to submit the required SIP revisions during the ICR period.

**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
66	\$6,810,300	\$3,405,150	\$3,405,150	161,000

### 13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Not applicable.

### 14. AGENCY COSTS

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

#### 14a. Agency Activities

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

- Answering inquiries put forth by the states.
- Review data, analysis, 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 the application and interpretation of salient rule provisions.

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.

#### **14b. Agency Labor 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 and reviewed by regional office staff. Subsequent refinement of the Agency burden and cost estimates is based on "rules of thumb" for estimating time spent reviewing and processing 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 the total incremental respondent burden by the EPA regional office and provides estimates of the total incremental agency regional office burden. The summary of the 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 respondents by the EPA regional office except for the Tribal area in Region 9. The EPA Region 9 will develop the SIP requirements for the Tribal nonattainment area. Table 10 has a separate line item for the Region 9 respondent burden for the Tribal area, with 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 7,950, 7,950, and 5,300, 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	12,100	605	303	303
2	17,000	850	425	425
3	29,200	1,460	730	730
4	200	10	5	5
5	45,300	2,265	1,133	1,133
6	15,100	755	378	378
7	100	5	3	3
8	11,000	550	275	275
9	31,000	1,550	775	775
10	0	0	0	0
R9 tribal areas		0	0	0
<b>Grand Total</b>	<b>161,000</b>	<b>8,050</b>	<b>4,025</b>	<b>4,025</b>

**Agency Headquarters Burden.** The Regional Office burden estimates for years 1, 2, and 3 are the State respondents' total multiplied by 10% to estimate the Headquarters burden for the same 3 years. The resulting hours for year 1 are 1,060 and 530 for years 2 and 3.

**Total Incremental Burden for the Agency.** The regional and headquarters office burden estimate for year 1 is 11,660 hours. The estimates for years 2 and 3 are 5830 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	\$681,030.00	\$340,515.00	\$340,515.00
Headquarters Office	\$68,103.00	\$34,051.50	\$34,051.50
Total Agency Cost	\$749,133.00	\$374,566.50	\$374,566.50

## **15) REASONS FOR CHANGE IN BURDEN**

*Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.*

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There is a decrease in the annual burden of 65,466 hours below the 119,133 hours estimated from the last approved ICR for 8-hour ozone NAAQS implementation. The primary reason for this decrease is that the previous ICR accounted for some respondents continuing to submit information for the 2008 NAAQS, respondents continuing to report on the revoked 1997 NAAQS, and respondents submitting initial information for all 52 nonattainment areas for the 2015 NAAQS. For this reason, it is difficult to compare the prior 2008 NAAQS, 1997 NAAQS, and initial 2015 NAAQS burden estimate directly to this combined 2008/2015 NAAQS estimate. The estimates provided in this supporting statement differ from the prior 2015/2008/1997 combined NAAQS estimate due to the following.

- A decrease resulting from the total state respondents reduced from 96 NAAs for the 2015/2008/1997 ozone NAAQS to 66 NAAs for the combined 2008 and 2015 ozone NAAQS.
- A decrease resulting from the previous ozone ICR included 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. A burden estimate that is not duplicated in this ICR.
- A decrease because the previous ozone ICR included the burden estimate for the states to develop second 10-year maintenance plans for the 1997 8-Hour ozone. No 1997 8-hour ozone second maintenance plans were due during this ICR period.
- A decrease resulting from no 2008 8-hour ozone NAAQS needing to be reclassified to a higher class. Compared to the previous ICR, where 8 Serious NAAs were reclassified as Severe-15.

## **16) PUBLICATION OF DATA**

*For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

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Not applicable.

## **17) DISPLAY OF EXPIRATION DATE**

*If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

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Not applicable.

## **18) CERTIFICATION STATEMENT**

*Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

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Not applicable.

