U.S. Environmental Protection Agency

Information Collection Request

TITLE: Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington (Renewal)

OMB CONTROL NUMBER: OMB Control Number 2060-0558

EPA ICR NUMBER: 2020.09

ABSTRACT:

In 2005, the U.S. Environmental Protection Agency (EPA) promulgated Federal Implementation Plans (FIPs) under the Clean Air Act (CAA or the Act) for Indian reservations located in Idaho, Oregon and Washington. The FIPs include basic air quality regulations to protect health and welfare on Indian reservations located in the Pacific Northwest. These rules are implemented by EPA and delegated to Tribes. The Office of Management and Budget (OMB) approved an Information Collection Request (ICR) titled "Federal Implementation Plans Under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington," on November 16, 2004, and approved renewals on May 23, 2008, August 3, 2011, March 16, 2015, August 31, 2018, and November 20, 2024. This ICR is a renewal of the November 2024 ICR and presents updated burden estimates for respondents to comply with various FIP provisions required by 40 CFR Part 49, Subpart M Implementation Plans for Tribes - Region 10.

The CAA establishes requirements for state and local air agencies (S/Ls) to implement the CAA through State Implementation Plans (SIPs). Since the 1990 CAA amendments, EPA is clearly on record that, absent explicit Congressional authorization, the S/L requirements (e.g., SIPs) approved by EPA under the CAA do not extend into Indian reservations. EPA has promulgated FIPs as an important step to help fill the regulatory gap on Indian reservations in Idaho, Oregon, and Washington. EPA does not intend, nor does it expect, the FIPs to impose significantly different regulatory burdens upon industry or residents within reservations than those imposed by the rules of S/Ls in their SIPs.

Prior to 1990, the CAA was almost completely without any reference to American Indian Tribes or Indian reservation lands. Therefore, the S/Ls had generally implemented their programs throughout their designated land area, including reservation lands. In most cases, sources located on Indian reservations complied with S/L rules, and most industrial sources installed or upgraded air pollution control equipment to comply with the S/L rules. Therefore, EPA has found that most sources affected by the FIPs already had sufficient control equipment to enable them to attain and maintain compliance with these FIPs.

ICR Revisions for the Renewal

The ICR has been updated to reflect updated wage rates, new information about the number of air pollution sources on the affected Indian reservations, supersedence of the provisions of one rule, and

better burden and cost estimates based on both experience implementing the rule and knowledge gained through respondent consultations.

Summary of the FIP Rules

The rules are presented in the two categories as follows and are discussed in more detail below:

Rules for which an ICR has been prepared include:

Section 49.122. Partial delegation of administrative authority to a Tribe

Section 49.124. Visible emissions

Section 49.126. Fugitive particulate matter

Section 49.130. Sulfur content of fuels

Section 49.131. Open burning

Section 49.132. General open burning permits[1]

Section 49.133. Agricultural burning permits[1]

Section 49.134. Forestry and silvicultural burning permits[1]

Section 49.135. Emissions detrimental to public health or welfare

Section 49.138. Registration of air pollution sources and reporting of emissions

Section 49.139. Rule for non-title V operating permits

Rules for which an ICR was not prepared include (see rationale below):

Section 49.123. General provisions

Section 49.125. Particulate matter

Section 49.127. Woodwaste burners[1]

Section 49.128. Particulate matter emissions from wood products industry sources[1]

Section 49.129. Sulfur dioxide

Section 49.137. Air pollution episodes

[1] These rules were promulgated only on reservations where EPA, in consultation with the Tribes, determined they are appropriate. There are three reservations for which EPA has determined that at least one of the additional rules is appropriate. EPA promulgated all five additional rules for the Nez Perce Reservation, three additional rules for the Confederated Tribes of the Umatilla Reservation (49.132, 49.133, 49.134), and two additional rules for the Confederated Tribes of the Colville Reservation (49.127, 49.128).

Rules – for which an ICR has been Prepared

As outlined above, an ICR has been prepared for 11 of the 17 FIP rules. These sections represent 11 individual information collection (IC) activities and are described below.

Section 49.122 - Partial delegation of administrative authority to a Tribe. Section 49.122 establishes a process for EPA to delegate to a Tribal government the authority to assist EPA in administering one or more of the Federal rules that have been promulgated for the Tribe's reservation. This provision sets out the process a Tribe must follow to request a partial delegation, how that delegation will be accomplished, and how the public and regulated sources will be informed of the delegation. This provision allows EPA to delegate distinct and severable Federal regulations to a qualified Tribe for implementation, without requiring a Tribe to take on all aspects of the Federal air regulations. Nothing in these rules requires EPA to delegate administrative authorities to Tribes. Under a partial delegation agreement, EPA would authorize a Tribal government to administer specific functions of one or more of the rules, with Tribal government employees acting as authorized representatives of EPA and with the oversight of EPA staff. Any challenges to an action will be handled directly by EPA, and any formal appeals or enforcement actions will proceed under EPA's administrative and civil judicial procedures.

Section 49.124 - Visible emissions. Section 49.124 establishes that visible emissions from air pollution sources may not exceed 20 percent opacity, averaged over six consecutive minutes, as measured by EPA Method 9. This section does not apply to certain sources, such as: open burning; agricultural activities; forestry and silvicultural activities; non-commercial smoke houses; sweat houses or lodges; smudge pots; furnaces and boilers used exclusively to heat residential buildings with four or fewer units; fugitive dust from public roads owned or maintained by any Federal, Tribal, State, or local government; and fuel combustion in mobile sources. The visible emissions from an oil-fired boiler or solid fuel-fired boiler that continuously measures opacity with a continuous opacity monitoring system (COMS) may exceed the 20 percent opacity limit during start-up, soot-blowing, and grate-cleaning for a single period of up to 15 consecutive minutes in any eight consecutive hours, but must not exceed 60 percent opacity at any time.

Section 49.126 - Fugitive particulate matter. This section requires the owner or operator of any source of fugitive particulate matter (PM) emissions to take all reasonable precautions to prevent fugitive PM emissions and to maintain and operate the source to minimize these emissions. A person subject to this section is required to annually survey the air pollution source to determine if there are sources of fugitive PM emissions, determine and document in a written plan the reasonable precautions that will be taken to prevent fugitive PM emissions, including appropriate monitoring, recordkeeping, and reporting, and then implement the plan. For new sources and new operations, including those at an existing air pollution source, a survey must be conducted within 30 days after commencing operation. For construction and demolition activities, the written plan must be prepared prior to commencing construction or modification. This section does not apply to open burning, agricultural activities, forestry and silvicultural activities, sweat houses or lodges, non-commercial smoke houses, public roads owned or maintained by any Federal, Tribal, State, or local government, or activities associated with single-family residences or residential buildings with four or fewer dwelling units.

Section 49.130 - Sulfur content of fuels. This section applies to any person who sells, distributes, uses, or makes available for use, any fuel oil, liquid fuel, coal, solid fuel, or gaseous fuel on Indian reservations. This section restricts the sulfur content of those types of fuels. Gasoline and diesel fuels, such as automotive or marine diesel fuel, regulated by EPA under 40 CFR Part 80, are exempt from this section. A person subject to this section must demonstrate compliance through recordkeeping and/or continuous monitoring or sampling. The owner or occupant of a single-family residence and the owner or manager of a residential building with four or fewer units is not subject to the sulfur content recordkeeping requirements if the furnace fuel is purchased from a licensed fuel distributor.

Section 49.131 - Open burning. This section prohibits certain materials from being openly burned and describes the practices a person subject to this section must follow in conducting an open burn. Under this section, a number of materials may not be openly burned, such as: garbage, dead animals, junked motor vehicles, tires or rubber materials, plastics, plastic products, styrofoam, asphalt or composition roofing, tar, tarpaper, petroleum products, paints, paper or cardboard other than what is necessary to start a fire or that is generated at a single-family residence or residential building with four or fewer dwelling units and is burned at the residential site, lumber or timbers treated with preservatives, construction debris or demolition waste, pesticides, herbicides, batteries, light bulbs, hazardous wastes, or any material other than natural vegetation that normally emits dense smoke or noxious fumes when burned (see actual rule language for a complete list). The following situations are generally exempted from this section: fires set for cultural or traditional purposes, including fires within structures such as sweat houses or lodges; fires set for recreational purposes, provided that no prohibited materials are burned; with prior permission from the Regional Administrator, open outdoor fires used by qualified personnel to train firefighters in the methods of fire suppression and fire-fighting techniques, provided that these fires are not allowed to smolder after the training session has terminated; with prior permission from the Regional Administrator, one open outdoor fire each year to dispose of fireworks and associated packaging materials; and open burning for the disposal of diseased animals or other material by order of a public health official. All open burning, except for cultural and traditional purposes, is prohibited if the Regional Administrator declares a burn ban due to deteriorating air quality or the Regional Administrator issues an air stagnation advisory or declares an air pollution alert, air pollution warning, or air pollution emergency.

Section 49.132 - General open burning permits. Any person who wants to conduct an open burn on the Nez Perce Reservation or the Umatilla Indian Reservation must: 1) obtain a permit for each open burn; 2) have the permit available on-site during the open burn; 3) conduct the open burn in accordance with the terms and conditions of the permit; and 4) comply with the General rule for open burning (§ 49.131) or the EPA-approved Tribal open burning rules in a Tribal Implementation Plan (TIP), as applicable. The following activities are exempt: fires set for cultural or traditional purposes, including fires within structures such as sweat houses or lodges; fires for recreational purposes, provided that no prohibited materials are burned; forestry and silvicultural burning (forestry and silvicultural burning is covered under § 49.134 Rule for forestry and silvicultural burning permits); and agricultural burning (agricultural burning is covered under § 49.133 Rule for agricultural burning permits). The Regional Administrator will take into consideration relevant factors including, but not limited to, the size, duration, and location of the proposed open burn, the current and projected air quality conditions, forecasted meteorological conditions, and other scheduled burning activities in the surrounding area in determining whether to issue the permit. The Nez Perce and Umatilla Tribes have partial delegation

from EPA to implement this rule on their respective reservations. The burn permit programs under the FIPs became effective on the Nez Perce Reservation on June 7, 2005, and on the Umatilla Indian Reservation on January 1, 2007.

Section 49.133 - Agricultural burning permits. Any person who wants to conduct an agricultural burn on the Nez Perce Reservation or the Umatilla Indian Reservation must: 1) apply for a permit to conduct an agricultural burn; 2) obtain approval of the permit on the day of the burn; 3) have the permit available on-site during the agricultural burn; and 4) conduct the burn in accordance with the terms and conditions of the permit. This agricultural burning permit program is a smoke management program under which final approvals to conduct burns are given on a daily basis. Prior to the requested burn days, farmers will have received preliminary permits that are effective only after the daily approvals are given. This rule provides EPA and the delegated Tribes the flexibility to implement smoke management programs that, on a day-to-day operational basis, resemble those of neighboring jurisdictions or represent a typical program. All burning activities must also comply with the General rule for open burning (§ 49.131) or the EPA-approved Tribal open burning rules in a TIP, as applicable.

The Nez Perce and Umatilla Tribes have partial delegation from EPA to implement this rule on their respective reservations. As with the general open burning permit rule and forestry and silvicultural burning permit rule at §§ 49.132 and 49.134, the agricultural burn permit programs under the FIPs became effective on the Nez Perce Reservation on June 7, 2005, and on the Umatilla Indian Reservation on January 1, 2007. Prior to the implementation of the FIPs, EPA and the Nez Perce Tribe had been operating under an intergovernmental agreement with the Idaho Department of Environmental Quality and the Idaho State Department of Agriculture to manage agricultural field burning in the Clearwater airshed.

Section 49.134 - Forestry and silvicultural burning permits. Any person who wants to conduct a forestry or silvicultural burn on the Nez Perce Reservation or the Umatilla Indian Reservation must: 1) apply for a permit to conduct a forestry or silvicultural burn; 2) obtain approval of the permit on the day of the burn; 3) have the permit available on-site during the forestry or silvicultural burn; and 4) conduct the burn in accordance with the terms and conditions of the permit. This forestry and silvicultural burning permit program is a smoke management program under which final approvals to conduct burns are given on a daily basis. Prior to the requested burn days, landowners will have received preliminary permits that are effective only after the daily approvals are given. The rule provides EPA and delegated Tribes the flexibility to implement smoke management programs that, on a day-to-day operational basis, resemble those of neighboring jurisdictions or represent a typical program. All burning activities must also comply with the General rule for open burning (§ 49.131) or the EPA-approved Tribal open burning rules in a TIP, as applicable.

The Nez Perce and Umatilla Tribes have partial delegation from EPA to implement this rule on their respective reservations. As with the general open burning permit and agricultural burning permit rules at §§ 49.132 and 49.133, the forestry and silvicultural burn permit programs under the FIPs became effective on the Nez Perce Reservation on June 7, 2005, and on the Umatilla Indian Reservation on January 1, 2007.

Section 49.135 - Emissions detrimental to public health or welfare. Under § 49.135, an owner or operator of an air pollution source is not allowed to cause or allow the emission of any air pollutants, in sufficient quantities and of such characteristics and duration, that the Regional Administrator determines causes or contributes to a violation of any NAAQS; or is presenting an imminent and substantial endangerment to public health or welfare, or the environment. If the Regional Administrator makes such a determination under § 49.135, the Regional Administrator may require the source to install air pollution controls or to take reasonable precautions to reduce or prevent the emissions. The specific requirements would be established in a permit.

Section 49.138 - Registration of air pollution sources and reporting of emissions. Any person who owns or operates an air pollution source, except those expressly exempted from this section, will be required to annually register the source with EPA and report emissions. A person subject to this section was required to register an existing air pollution source by February 15, 2007. A new air pollution source that is not exempt must register within 90 days after beginning operation. A new air pollution source is defined as a source that begins actual construction after the effective date of this rule (June 7, 2007), and an existing air pollution source is a source that exists as of the effective date of this rule or has begun actual construction before the effective date of this rule. Sources must re-register each year and provide updates on any changes to the information provided in the previous registration. In addition, a person must promptly report any changes in ownership, location, or operation. All registration information and reports must be submitted on forms provided by the Regional Administrator. The following sources are exempt from this section, unless the source is subject to a standard established under section 111 or section 112 of the CAA: air pollution sources that do not have the potential to emit more than two tons per year of any air pollutant; mobile sources; single-family residences and residential buildings with four or fewer units; air conditioning units used for human comfort that do not exhaust air pollutants into the atmosphere from any manufacturing or industrial process; ventilating units used for human comfort that do not exhaust air pollutants into the atmosphere from any manufacturing or industrial process; furnaces and boilers used exclusively for space heating with a rated heat input capacity of less than 400,000 British thermal units (Btu) per hour; cooking of food, except for wholesale businesses that both cook and sell cooked food; consumer use of office equipment and products; janitorial services and consumer use of janitorial products; maintenance and repair activities, except for air pollution sources engaged in the business of maintaining and repairing equipment; agricultural activities and forestry and silvicultural activities, including agricultural burning and forestry and silvicultural burning; and open burning. Sources subject to a standard established under section 111 or section 112 of the CAA must register with EPA.

Section 49.139 - Rule for non-title V operating permits. This section creates a permitting program that can be used to establish federally-enforceable requirements for air pollution sources on Indian reservations. This section was specified to apply in the following three situations: 1) the owner or operator of any source wishes to obtain a federally-enforceable limitation on the source's actual emissions or potential to emit and submits an application to the Regional Administrator requesting such a limitation; 2) the Regional Administrator determines that additional federally-enforceable requirements for a source are necessary to ensure compliance with the FIP or, if applicable, TIP; or 3) the Regional Administrator determines that additional federally-enforceable requirements for a source are necessary to ensure the attainment and maintenance of any National Ambient Air Quality Standard (NAAQS) or Prevention of Significant Deterioration (PSD) increment. In these three situations,

the rule specifies that the Regional Administrator may write the operating permit, following the consultation and public comment procedures described in this section. Also note that under this provision, a source that would require a part 71 Federal operating permit only because it is currently a major stationary source may obtain an operating permit under this section that limits its potential to emit to below major source thresholds so that the source is not subject to part 71. On July 1, 2011 (76 FR 38748), EPA promulgated the Federal New Source Review (NSR) Program for Indian country. This program provides a mechanism for the owner or operator of an air pollution source in Indian country to obtain a limit on actual emissions or potential to emit. These nationwide rules supersede the § 49.139 rule for an owner-requested limit.

Rules - ICR Not Prepared and Rationale for not preparing ICR

Section 49.123 - General provisions. This section includes definitions of the terms used in these rules, as well as general provisions regarding requirements for emission testing, monitoring, recordkeeping, reporting, the use of credible evidence in compliance certifications and for establishing violations, and the incorporation by reference of American Society for Testing and Materials (ASTM) methods referenced in this rulemaking. There are no reporting and recordkeeping requirements in addition to what was already mentioned.

Rationale for not preparing ICR. The general provisions are implemented through other statutes and rules such as Section 114 of the Clean Air Act and various permitting regulations[2] and do not have any regulatory effect themselves.

Section 49.125 - Particulate matter. This section establishes that PM emissions from combustion sources (except for wood-fired boilers), process sources, and other sources may not exceed an average of 0.23 grams per dry standard cubic meter (0.1 grains per dry standard cubic foot), corrected to 7 percent oxygen (for combustion sources), during any three-hour period. PM emissions from wood-fired boilers must be limited to an average of 0.46 grams per dry standard cubic meter (0.2 grains per dry standard cubic foot), corrected to 7 percent oxygen, during any three-hour period. Exempted from this section are woodwaste burners, furnaces, and boilers used exclusively for space heating with a rated heat input capacity of less than 400,000 Btu per hour, non-commercial smoke houses, sweat houses or lodges, open burning, and mobile sources.

Rationale for not preparing ICR. This section does not require any recordkeeping, reporting, or other information collection activities.

Section 49.127 – Woodwaste burners. On the Colville Indian Reservation and the Nez Perce Reservation, EPA promulgated § 49.127 which phases out the operation of woodwaste burners (commonly known as wigwam or teepee burners). The owner or operator of a woodwaste burner, including woodwaste burners that are not currently being used, were required to submit a plan for shutting down the woodwaste burner to EPA by December 5, 2005, and were required to shut down and dismantle the woodwaste burner by June 7, 2007. Until existing woodwaste burners were dismantled, visible emissions from a woodwaste burner could not exceed 20 percent opacity, averaged over six consecutive minutes, as measured by EPA Method 9, and only wood waste generated on-site could be burned or disposed of in the woodwaste burner. Sources could have applied to EPA for an extension of

[2] 40 CFR part 71, 40 CFR 52.21, 40 CFR 49.151 - 40 CFR 49.173, 40 CFR 49.139.

the two-year deadline if there was no reasonably available alternative method of disposal for the wood waste.

Rationale for not preparing ICR. There are no recordkeeping requirements. The rule required owners or operators of Woodwaste burners to submit a plan to shut down and dismantle the Woodwaste burner to EPA by December 5, 2005. The woodwaste burners were required to be shut down and dismantled no later than June 7, 2007, and the sources were required to notify EPA that the Woodwaste burner was shut down and dismantled. All of these dates are past, and therefore, there are no longer any reporting requirements for this section.

Section 49.128 - Particulate matter emissions from wood products industry sources. On the Colville Indian Reservation and the Nez Perce Reservation, EPA promulgated § 49.128 that applies to any person who owns or operates any of the following wood products industry sources: veneer manufacturing operations, plywood manufacturing operations, particleboard manufacturing operations, or hardboard manufacturing operations. This section imposes limits on the amount of PM up to 10 microns in size (PM10) that can be emitted from such sources, in addition to the PM limits for combustion and process sources in § 49.125.

Rationale for not preparing ICR. This section does not require any recordkeeping, reporting, or other information collection activities.

Section 49.129 - Sulfur dioxide. This section restricts sulfur dioxide emissions from combustion sources, process sources, and other sources to no more than an average of 500 parts per million by volume, on a dry basis, corrected to 7 percent oxygen (for combustion sources), during any three-hour period. Furnaces and boilers used exclusively for space heating with a rated heat input capacity of less than 400,000 Btu per hour and mobile sources are exempt from this section.

Rationale for not preparing ICR. This section does not require any recordkeeping, reporting, or other information collection activities.

Section 49.137 - Air pollution episodes. Under § 49.137, the Regional Administrator is authorized to issue warnings about air quality that apply to any person who owns or operates an air pollution source on an Indian reservation. The Regional Administrator may issue an air stagnation advisory when meteorological conditions are conducive to the buildup of air pollution. The Regional Administrator may declare an air pollution alert, air pollution warning, or air pollution emergency whenever it is determined that the accumulation of air pollutants in any place is approaching, or has reached, levels that could lead to a threat to human health. Once EPA determines that it is appropriate to issue an air stagnation advisory or declare an air pollution alert, air pollution warning, or air pollution emergency, EPA will communicate this information to the affected public. These announcements will indicate that air pollution levels exist that could potentially be harmful to human health, describe actions that people can take to reduce exposure, request voluntary actions to reduce emissions from sources of air pollutants, and indicate that a ban on open burning is in effect. A ban on open burning goes into effect whenever the Regional Administrator issues an air stagnation advisory or declares an air pollution alert, air pollution warning, or air pollution emergency.

Rationale for not preparing ICR. This section does not require any recordkeeping, reporting, or other information collection activities.

Four of the FIP rules require respondents to develop and maintain records as part of demonstrating compliance with the rule. Under the visible emissions rule (49.124), a boiler that has COMS and utilizes the exception to the 20 percent opacity limit would keep opacity records. The fugitive PM rule (49.126) requires respondents to annually survey their operations and document the results of the survey. If fugitive emissions are observed, the respondent is required to write a plan specifying the precautions they will take to prevent emission occurrence. The sulfur in fuel rule (49.130) requires respondents to obtain, record, and keep data on sulfur content of fuels used at the facility. Testing, monitoring, and recordkeeping may be required in permits issued under the non-title V operating permits rule (49.139).

The reporting requirements associated with this ICR are contained in the delegation rule (49.122), open burning rule (49.131), the open burning permit rule (49.132), the agricultural burning permit rule (49.133), the forestry/silvicultural burning rule (49.134), the registration rule (49.138), and the non-title V operating permits rule (49.139). Section 49.122 requires Tribes to provide information to EPA to obtain partial authority to administer one or more of the Federal requirements included in the FIPs. Section 49.131 requires fire protection services to provide information to EPA or a delegated Tribe to obtain permission for fire training. Sections 49.132, 49.133, and 49.134 require information to be submitted to EPA or a delegated Tribe to obtain a burn permit. EPA developed forms for these burn permit applications. Section 49.138 requires owners or operators to register their air pollution sources with EPA. The information to be collected includes facility contact information, process data, emissions data, and information on control equipment. The initial registration was due to EPA in February 2007 and must be updated annually. Respondents must also report change of location, change of ownership, or closure of sources. EPA developed guidance and prepared forms for facilities to use in submitting information under the registration rule. Section 49.139 requires respondents that want to request a limit on their actual emissions or potential to emit, to submit an application for a federally-enforceable limit. EPA developed forms for facilities to use in submitting this information. As noted previously, the § 49.139 rule for an owner-requested limit has been superseded by the Federal NSR program for Indian country promulgated in July 2011, which provides a mechanism for the owner or operator of an air pollution source in Indian country to obtain a limit on actual emissions or potential to emit. Information to be collected is described in more detail in section 12(b) of this document and the uses of the information are described in section 2 of this document.

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.

EPA promulgated these rules for Indian reservations in Idaho, Oregon, and Washington to fill the gap in current regulations until such time as individual Tribes develop and implement approved TIPs. As of March 2026, only one Tribe, the Swinomish, has an approved TIP in EPA Region 10. Furthermore, States generally lack the authority to regulate air quality in Indian country. The rules were intended to provide regulatory tools for use by Region 10 in implementing the CAA on Indian reservations to supplement the regulations already established by EPA, such as the PSD, National Emission Standards for Hazardous Air Pollutants (NESHAP), and New Source Performance Standards (NSPS) programs.

In Region 10, EPA has identified the primary sources of air pollution emissions on Indian reservations and has evaluated the CAA statutory authorities for EPA to regulate those sources. Information is needed to assist EPA in determining, in consultation with affected Indian Tribes, the activities and sources of air pollution that threaten air resources.

CAA section 301(a)(1) provides EPA a broad authority to prescribe regulations as necessary to implement the CAA.

CAA section 301(d)(4) has been interpreted by EPA as providing the Administrator discretionary authority for EPA to prepare FIP provisions as are appropriate to protect air quality and to promulgate other CAA programs in Indian reservation areas where a Tribe has not yet been approved for a CAA program.

CAA section 110(a)(2), which establishes requirements for SIPs, requires that an implementation plan provide authority for information collection and establishment of systems, methods, and procedures, among other things. EPA's position is that it is not bound by the requirements established for States under CAA section 110(a)(2), but will use those requirements to guide EPA in the preparation of FIPs as may be appropriate to meet the requirements of the Act.

In addition, CAA section 114 authorizes the Administrator to require any owner or operator of an emission source to provide on a one-time, periodic, or continuous basis, information necessary to carry out the provisions of the Act.

EPA's purpose for requesting this information is to protect the quality of the air resources for the Indian reservations in Idaho, Oregon, and Washington.

EPA promulgated these rules to better enable the Agency to protect human health and welfare on the Indian reservations in the Northwest and to meet its trust responsibility to the Tribes. The FIPs also create opportunities for Tribes to partner with EPA in implementing these rules and enable Tribes to develop their capacity to manage air quality.

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.

This information is being used for the following purposes:

- to maintain an accurate inventory of sources and emissions;
- to issue permits or approvals;
- to manage burning to improve air quality;
- to ensure appropriate records are available to verify compliance with the FIPs;
- to establish enforceable limits on emissions from sources located on Tribal lands that are unambiguous and enforceable as a practical matter;
- to provide credible evidence in compliance certifications and for establishing violations;
- to track emissions trends and changes, and identify potential air quality problems; and
- to enable EPA to require further air emission reductions if necessary to attain or maintain the NAAQS and to protect air quality from potential significant deterioration in a particular area.

The primary user of the information is EPA. Emissions and source data that are the subject of this request will be used by EPA Region 10 in carrying out its responsibility to directly implement the CAA throughout Indian reservations, including regulatory functions and program support. Activities such as source inspections, analysis of new or modified sources, and development and enforcement of limits on source emissions enable Region 10 to protect the air quality and human health on the Indian reservations of Idaho, Oregon, and Washington. The information will also enable EPA to provide accurate information to affected Indian Tribes about air quality matters on their reservations, and facilitate EPA's ability to consult with Tribes about actions EPA is planning or undertaking. The information will further enable delegated Tribes the ability to implement air quality programs, such as burn permit programs, on their reservations.

Collection of emissions and source data supports EPA's activities. Information collected supports EPA in responding to requests from the public regarding air pollution emissions and sources under the Freedom of Information Act (FOIA).

EPA anticipates that these regulations can serve as models for Tribes as they develop their own air quality programs and to support development of TIPs. In addition, the rules provide air pollution sources on-reservation with air quality control requirements and regulatory alternatives similar to those available to sources located off-reservation.

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.

Currently, all facilities subject to registration requirements (under 49.138) can register and report information either through a paper application, or electronically through the FARR Online Reporting System (FORS) or the Combined Air Emissions Reporting System (CAERS). EPA is migrating registration systems from FORS to CAERS and in 2026 a subset of facilities are registering in CAERS. EPA will work with the remaining facilities to phase in registration via CAERS in 2027 and 2028.

The FORS online database was implemented in 2016 to simplify the reporting process. The benefits of FORS include improved recordkeeping by allowing better and faster access to previous registrations, automated populating of each annual registration with existing, basic information about the facility, and decreasing the amount of time and resources necessary to report emissions in subsequent years following initial registration. In 2025, 89% of facilities chose to register in FORS versus paper, suggesting that facilities are experiencing benefits from utilizing the online system. EPA anticipates that in 2026, approximately 30% of the known facilities required to register will do so in CAERS. CAERS streamlines much of the emissions calculations effort through automatic formulas and maintains information year-to-year such that a facility will only need to update required information as it changes.

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.

Several sources of information have been reviewed to determine whether the information requested has already been gathered. This effort included reviews of State permit files, review of existing EPA Clean Air Act permit and compliance-related databases and discussions with Tribal representatives. EPA also maintains the National Emission Inventory database which contains data on emission sources throughout the country. None of the sources reviewed contain information with the level of detail requested in the FIP rules and scope of sources required to register under the FIP rules. For example, § 49.138 requests process information, facility plot plans, emissions data, facility contacts, and control equipment information. This information is needed by EPA for the purposes described in section 2 of this document.

5. MINIMIZING BURDEN ON SMALL ENTITIES:

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

EPA has critically reviewed the recordkeeping and reporting requirements associated with each rule and has reduced the information collection to data that are essential to both the respondent and EPA to

ensure compliance with the requirements of each rule. In spite of efforts to minimize burden, potential impacts of the rules vary among small and large entities. Region 10 focused on outreach and compliance assistance during the first two years of rule implementation and also used the Region's toll-free phone number to make staff available to small entities to answer questions and provide assistance with rule interpretation, compliance, and information collection. Region 10 continues to utilize fact sheets, brochures, guidance documents, and a website to help sources comply with the rules. Region 10 is migrating from the current online reporting system, FORS, to CAERS in an effort to reduce reporting burden on entities and utilize an improved system. With the migration from FORS to CAERS, EPA held two training courses and two open houses to a subset of sources that are using CAERS to register. EPA also provided training materials on CAERS. FORS sends out registration reminders to facilities using that system to help ensure timely completion. EPA also continues to be available for one-on-one assistance by phone or a virtual meeting to help sources determine whether they need to register and assist them in completing registration.

6. EFFECTS 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.

One of the reporting requirements under this ICR is associated with § 49.138 Registration of Air Pollution Sources. This rule required an initial registration by February 2007 and annual re-registrations. Collection of emissions data at a frequency of less than one year would not allow EPA to conduct analyses in support of programs such as those mentioned under section 2 of this document. CAERS allows facilities to populate certain information once, and that information will roll over to future reporting years. With the migration to CAERS, EPA pre-populated existing information into CAERS to reduce the burden on sources using this system. The other reporting requirements are related to submitting information to obtain a permit or for Tribes to obtain the authority to administer one or more of the provisions of a FIP. This information is needed to issue each permit or to establish each delegation agreement in a timely manner.

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).

This ICR does not violate any of OMB's guidelines for information collection. If respondents submit confidential business information, EPA handles this information in accordance with 40 CFR part 2 subpart B.

This ICR requires respondents to retain records for 5 years consistent with permitting requirements under 40 CFR 71.6(a)(3)(ii)(B) and 40 CFR 49.155(a)(4)(ii), which applies to a portion of the regulated sources under the FARR.

8. PUBLIC COMMENT AND CONSULTATIONS:

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.

For any existing rule, section 3507(g) of the Paperwork Reduction Act limits a Director to approving a collection of information for a maximum of 3 years. The ICR for the FIP rules was last revised in November 2024. We solicited comments on this ICR prior to submitting it to OMB. We issued a Federal Register notice requesting comments on the ICR renewal on June 4, 2026 (91 FR 33720). No comments were received.

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.

In March 2026, EPA contacted five respondents to discuss the burden of the proposed information collection. A list of the organizations we contacted and a summary of the consultations are below.

1. Nez Perce Prairie Grass Growers Association
2. Mickelsen Construction
3. Northwest Pipeline
4. Empire Lumber
5. Silgan Containers

Section 49.122. Delegation. In a previous survey, one Tribal staff person estimated that it took 160 to 180 hours to apply for partial delegation of the FIPs. Future delegations will be more in line with the new estimate rather than the previous estimate. Like the Coeur d'Alene delegation, new delegations will not include delegation of the burn permit rules since those rules only apply on the Nez Perce and Umatilla Reservations, which already have delegation.

Section 49.124. Visible emissions. None of the respondents have installed or operate Continuous Opacity Monitoring Systems for the sole purpose of monitoring compliance with this rule.

Section 49.126. Fugitive particulate matter. To perform an initial survey and develop a fugitive emissions control plan, one 2013 and four 2010 respondent estimates ranged from 7 to 37 hours, and estimates for conducting annual surveys and plan updates ranged from 0 to 16 hours. Four 2020 respondent estimates for conducting annual surveys and plan updates included two estimates of

negligible cost, 6 hours, and 25 hours. One 2026 respondent estimated the labor hours to develop the initial survey and prepare the control plan to cost approximately 20 hours. For follow up surveys, the quarterly dust/ visible emissions inspections were estimated to cost approximately 16 hours. Another 2026 respondent estimated that recordkeeping activities take 3 hours per quarter (12 hours per year). Some of the respondent input was provided in monetary form and was converted into the number of hours. The burden estimate for recurring labor hours was increased by 4 hours to reflect this updated information.

Section 49.130. Sulfur content of fuels. To collect and maintain fuel sulfur records, three 2013 and two 2010 respondent estimates ranged from 3 to 35 hours. Three 2020 respondent estimates ranged from negligible cost to 6 hours. We do not think the estimate of 35 hours represents the average source. Based on an increased knowledge of the source universe, and more recent respondent estimations, the estimated number of hours per respondent was decreased in the 2020 estimate. Based on 2026 respondent estimates that range from negligible to 6 hours, we will retain the same estimate. Some of the respondent input was provided in monetary form and was converted into the number of hours.

Section 49.132. General open burning permits. In 2010, one respondent estimated that it took less than 20 minutes to complete and submit a permit. The respondent indicated that the required phone calls took less than 2 minutes per call. In 2020, one respondent estimated that it took 30 minutes to 1 hour to complete and submit a burn permit form. We used this information in our burden estimate.

Section 49.133. Agricultural burning permits. In 2013, one respondent estimated that it took between 15 to 30 minutes to complete and submit a permit. The respondent indicated that the required phone calls took 2 minutes to complete. In 2020, one respondent estimated that it took about 5-8 minutes to complete and submit a permit and about 5 minutes to complete the required phone call. We estimate that an average of 2.5 burns are included on an agricultural burn permit, based on historical information provided by Nez Perce Tribal air staff. A 2026 respondent estimated the time to complete and submit the agricultural burn permit form to be 30 minutes but a bit longer if registering a new field. An agricultural burn permit is submitted once per year, but sometimes twice if doing a spring burn, in addition to burning during the fall. For each pre-burn request and post burn report, the respondent estimated the time for each call to be 10 minutes. The burden estimate was slightly increased based on this updated information.

Section 49.134. Forestry and silvicultural burning permits. In 2013, one respondent estimated that it took 5 minutes to complete and submit a permit. The respondent indicated that the required phone calls took 5 minutes to complete. We used this information in our burden estimate. We received no new information in 2026.

Section 49.138. Registration of air pollution sources and reporting of emissions. Three 2013 and five 2010 respondent estimates ranged from 2.5 hours to 40 hours for annual registration. Four 2020 respondent estimates ranged from 6 hours to 40 hours for annual registration. Two 2026 respondents estimated the cost of reading and understanding the rule to range between 7 to 10

hours. The respondents estimated the cost of collecting the information required for submission to range between 3 to 9 hours. The respondent estimated the cost of completing and submitting the annual FARR registration to range between 3 to 7 hours. Another 2026 respondent estimated that the initial compliance review takes approximately 32 hours. For annual registration, approximately 16 hours of labor is required. We increased by two hours the number of reoccurring hours for moderately complex sources based on the input from consultations.

Section 49.139. Rule for non-title V operating permits. Three 2010 respondents estimated 7, 0, and 500 hours for recordkeeping and reporting burden. In the 2010 ICR renewal, we increased the recurring labor hours based on this input. We do not believe the estimate of 500 hours is representative of the average source. Based on two respondents' estimates of 92 and 300 hours to apply for a non-title V permit, in 2013 we decreased the estimated number of hours for a new source permit application from 350 to 250 hours. In the 2020 ICR renewal, two respondents estimated 305 and 795 hours, respectively, to complete a non-title V permit revision. Some of the respondent input was provided in monetary form and was converted into the number of hours. EPA does not believe these estimates represent the average source. Based on knowledge of the source universe, and these estimations, EPA incorporated an estimated additional 100 hours per permit revision into the burden associated with this rule. A 2026 respondent included the cost of monitoring equipment as part of compliance with this regulation, but we determined that the fixed equipment cost is to comply with the synthetic minor source permitting regulations under a different rule in section 49.158.

General. None of the respondents have installed or operate COMS or Continuous Emissions Monitoring Systems (CEMS) solely for the purpose of monitoring compliance with this rule, and all of the respondents indicated that they did not perform compliance tests solely for the purpose of compliance with this rule.

9. PAYMENTS OR GIFTS TO RESPONDENTS:

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

There were no payments or gifts provided to respondents under this information collection.

10. PROVISIONS FOR PROTECTION OF INFORMATION:

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.

Any information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (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). Furthermore, the type of information that is being collected by EPA is not expected to be considered confidential in most cases.

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.

This information collection does not ask any questions concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private.

12. RESPONDENT BURDEN HOURS AND 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.*
- *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.*

12a. RESPONDENTS/NAICS CODES

Entities potentially affected by this action include owners and operators of emission sources in all industry groups and Tribal, Federal, and local governments, located in the identified Indian reservations. Categories of entities potentially affected by this proposed information collection are summarized in Table 1 by the most recent (2022) North American Industry Classification System (NAICS) codes.

Table 1
2022 NAICS Codes for Entities Potentially Affected by this Information Collection

Category	NAICS	Regulated entities
Industry.....		
	212313	Crushed and Broken Granite Mining and Quarrying
	212319	Other Crushed and Broken Stone Mining and Quarrying
	212321	Construction Sand and Gravel Mining
	221210	Natural Gas Distribution
	31142	Fruit and Vegetable Canning, Pickling, and Drying
	311421	Fruit and Vegetable Canning
	311710	Seafood Product Preparation and Packaging
	311942	Spice and Extract Manufacturing
	321113	Sawmills
	321212	Softwood Veneer and Plywood Manufacturing

	321219	Reconstituted Wood Product Manufacturing
	321999	All Other Miscellaneous Wood Product Manufacturing
	324121	Asphalt Paving Mixture and Block Manufacturing
	325199	All Other Basic Organic Chemical Manufacturing
	325320	Pesticide and Other Agricultural Chemical Manufacturing
	326199	All Other Plastics Product Manufacturing
	327320	Ready-Mix Concrete Manufacturing
	332117	Powder Metallurgy Part Manufacturing
	332431	Metal Can Manufacturing
	332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
	337110	Wood Kitchen Cabinet and Countertop Manufacturing
	424510	Grain and Field Bean Merchant Wholesalers
	424710	Petroleum Bulk Stations and Terminals
	457120	Other Gasoline Stations
	457210	Fuel Dealers
	486210	Pipeline Transportation of Natural Gas
	488190	Other Support Activities for Air Transportation
	721120	Casino Hotels
	811191	Automotive Oil Change and Lubrication Shops
	811121	Automotive Body, Paint, and Interior Repair and Maintenance
	81121	Electronic and Precision Equipment Repair and Maintenance
Federal government…….	924110	Administration of Air and Water Resources and Solid Waste Management Programs.
State/local/Tribal government……	924110	Administration of Air and Water Resources and Solid Waste Management Programs

12b. INFORMATION REQUESTED

For each FIP rule, the information to be collected is described below. Reporting and recordkeeping items are listed for each rule in Table 2.

Section 49.122 - Partial delegation of administrative authority to a Tribe. There are no recordkeeping requirements for § 49.122. Tribes that want the authority to administer one or more of the Federal requirements in a FIP must submit a request to EPA that identifies the specific provisions for which delegation is requested; identifies the Indian reservation for which delegation is requested; includes a statement by the Tribe's legal counsel that the applicant is an Indian Tribe recognized by the Secretary of the Interior, a descriptive statement demonstrating that the applicant is currently carrying out substantial governmental duties and powers over a defined area and that it meets the requirements of 40 CFR 49.7(a)(2), and a description of the laws of the Indian Tribe that provide adequate authority to

carry out the aspects of the provisions for which delegation is requested; and demonstrates that the Tribe has, or will have, the technical capability and adequate resources to carry out the aspects of the provisions for which delegation is requested. The delegation agreement sets forth the terms and conditions of the delegation, specifies the provisions that the Tribe will be authorized to administer, and is entered into by the Regional Administrator and the Tribe.

Section 49.124 - Visible emissions. There are no reporting requirements. The rule allows boilers with COMS to exceed the opacity limit during start-up, soot blowing, and grate cleaning for a single period of up to 15 consecutive minutes in any eight consecutive hours. Facilities utilizing this exception to the opacity standard must keep COMS records.

Section 49.126 - Fugitive particulate matter. There are no reporting requirements. The recordkeeping requirements involve documenting surveys and preparation of a fugitive PM control plan. Industrial sources will perform annual surveys of the air pollution source, document the results of the survey (including the date and time of the survey and identification of any sources of fugitive emissions found), prepare and update (as needed) a fugitive PM control plan. New sources are required to perform a survey and develop a fugitive PM control plan within 30 days after commencing operation. Each source must maintain records for five years that document the surveys and the reasonable precautions that were taken to prevent fugitive PM emissions. For construction and demolition contractors, a control plan needs to be prepared for each project.

Section 49.130 - Sulfur content of fuels. There are no reporting requirements. The recordkeeping requirements are to document the sulfur content of fuels used at the facility. If it is not currently being documented, the sulfur content data can be requested from the fuel distributor. Records of fuel purchases and fuel sulfur content must be kept for five years from date of purchase.

Section 49.131 - Open burning. There are no recordkeeping requirements for rule 49.131. Local Fire Protection Services (FPS) are required to contact and provide information to the Regional Administrator to gain permission for open outdoor fires associated with fire training. The information needed by the Regional Administrator or delegated tribal authority includes date and time of activity and a description of the activity (e.g., size of the structure).

Section 49.132 - General open burning permits. There are no recordkeeping requirements for rule 49.132. Respondents are required to contact and provide information to the Regional Administrator or delegated tribal authority to obtain an open burn permit. The information needed by the Regional Administrator or delegated authority includes location, date and time of activity, and a description of the activity including materials to be burned and safety precautions.

Section 49.133 - Agricultural burning permits. There are no recordkeeping requirements for rule 49.133. Respondents are required to contact and provide information to the Regional Administrator to obtain an agricultural burn permit. The information needed by the Regional Administrator or delegated authority includes location, date and time of activity, and a description of the activity including materials and quantity to be burned and safety precautions.

Section 49.134 - Forestry and silvicultural burning permits. There are no recordkeeping requirements for rule 49.134. Respondents are required to contact and provide information to the Regional Administrator to obtain a forestry burn permit. The information needed by the Regional

Administrator or delegated authority includes location, date and time of activity, and a description of the activity including materials and quantity to be burned and safety precautions.

Section 49.135 - Emissions detrimental to public health or welfare. This section is implemented through other parts of the rule, primarily by issuing an EPA-required permit under § 49.139. There are no recordkeeping or reporting items required directly by this section; however, if a permit is required through § 49.139, there may be reporting and recordkeeping associated with the permit.

Section 49.138 - Registration of air pollution sources and reporting of emissions. Reporting requirements: Owners or operators of sources subject to the rule were required to register their air pollution sources by February 2007 with the Regional Administrator. Annual re-registration is required by February 15 of each year to update the registration for any changes from the previous year. If no changes have occurred, the owner or operator may reaffirm to the Regional Administrator the correctness and status of previous information either in writing or via FARR Online Reporting System (FORS) within EPA's Central Data Exchange (CDX) at https://cdx.epa.gov/. The owner or operator of an air pollution source must report relocation of the source no later than 30 days prior to the relocation to the Regional Administrator. The owner or operator must also report change of ownership of the source to the Regional Administrator within 90 days after the change in ownership is effective. In addition, the owner or operator is required to report the closure of the source within 90 days of the cessation of operations.

Data items needed in the initial registration and annual re-registration are:

- name of the air pollution source and nature of the business;
- street address, telephone number, and facsimile number of the air pollution source;
- name, mailing address, and telephone number of the owner or operator;
- name, mailing address, telephone number, and facsimile number of the local individual responsible for compliance with this section;
- name and mailing address of the individual authorized to receive requests for data and information;
- a description of the production processes, air pollution control equipment, and a related flow chart;
- identification of emission units and air pollutant-generating activities;
- a plot plan showing the location of all emission units and air pollutant-generating activities. The plot plan must also show the property lines of the air pollution source, the height above grade of each emission release point, and the distance and direction to the nearest residential or commercial property;
- type and quantity of fuels, including the sulfur content of fuels, used on a daily, annual, and maximum hourly basis;
- type and quantity of raw materials used or final product produced on a daily, annual, and

maximum hourly basis;

- typical operating schedule, including number of hours per day, number of days per week, and number of weeks per year;
- estimates of the total actual emissions from the air pollution source for the following air pollutants: PM, PM10, PM up to 2.5 microns in size (PM2.5), sulfur oxides (SO_x), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC), lead (Pb) and lead compounds, ammonia (NH_3), fluorides (gaseous and particulate), sulfuric acid mist (H_2SO_4), hydrogen sulfide (H_2S), total reduced sulfur (TRS), and reduced sulfur compounds, including all calculations for the estimates;
- estimated efficiency of air pollution control equipment under present or anticipated operating conditions;
- any other information specifically requested by the Regional Administrator; and
- certification by the owner or operator as to the truth, accuracy, and completeness of the information.

There are no recordkeeping requirements other than those needed to support the reporting requirements shown above.

Section 49.139 - Rule for non-title V operating permits. Reporting requirements: The § 49.139 rule currently specifies that owners or operators of sources may voluntarily apply for a non-title V operating permit to obtain a federally-enforceable limit on their actual emissions or potential to emit so that the source is below major source thresholds and can avoid certain other Federal requirement(s). Section 49.139 specifies the following data items for an application for an owner-requested non-title V permit:

- name of the air pollution source and nature of the business;
- street address, telephone number, and facsimile number of the air pollution source;
- name, mailing address, and telephone number of the owner or operator;
- name, mailing address, telephone number, and facsimile number of the local individual responsible for compliance with this section;
- name and mailing address of the individual authorized to receive requests for data and information;
- for each air pollutant and for all emissions units and air pollutant-generating activities to be covered by a limit: the proposed limit and a description of its effect on actual emissions or the potential to emit; proposed testing, monitoring, recordkeeping, and reporting requirements to be used to demonstrate and assure compliance with the proposed limit; description of the production processes and a related flow chart; identification of emission units and air pollutant-generating activities; type and quantity of fuels and/or raw materials used; description and estimated efficiency of air pollution control equipment under present or anticipated operating conditions; estimates of the allowable emissions and/or potential to emit that would result

from compliance with the proposed limitation, and/or potential to emit that would result from compliance with the proposed limit, including all calculations for the estimates; and any other information specifically requested by the Regional Administrator; and

- certification by the owner or operator as to the truth, accuracy, and completeness of the information.

As noted previously, EPA promulgated the Federal NSR Program for Indian country in July 2011, which provides a mechanism for the owner or operator of an air pollution source in Indian country to obtain a limit on actual emissions or potential to emit. These nationwide rules supersede the § 49.139 rule for an owner-requested limit.

Sources may be required to get a non-title V operating permit if EPA determines additional requirements are needed to ensure implementation plan requirements are met or that the NAAQS or PSD increments are met. Data items needed for an EPA-required non-title V permit include any information that the Regional Administrator determines is necessary to establish such requirements.

Testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with the established limit may be required by the permit.

Table 2
Summary of Information Requested

FIP Rule (40 CFR Section)	Information Requested	
	Reporting Items	**Recordkeeping Items**
49.122 Delegation	Tribes must submit a delegation request to EPA with required information to obtain authority to administer one or more provisions of the FIPs.	No recordkeeping items.
49.124 Visible emissions	No reporting items.	If a source has COMS and utilizes the exception to the 20% opacity limit, the source will keep opacity records.
49.126 Fugitive particulate matter	No reporting items.	Affected facilities will annually survey the air pollution source, document the results of the survey, prepare a fugitive PM control plan, and update it as necessary. Construction and demolition contractors will prepare a fugitive PM control plan for each project.
49.130 Sulfur content of fuels	No reporting items.	Each respondent must maintain records of fuel purchases and the sulfur content of fuels used at the facility.
49.131 Open burning	Local FPS must contact the Regional Administrator or a delegated tribe and provide information to obtain permission for open burning.	No recordkeeping items.
49.132 Open burning permits	Respondent must contact the Regional Administrator or a delegated tribe and provide required information to obtain an open burn permit.	No recordkeeping items.
49.133 Agricultural burning permits	Respondent must contact the Regional Administrator or a delegated tribe and provide required information to obtain an agricultural burn permit.	No recordkeeping items.
49.134 Forestry and silvicultural burning permits	Respondent must contact the Regional Administrator or a delegated tribe and provide required information to obtain a forestry/silvicultural burn permit.	No recordkeeping items.
49.135 Emissions detrimental to public health or welfare	If required to get a permit under § 49.139, respondents must submit the information described under § 49.139.	If required to get a permit under § 49.139, respondents must keep records as described under § 49.139.

FIP Rule (40 CFR Section)	Information Requested	
	Reporting Items	**Recordkeeping Items**
49.138 Registration	Respondents must register and annually re-register air pollution sources. Respondents must report change of location, change of ownership, or closure of sources.	No recordkeeping items other than those needed to support the reporting requirements of the rule.
49.139 Non-title V operating permits	Respondents, if they want to establish limits on their actual emissions or potential to emit, must submit an application for federally-enforceable emission limits.[1] If required by EPA, respondents must submit information necessary for EPA to establish the limit and issue the permit. Reporting to ensure compliance with the established limit may be required by the permit.	Testing, monitoring, and recordkeeping to ensure compliance with the established limit may be required by the permit.

[1] Superseded by the July 2011 Federal NSR Program for Indian country, which provides a mechanism for the owner or operator of an air pollution source in Indian country to obtain a limit on actual emissions or potential to emit.

12c. RESPONDENT ACTIVITIES AND FREQUENCY

The activities that respondents must engage in to assemble, submit, or store the data items listed in Table 2 are described in the rules below.

Section 49.122 - Partial delegation of administrative authority to a Tribe. Tribes that want the authority to administer one or more of the Federal requirements in a FIP must develop and submit a delegation request to EPA. The Tribe must also enter into a delegation agreement with EPA.

Section 49.124 - Visible emissions. The respondent must keep COMS records if it wants to utilize the exception to the opacity standard during start-up, soot blowing, and grate cleaning for a single period of up to 15 consecutive minutes in any eight consecutive hours.

Section 49.126 - Fugitive particulate matter. Respondents are divided into two groups: industrial facilities and construction and demolition contractors. Industrial facilities were required to perform an initial survey of the source and develop a fugitive PM control plan within the first year of the rule (by June 2006). They are then required to perform annual surveys and update the control plan as necessary. New sources are required to perform a survey and develop a fugitive PM control plan within 30 days after commencing operation. Construction and demolition contractors need to develop a fugitive PM control plan for each project prior to commencing construction or demolition.

Section 49.130 - Sulfur content of fuels. Each respondent needs to keep documentation of fuel sulfur content for each fuel shipment received. If fuel suppliers are unable to provide documentation

verifying the fuel sulfur content, then respondents will need to sample and test the fuel to ensure it meets the fuel sulfur content requirements. However, to EPA's knowledge, fuel sulfur content data are readily available from all distributors. EPA is not aware of any sources that have performed tests of fuel sulfur content to verify compliance, and it is assumed that no sources will need to perform tests of fuel sulfur content to verify compliance over the next three years. In addition, based on EPA experience and consultations with the sources, it is assumed that the fuel currently used on reservations already satisfies the fuel content requirement of the rule. Thus, sources have not had to switch to different fuel distributors and have not incurred increased fuel costs due to this rule.

Section 49.131 - Open burning. The local FPS is required to contact the Regional Administrator or delegated tribal authority to provide information in order to gain permission for open burning associated with fire training.

Section 49.132 - General open burning permits. The respondent will need to contact the Regional Administrator or delegated tribal authority and provide information in order to gain permission for the open burn. The respondent will be required to have the permit available at the site during the burn activity. The respondent will need to conduct the burn in accordance with the terms and conditions of the permit.

Section 49.133 - Agricultural burning permits. The respondent will need to contact the Regional Administrator or delegated tribal authority and provide information in order to gain permission for the agricultural burn. The respondent will be required to contact the Regional Administrator or delegated authority on the day of the burn for final approval. Respondents will need to have the permit available at the site during the burn activity. The respondent will need to conduct the burn in accordance with the terms and conditions of the permit.

Section 49.134 - Forestry and silvicultural burning permits. The respondent will need to contact the Regional Administrator or delegated tribal authority and provide information in order to gain permission for the forestry/silvicultural burn. The respondent will be required to contact the Regional Administrator or delegated authority on the day of the burn for final approval. Respondents will need to have the permit available at the site during the burn activity. The respondent will need to conduct the burn in accordance with the terms and conditions of the permit.

Section 49.135 - Emissions detrimental to public health or welfare. If EPA determines that an air pollution source is causing or contributing to a violation of any NAAQS or is presenting an imminent and substantial endangerment to public health or welfare or the environment, the source may be required to obtain a non-title V operating permit under § 49.139.

Section 49.138 - Registration of air pollution sources and reporting of emissions. Respondents were required to submit initial registrations by February 2007 and are required to prepare annual re-registrations and submit them to the Regional Administrator. New sources are required to prepare initial registrations and submit them to the Regional Administrator within 90 days after beginning operations. These activities include preparation of facility, process unit, and emission estimates for all air pollution

sources. Respondents are also required to report to the Regional Administrator the relocation, change of ownership, and closure of air pollution sources.

Section 49.139 – Rule for non-title V operating permits. The § 49.139 rule currently specifies that owners or operators of sources who want to obtain a federally-enforceable limit on their actual emissions or potential to emit must submit a non-title V operating permit application. The rule also specifies that the respondent will need to respond to questions and possibly submit additional information to the Regional Administrator during review of the application. It should be noted that these requirements have been superseded by the July 2011 Federal NSR Program for Indian country, which provides a mechanism for the owner or operator of an air pollution source in Indian country to obtain a limit on actual emissions or potential to emit. Sources may be required to get a non-title V operating permit if EPA determines additional requirements are needed to ensure implementation plan requirements are met or that the NAAQS or PSD increments are met. Testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with the established limit may be required by the permit.

A summary of the collection schedule for all reporting items is provided in Table 3 below.

Table 3
Information Collection Schedule

FIP Rule (40 CFR Section)	Data Item	Due Date
49.122	Delegation request.	n/a
49.124	No reporting requirements.	n/a
49.126	No reporting requirements.	n/a
49.130	No reporting requirements.	n/a
49.131	FPS request for training burn.	Before date of requested burn
49.132	General open burn permit application.	At least 1 working day prior to the requested burn
49.133	Agricultural burn permit application.	Before date of requested burn
49.134	Forestry and silvicultural burn permit application.	Before date of requested burn
49.135	Permit application.	n/a
49.138	Initial registration for new sources. Annual re-registration for all sources. Relocation report. Change of ownership report. Closure report.	Within 90 days of operation for new sources February 15th of each year 30 days prior to relocation Within 90 days after change in ownership is effective Within 90 days after the cessation of all operations
49.139	Permit application.	n/a

12d. RESPONDENT BURDEN HOURS AND LABOR COSTS

The respondent burden (labor hours) for complying with the information collection-related requirements of each rule and the total annual respondent burden for all FIP rules are summarized in Table 4.

Table 4
Annual Respondent Burden for the Region 10 Tribal FIP

Rule	Title	Respondents	Hours
Section 49.122	Delegation	1	180
Section 49.124	Visible emissions	0	0
Section 49.126	Fugitive particulate matter	115	846
Section 49.130	Sulfur content of fuels	62	380
Section 49.131	Open burning	3	9
Section 49.132	General open burning permits	980	490
Section 49.133	Agricultural burning permits	122	122
Section 49.134	Forestry and silvicultural burning permits	34	20
Section 49.135	Emissions detrimental to public health or welfare	0	0
Section 49.138	Registration of air pollution sources and reporting of emissions	178	1,537
Section 49.139	Rule for non-title V operating permits	7	450
Totals		**1,502**	**4,034**

Table 5
Annual Respondent Burden for Reporting and Recordkeeping

Table 5 breaks the annual respondent burden into reporting and recordkeeping hours.

Rule	Title	Reporting	Record-keeping	Total Hours
Section 49.122	Delegation	180	0	180
Section 49.124	Visible Emissions	0	0	0
Section 49.126	Fugitive particulate matter	0	846	846
Section 49.130	Sulfur content of fuels	0	380	380
Section 49.131	Open burning	9	0	9
Section 49.132	General open burning permits	490	0	490
Section 49.133	Agricultural burning permits	122	0	122
Section 49.134	Forestry and silvicultural burning permits	20	0	20
Section 49.135	Emissions detrimental to public health or welfare	0	0	0
Section 49.138	Registration of air pollution sources and reporting of emissions	1,537	0	1,537
Section 49.139	Rule for non-title V operating permits	257	193	450
Totals		**2,615**	**1,419**	**4,034**

The respondent costs for complying with the information collection-related requirements of each FIP rule and the total annual respondent costs for all FIP rules are summarized in Table 6.

For the purposes of generating cost estimates for each of the rules, EPA assumed that there will be no capital costs incurred under any of these rules. EPA did not anticipate facilities would add monitoring, recordkeeping or reporting equipment as a result of these rules. The 2026 and prior source consultations and EPA's experience with implementing the rules provide further support for this assumption. Since EPA is unaware of any monitoring, recordkeeping or reporting equipment installed to comply with these rules, EPA did not estimate operation and maintenance (O&M) costs.

Table 6
Annual Respondent Cost for the Region 10 Tribal FIP

Rule	Title	Respondents	Cost ($)
Section 49.122	Delegation	1	17,642
Section 49.124	Visible emissions	0	0
Section 49.126	Fugitive particulate matter	115	82,916
Section 49.130	Sulfur content of fuels	62	37,244
Section 49.131	Open burning	3	882
Section 49.132	General open burning permits	980	48,025
Section 49.133	Agricultural burning permits	122	11,957
Section 49.134	Forestry and silvicultural burning permits	34	1,999
Section 49.135	Emissions detrimental to public health or welfare	0	0
Section 49.138	Registration of air pollution sources and reporting of emissions	178	150,641
Section 49.139	Rule for non-title V operating permits	7	44,105
Totals		**1,502**	**395,412**

Estimating Labor Costs

This ICR employs wage rates based on June 2025 wage data from the Bureau of Labor Statistics (BLS, 2025). Table 7 displays the calculation of the loaded (e.g., including overhead) industry wage rate for affected source activities. Based on this calculation, the loaded wage rate used to calculate affected source costs is $98.01 per hour. Details on the costing methods and assumptions are given below.

Table 7
Determination of 2026 Industry Wage Rates[1]

Professional staff @ $71.12/hr[1]			$71.12
Management support @ $88.73/hr[1]		$88.73	+
Allocation Factor: 0.091[2]	x	0.091	
			$8.07
Office / administrative support @ $36.65/hr[1]		$36.65	+
Allocation factor: 0.125[3]	x	0.125	
			$4.58
Composite Wage Rate of Staff associated Management / Clerical support			$83.77
			+
General Overhead @ 17% of wage rate			$14.24
Total Composite Hourly Wage Rate			**$98.01**

[1] Wage Rates (including benefits) by the U.S. Bureau of Labor Statistics, June 2025. Available at http://stats.bls.gov/news.release/ecec.t02.htm.
[2] Represents a manager overseeing a staff of 10 technicians and one support person, e.g., a manager to staff ratio of 1:11, or 1/11 or 0.091.
[3] Represents one administrative support person assisting 7 professional staff and a manager, e.g., a support person to professional staff and manager ratio of 1:8, or 1/8 or 0.125.

Section 49.122 - Partial delegation of administrative authority to a Tribe. EPA expects there will be one Tribe a year that requests delegation of these rules based on past experience. As of March 2026, five Tribes have received delegation since the rule was finalized in 2005. Based on the experience with the five delegation agreements and consultations, we expect future delegations to require less time, so we estimated 180 hours per delegation. We expect future delegations to require less time because they can use the existing requests and agreements as models. Additionally, the previous estimates were based on delegation for the burn permit rules, which are some of the most resource-intensive rules to administer. The burn permit rules only apply on two reservations, both of which already have delegation, so other Tribes will not be requesting delegation for the burn permit rules and the associated requests will be less complex.

Section 49.124 - Visible emissions. EPA is not aware of any boilers that have installed COMS, and we do not expect any boilers to install COMS for the purpose of this rule, therefore our burden estimate for this rule is zero.

Section 49.126 - Fugitive particulate matter. There are industrial sources and construction and demolition contractors operating on Tribal lands affected by the rule. We estimated that this rule applies to a total of 75 industrial sources based on an evaluation of the number and types of sources in our inventory, an increase from 48 industrial sources in the previous ICR renewal. Existing sources are

required to do an annual survey and update their fugitive PM control plans as necessary. Affected industrial sources were divided into two tiers based on the likely number of fugitive PM sources – simple (one source or multiple common sources) and moderately complex (multiple different sources). Based on our inventory and knowledge of these sources, we estimated that 37 sources are simple and 38 sources are moderately complex. Based on 2026 consultation input, we kept the simple sources estimate at 2 hours to complete the annual survey, but based on 2026 respondent estimates, we increased the moderately complex source estimate to 14 hours to complete the annual survey and update their fugitive PM control plan.

We estimate that one newly constructed / modified source would need to comply with this rule each year. This source would have to comply with the initial requirements of reading the rule, doing the initial survey and developing a fugitive PM control plan, which we estimate to take 6 hours (assuming the newly constructed / modified source is a simple source).

In addition to affected industrial sources, construction and demolition contractors are required to prepare a fugitive PM control plan for each project before they begin construction (6 hours each). Based on EPA experience, we are assuming that only one project per reservation per year will be subject to this rule, for a total of 39 projects per year.

Section 49.130 - Sulfur content of fuels. We estimated that this rule applies to 60 sources based on the industrial sources that have registered under § 49.138, and it is estimated that there will be two new sources per year based on past experience. Each of these sources must maintain records of the sulfur content of fuels used at the facility. Based on respondent input, we estimate 6 hours for these activities per source annually. We estimate that two newly constructed sources would need to comply with this rule each year. This source would have to read the rule and begin maintaining records, which we estimate to take 10 hours. If fuel suppliers are unable to provide documentation verifying the fuel sulfur content, then respondents will need to sample and test the fuel to ensure it meets the fuel sulfur content requirements. However, to EPA's knowledge, fuel sulfur content data are readily available from all distributors. EPA is not aware of any source that has had to sample their fuel. Thus, it was assumed that no sources will need to perform tests of fuel sulfur content to verify compliance. A coal- and solid fuel-fired source may apply to the Regional Administrator for a waiver of the recordkeeping provisions of this rule or for approval of an alternative fuel sampling program. However, it is assumed that these requests will be uncommon. As of March 2026, no sources have applied for the waiver.

Section 49.131 - Open burning. In the 2015 ICR renewal, we decreased the number of requests for permission to perform open burning for firefighting training to 3 per year. For each request, we estimate the process takes 3 hours for contacting the Regional Administrator and gathering information to support the request. People may also request permission from the Regional Administrator to conduct an open burn to dispose of fireworks and associated packaging materials. As of March 2026, EPA has not received such a request and expects these requests will be rare.

Section 49.132 - General open burning permits. Respondents include anyone who wishes to conduct an open burn on the Nez Perce or Umatilla Reservations. Region 10 estimated that 980 open burning permits will be requested per year on both the Nez Perce and Umatilla Reservations based on historical information and prior ICR estimates. Labor costs are estimated for each respondent to submit the required information to obtain a burn permit (30 minutes per permit).

Section 49.133 - Agricultural burning permits. Respondents include anyone who wishes to conduct an agricultural burn on the Nez Perce or Umatilla Reservations. Region 10 estimated that 122 agricultural burning permits will be requested per year on both the Nez Perce and Umatilla Reservations based on historical information and prior ICR estimates. Labor costs are estimated for each respondent to submit the required information and make necessary calls to obtain a burn permit (27 minutes per permit). Based on the 2026 consultation, the estimate of labor hours was increased to a full hour per year, based on some additional burning permits issued in the spring season and consideration of the time to call to obtain a post-burn report.

Section 49.134 - Forestry and silvicultural burning permits. Respondents include any owner of forested land who wishes to conduct a forestry or silvicultural burn on the Nez Perce or Umatilla Reservations. Region 10 estimated that 34 forestry/silvicultural burning permits will be requested per year on both the Nez Perce and Umatilla Reservations based on historical information and prior ICR estimates. Labor costs are estimated for each respondent to submit the required information and make necessary calls to obtain a burn permit (36 minutes per permit).

Section 49.135 - Emissions detrimental to public health or welfare. Section 49.135 could potentially be applied to any facility, although, based on Region 10's experience with air pollution issues on reservations, we believe it is unlikely that the Region would need to apply the rule to more than one facility in any given year (as of March 2026, EPA has never utilized this rule). If EPA does determine that additional controls are needed under this rule, the controls would be implemented through other parts of the FIPs - by issuing an EPA-required permit under § 49.139. The estimated burden for § 49.135 is covered under the estimated burden for § 49.139.

Section 49.138 - Registration of air pollution sources and reporting of emissions. Existing sources affected by this rule must annually re-register each year. As of March 2026, 174 sources registered. EPA estimates that 12 newly constructed sources would need to comply with this rule over the next 3 years (4 each year). Based on EPA knowledge of the sources, the sources were divided into two tiers for this rule: a simple facility tier (e.g., facilities with one source); and a moderately complex tier (multiple sources, more complex processes, title V sources). For re-registrations, some sources in each tier will not change their facility/emissions and will be able to rely on their initial registration information (no modifications). Other sources will have changes in their emissions and will have to provide the new estimates (modifications). For simple sources, we estimate that 132 sources will have no modifications and will take 6 hours to re-register and 4 sources will have some modifications and will take 10 hours to re-register. For moderately complex sources, we estimate that 36 sources will have no modifications and will take 16 hours to re-register and 2 sources will have some modifications and will take 20 hours to re-register. Some sources will need to do an administrative modification, notifying EPA of a change of location, change of ownership, or closure of a source. These administrative modifications could be made by simple facilities or moderately complex facilities. We assumed that 6 sources each year will need to do an administrative modification and that it will take 2 hours each to prepare the administrative modification.

The 4 newly constructed sources each year will need to read the rule and complete initial registration within 90 days after beginning operation. EPA assumed that there will be 3 new simple sources and that they will need 12 hours to read the rule and complete initial registration. In addition,

EPA assumed that there will be 1 new moderately complex source and that it will need 41 hours to read the rule and complete initial registration.

Section 49.139 - Rule for non-title V operating permits. As noted previously, EPA promulgated the Federal NSR Program for Indian country in July 2011, which provides a mechanism for the owner or operator of an air pollution source in Indian country to obtain a limit on actual emissions or potential to emit. These nationwide rules supersede the § 49.139 rule for an owner-requested limit. Consequently, EPA estimates that no additional sources will voluntarily apply for a non-title V operating permit under the § 49.139 rule. However, those sources already issued owner-requested non-title V permits will need to perform the monitoring and recordkeeping required by the permit, as well as periodic revisions. As of March 2026, EPA has issued 5 current source-requested non-title V operating permits. EPA estimates that the sources with a permit will spend 50 hours each per year performing the monitoring and recordkeeping required by the permit. It is also estimated that each year one to two sources will spend an additional 100 hours revising an existing non-title V operating permit.

EPA also estimates that no sources will be required by EPA to get a non-title V operating permit. In the years since the FIP rules were first implemented, EPA has not required an operating permit under this rule and thus does not anticipate requiring any permits during the period of this ICR.

The source-requested non-title V permits contain limits on a source's potential to emit or actual emissions that would enable the source to avoid other Federal regulatory programs, such as:

- PSD, which requires air quality impact demonstrations including modeling and monitoring, use of Best Available Control Technology and attendant capital and O&M costs for pollution controls, and significant application requirements;
- NESHAP, which requires use of Maximum Achievable Control Technology, and recordkeeping and reporting requirements;
- Title V, the Federal Operating Permits Program, which has recordkeeping, reporting, and annual fee payment requirements; and,
- NSPS, where sources may use operating permits to reduce the stringency of rules that apply to them.

Therefore, those sources requesting a non-title V permit limiting a source's potential to emit or actual emissions would have been able to avoid other, likely more significant, burdens and costs.

The number of respondents was estimated from EPA knowledge of the sources and through information gathered through implementing the rule (primarily through § 49.138 Registration Rule).

The total estimated annual burden hours and cost for respondents and for EPA are summarized in Table 8.

Table 8
Total Estimated Annual Burden and Cost Summary

	Number of Respondents[1]	Total Annual Burden Hours[2]	Average Annual Burden per Source (Hours)	Total Annual Cost	Average Annual Cost Per Source
Respondents	1,502	4,034	2.69	$395,412	$263
EPA	n/a	11,336	n/a	$901,777	n/a
TOTAL	1,502	15,370	n/a	$1,297,189	n/a

[1] Includes the total number of entities affected by each rule. Some facilities may be affected by more than one rule.
[2] Total annual burden hours include hours for existing sources to comply with the recurring requirements of the FIPs and hours for expected new sources to comply with the initial requirements of the FIPs.

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.

For the purposes of generating cost estimates for each of the rules, EPA assumed that there will be no capital costs incurred under any of these rules. EPA did not anticipate facilities would add monitoring, recordkeeping or reporting equipment as a result of these rules. The 2026 and prior source consultations and EPA's experience with implementing the rules provide further support for this assumption. Since EPA

is unaware of any monitoring, recordkeeping or reporting equipment installed to comply with these rules, EPA did not estimate operation and maintenance (O&M) costs.

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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

Table 9 provides a summary of the EPA (and delegated Tribes) activities associated with the collection of information for each rule.

Table 9
Summary of EPA (and Delegated Tribes) Activities

FIP Rule (40 CFR Section)	Agency Action
49.122 Delegation	Answer respondent questions, review delegation request, work with Tribe in developing delegation agreement, consult with appropriate governmental entities, and publish a notice in the Federal Register and in local newspapers, informing the public of any delegation agreement.
49.124 Visible emissions	None.
49.126 Fugitive particulate matter	Answer respondent questions, review fugitive PM plans during source inspections.
49.130 Sulfur content of fuels	Answer respondent questions, review records during source inspections.
49.131 Open burning	Answer respondent questions, grant permission for firefighter training, and store information on FPS requests.
49.132 Open burning permits	Answer respondent questions, review information submitted by respondents, issue permits, and store information on open burn requests.
49.133 Agricultural burning permits	Answer respondent questions, review information submitted by respondents, issue permits, authorize the burn activity on the day of the proposed burn, and store information on agricultural burn requests.
49.134 Forestry and silvicultural burning permits	Answer respondent questions, review information submitted by respondents, issue permits, authorize the burn activity on the day of the proposed burn, and store information on forestry / silvicultural burn requests.
49.135 Emissions detrimental	Determine that an air pollution source is causing or contributing to a violation of any NAAQS or is presenting an imminent and substantial endangerment to public health or welfare or the environment; require the source to obtain a non-title V operating permit under § 49.139.
49.138 Registration	Answer respondent questions, operate online registration system, develop database, audit or review data submissions, record or enter data submissions, analyze requests for confidentiality and provide appropriate protection, reformat and distribute the data, and store the data.
49.139 Non-title V operating permits	Answer respondent questions, audit or review data submissions, analyze requests for confidentiality and provide appropriate protection, store the data, conduct technical analysis, issue the permit, and perform public notice.

Information collection for reporting requirements will be performed by written responses on EPA forms or through telephone contact with the respondent. EPA developed forms for §§ 49.132 (Rule for general open burning permits), 49.133 (Rule for agricultural burning permits), 49.134 (Rule for forestry and silvicultural burning permits), 49.138 (Rule for the registration of air pollution sources and the reporting of emissions), and 49.139 (Rule for non-title V operating permits). For § 49.138 (Rule for the registration of air pollution sources and the reporting of emissions), EPA now provides an online option to submit all registration information and reports on forms provided by the Regional Administrator via

FORS and CAERS within EPA's CDX, at https://cdx.epa.gov/. There are no required forms for delegation requests or delegation agreements under § 49.122 (Rule for partial delegation of administrative authority to a Tribe); however, there are model requests and model agreements available for Tribes as references. EPA also developed guidance and instructions to help in filling out the forms for §§ 49.138 and 49.139. EPA staff or a delegated Tribe will review each permit application, registration, or report to assure data completeness and accuracy. Region 10 will review the efficiency of using electronic reporting systems (e.g., via the Internet) to facilitate the transfer of this information. Information that has not been deemed confidential may be accessed by the public following a written request to the Regional Administrator.

14b. AGENCY BURDEN AND LABOR COST

EPA's average annual burden and costs that relate to this collection are summarized in Table 10. Region 10 estimates that 5.45 full-time equivalents (FTE) will be needed to carry out EPA information collection responsibilities for the FIP rules. This includes work carried out by EPA staff, delegated Tribes (implementing the FIPs on behalf of EPA), and Senior Environmental Employment (SEE) employees. An hourly rate of $79.55 was used to estimate costs. Table 11 shows the calculation of this hourly rate. Table 3 provides a summary of the EPA (and delegated Tribes) activities associated with the collection of information for each rule.

Table 10
EPA Average Annual Burden and Costs

Total Hours	$/Hour	Annual EPA Cost
5.45 FTE = 11,336 hours	**$79.55**	**$901,777**
	Associated Task	
0.45	Registration	
0.70	Misc. approvals & oversight related to reporting & recordkeeping	
0.20	Non-Title V operating permits	
3.75	Burn Permit Programs	
0.25	Database development	
0.10	Delegations	
5.45	**TOTAL**	

Table 11
Determination of 2026 Federal Salary Rates[1] and Total Hourly Cost

Wage rate of Permit Staff, GS 11 Step 5[2]				$45.28
Wage rate of Supervisory Staff, GS 13 Step 5[2]		$64.54		+
Factor: 0.091[3]	x	0.091		
				$5.87
Wage rate of Support Staff, GS 6 Step 5[2]		$27.53		+
Factor: 0.091[4]	x	0.091		
			$2.51	
Annual Applicable Salary of Permit, Supervisor and Support Staff				$53.66
				+
Benefits (36.25 percent of salary)[5]				$19.45
				+
General Overhead (12 percent of salary)[5]				$6.44
Total Hourly Cost				**$79.55**

[1] The salary levels shown for the positions indicated are assumed to represent the average of the combined salaries for EPA, Tribal and SEE program staff allocated to the respective position classification.

[2] U.S. Office of Personnel Management. "Salary Table 2025-SEA", General Schedule incorporating locality pay. https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/SEA.pdf. Labor rates incorporate the 2.6% General Schedule increase and a locality payment of 27.02% for the locality pay area of Seattle-Tacoma, WA.

[3] Based on an administrator managing a staff of 10 technicians and one support staff person, i.e., a 1/11 ratio, where: 1/11 = 0.091

[4] Based on one support staff person assisting 10 technicians and one manager, i.e., a 1/11 ratio = 0.091

[5] OMB Circular A-76. "Figure C1 - Table of Standard A-76 Costing Factors"; and OMB Circular No. A-76 Revised, May 29, 2003, reflecting OMB Memorandum M-08-13 (https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2008/m08-13.pdf). Applicable to FY 08. https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A76/a76_incl_tech_correction.pdf

In OMB Circular A-76, Figure C1:
- The term Benefits is identified as "Civilian Position Full Fringe Benefit Cost Factor"; and
- The term General Overhead is identified as "Overhead Factor."

14c. AGENCY NON-LABOR COSTS

There are no anticipated non-labor costs for the Agency.

14d. AGENCY TOTAL COSTS

The total estimated annual burden hours and cost for respondents and for EPA are summarized in Table 12.

Table 12
Total Estimated Annual Burden and Cost Summary

	Number of Respondents[1]	Total Annual Burden Hours[2]	Average Annual Burden per Source (Hours)	Total Annual Cost	Average Annual Cost Per Source
Respondents	1,502	4,034	2.69	$395,412	$263
EPA	n/a	11,336	n/a	$901,777	n/a
TOTAL	1,502	15,370	n/a	$1,297,189	n/a

[1] Includes the total number of entities affected by each rule. Some facilities may be affected by more than one rule.
[2] Total annual burden hours include hours for existing sources to comply with the recurring requirements of the FIPs and hours for expected new sources to comply with the initial requirements of the FIPs.

15. CHANGE IN BURDEN:

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

The total annual burden estimate for this rule is 4,034 hours compared to the previously approved estimate of 3,601, a difference of 433 hours. This increase in the burden estimate for this collection is based on input from source consultations and information we have learned about the source universe through implementing the rules. Some components of the burden estimate increased and some components decreased, resulting in an estimate that is slightly higher than the previous estimate. The increases were primarily associated with a slight increase in the number of respondents and burden estimate for conducting an annual survey and adjusting fugitive particulate matter control plans under the fugitive particulate matter rule (49.126), and an increase in the number of respondents registering air pollution sources and reporting emissions (49.138).

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.

The Agency does not intend to publish information gathered through this information collection.

17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS:

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

The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT:

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

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

BURDEN STATEMENT

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2.69 hours per response. This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2060-0558). Responses to this collection of information are mandatory (*see* 40 CFR 49.122, 49.124, 49.126, 49.130 through 135, 49.138, and 49.139). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. 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 existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for 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 the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-R10-OAR-2026-2906, which is available for online viewing at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Please include the EPA Docket ID Number EPA-R10-OAR-2026-2906 and OMB Control Number 2060-0558 in any correspondence.