

United States Environmental Protection Agency

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**EPA**

Office of Air and Radiation  
Office of Air Quality Planning and Standards

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April 2007

**INFORMATION  
COLLECTION REQUEST  
FOR STATE  
OPERATING PERMIT  
REGULATIONS (40 CFR  
PART 70)**

prepared by

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EPA #1587.07

## Executive Summary

The approved burden level in the previous ICR was 4.0 million hours per year for sources, 1.1 million burden hours per year for permitting authorities (PAs), and 28 thousand hours for the Federal government; for a total of 5.1 million hours each year. The current ICR predicts 4.2 million, 1.3 million, and 33 thousand hours, respectively, for each respondent group, for a total of 5.6 million hours. Overall, this is an expected increase in burden of 420 thousand hours. This increase in burden reflects an increase in the number of sources that will have their existing permits renewed and a more accurate estimate of the number of general versus single-source permits effective during the period covered by the ICR renewal. For sources, this is an increase in burden of 197 thousand hours, primarily due to increased activities related to operating gap-filling monitoring, preparing monitoring and annual compliance certification reports, and preparing renewal applications, despite the offset from the concomitant burden reduction due to the majority of sources having completed their initial permit applications. The Agency predicts States and other PAs will incur a burden increase of about 219 thousand hours per year and the Federal government will incur an increase of 5 thousand hours per year.

**TABLE E-1  
BURDEN CHANGE FROM NOVEMBER 2004 ICR TO CURRENT ICR**

	<b>Average Annual Burden in November 2004 ICR</b>	<b>Average Annual Burden in ICR Renewal</b>	<b>Difference</b>
<b>Sources</b>	3,978,858	4,176,069	197,211
<b>PAs</b>	1,130,690	1,349,570	218,880
<b>Federal</b>	28,294	33,389	5,095
<b>Total</b>	5,137,842	5,559,028	421,186

Table E-1 displays the expected annual burden and the expected change in annual burden for sources, PAs, and the Federal government for implementation of the title V Operating Permits Program between July 2007 and June 2010. Of the 5.6 million hours the Agency anticipates it will take to perform all the functions required each year, about 3/4 of the burden applies to sources. However, the magnitude of the total expected burden can be misleading, due to the number of permitted sources. For the 16,818 sources included in this analysis, the average expected burden is relatively small – just over 6 weeks of a full-time employee's time.

Permitting authorities incur about 24 percent of the burden of part 70 management, with the total burden spread between a significantly smaller number of entities compared to sources. On average, the Agency estimates the burden associated with the title V Operating Permits Program will be about 12,000 hours per year per PA. Each PA can expect to expend an average of 80 hours of effort per source each year, at a cost of about \$3,600 per permit. However, PA burden cannot be considered an Unfunded Mandate because the net cost to PAs for their management of an operating permits program must, by law, be passed on to the PA's sources through the permit fee. The cost of permits to sources must be of sufficient magnitude to fully offset all permit management costs. Hence, the true annual cost to permitting authorities under title V is zero, and the true annual cost to sources is \$221.0 million, approximately \$13,100 per source per year. The increase in burden for PAs in this ICR renewal is due to changes in levels of program activities that have occurred as a result of evolution of the program (e.g., an increase in permit renewal activity during the period) and to changes in burden estimates for PAs.

The burden and cost increase for Federal activities results primarily from a change in the burden estimate, specifically to add an annual burden for EPA oversight of each State and local program to reflect increased activity related to EPA response to public petitions asking EPA to object to specific State permits. This additional burden more than offsets the expected decrease in the level of EPA effort related to issuance of initial permits.

In accordance with the analytical requirements established under the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Agency has determined that there are no adverse effects to be identified vis-à-vis small entities and small businesses. Note that EPA has not made any changes in regulatory requirements or policy that would impose any new information collection requirements for small business, however this ICR renewal does show a small increase in burden and costs due to several variations in assumptions from the last ICR, including an expected increase in the number of sources subject to permit renewal requirements, a more accurate estimate of the percentage of sources that have obtained less-burdensome general permits, and inflation adjustments for wage rates.

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

This analysis is titled: "State Operating Permit Regulations (40 CFR part 70)." It fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) to determine, report, and periodically update the regulatory burden associated with the Operating Permits Program, codified in section 40 of the Code of Federal Regulations (40 CFR) part 70. This report has been assigned EPA tracking number ICR # 1587.07. The OMB tracking number for this ICR is 2060-0243.

### **1.2 Description**

Title V of the Clean Air Act requires States to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of major and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those State operating permits programs and to oversee their implementation. The EPA regulations setting forth requirements for the operating permits programs were codified at 40 CFR part 70 on July 21, 1992.

The activities that will occur during the period of this ICR include:

- permitting authorities issuing the remaining initial permits;
- sources submitting semi-annual monitoring and annual compliance certification reports;
- permitting authorities reviewing those reports;
- sources submitting applications for permit revisions;
- permitting authorities processing permit revisions;
- sources applying for permit renewal;
- permitting authorities renewing permits;
- newly subject sources submitting permit applications; and
- permitting authorities issuing new initial permits.

All of these data are made available for public review and comment. The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating permits program. The information will also be available for public inspection at any time in the offices of the permitting authorities.

The Agency anticipates annualized direct costs of the part 70 permit program for the three years of the ICR to subject sources to be approximately \$480.8 million. These represent the direct administrative costs for 16,818 sources, or approximately \$9,500 per source per year

(248 hours per source per year). The Agency estimates the cost of the part 70 permit program for the three years of the ICR to permitting authorities to be approximately \$182.2 million (\$3,600 and 80 hours per source per year) while Federal costs for the three years of the ICR will be approximately \$4.5 million (2 hours and \$89 per source per year).

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## 2 Need and Use of the Collection

- 2.1 Need/Authority For the Collection** In implementing title V of the Act and EPA's part 70 operating permit regulations, State and local permitting authorities must develop programs and submit them to EPA for approval (section 502(d)). Sources subject to the program must prepare operating permit applications and submit them to the permitting authority within 1 year after approval of the program by EPA (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(b)(5)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). The permit and all information submitted by a source shall be available for public review except for confidential information which will be protected from disclosure (section 503(e)) and the public shall be given public notice of, and an opportunity for comment on, permit actions (section 502(b)(6)). Sources will submit monitoring reports semi-annually and compliance certification reports annually, to the permitting authorities (section 503(b)(2)). The EPA has the responsibility to oversee implementation of the program (section 502(c)). A copy of sections 502 through 504 of title V of the Act are in Attachment 3.
- 2.2 Practical Utility/Users of the Data** The burden estimates included in this ICR include the total burden of implementing the part 70 operating permits program. For the 3-year period covered by this ICR, all State programs (including those portions of States for which an operating permits program is being implemented by a local agency) have been submitted to EPA and have been granted full approval. All permit applications have been submitted to State or local permitting authorities except for sources that will be newly subject to the program.
- To carry out the remaining activities of the program (listed above in section 1.2), permitting authorities must obtain the required information from sources subject to the program and they must then carry out their functions (e.g., permit issuance, renewal, and revision and report review) based on the information.
- 2.3 Caveats and Considerations** The information included in this ICR is based upon the best data sources available to the Agency at this time. However, inconsistencies in PA reporting techniques, incomplete data sets, and sampling limitations imposed upon the Agency by the Paperwork Reduction Act necessitated a certain amount of extrapolation and "best-guess" estimations by permitting authority and Agency experts. Consequently, the reader should not consider

the conclusions to be an exact representation of the level of burden or cost that will occur during the three years of this ICR. Instead, this ICR should be considered a directionally-correct assessment of the impact the Operating Permits Program will have over the next three years.

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

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

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

While much of the information requested under this ICR existed prior to the creation of the operating permits program, an operating permit is a compilation of existing requirements; the purpose being to bring all requirements applicable to a source into one document. The intent of this compilation is to (1) resolve any questions of applicability at the time of permit issuance, (2) provide certainty to sources as to their obligations, and (3) provide the public access to a source's obligations and compliance status. The Agency has no leeway to not require such previously existing information under this ICR since consolidation of the information into the operating permit and providing public access is the whole purpose of the statute. To the extent that similar information was previously collected (e.g., State permits under State implementation plans), the part 70 program may replace those activities thus avoiding duplication of efforts.

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

For any existing rule, § 3507(g) of the PRA limits the length of time for which the Director may approve a collection of information to 3 years. The last ICR renewal (EPA tracking number 1587.06) was granted on November 1, 2004 for the period ending March 31, 2007. An emergency extension was granted by OMB on March 13, 2007 that extended the expiration date to June 30, 2007

Except for information collection in notices of proposed rules or those exempted under the emergency processing provisions of 44 U.S.C. § 3507(j), the PRA requires EPA to solicit comment on each proposed information collection, including the renewal or modification of any existing ICR. On February 9, 2007 (72 FR 6233), the Agency published a notice soliciting comment on an analysis of burden for the part 70 program for the 3-year period of this ICR (i.e., July 1, 2007 to June 30, 2010). A copy of the February 2007 notice is attached as Attachment 5. The EPA received no public comments.

#### **3.3 Consultations**

In updating this ICR, EPA relied on the latest information on the number of sources subject to the program and the number of permits issued which is provided to EPA's regional offices, quarterly, by permitting authorities within their jurisdictions. Also, EPA contacted the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officers (STAPPA/ALAPCO), now known as the National Association of Clean Air Agencies (NACAA), and during a

conference call with them EPA received input on the draft ICR renewal for part 70 that was released for public comment on February 2, 2007.. Consistent with NACAA's input during that consultation, changes have been made to burden estimates for certain activities performed by permitting authorities and EPA. This is described more fully in section 6.2. Also, consistent with NACAA's concerns, in section 4.2.2, we are providing more detailed descriptions of permitting authority activities.

The burden estimates for specific activities for this ICR renewal continues to rely on consultations conducted for the previous ICRs, as shown below.

Permitting authorities contacted by EPA:

- Tom Micai, New Jersey DEP, 609-292-0834
- Lisa McClung, West Virginia DEP, 304-558-0885
- Wayne Anderson, Mississippi DEQ, 601-961-5153
- Rick McVaigh, San Joaquin UAPCD, 209-497-2000

Geri O. Sullivan of STAPPA/ALAPCO (now NACAA) contacted the following members and provided their responses to EPA:

- Jim Ross, Illinois EPA, 217-782-4651
- Brian Fitzgerald, Vermont ANR, 802-241-3848
- Phil Davis, Alabama DEM, 334-271-7875
- Curt Marshall, Regional Air Pollution Control Agency (Dayton, OH), 937-225-4435
- Renee Bachel, Wisconsin DNR, 608-266-7718

In the last ICR renewal, EPA discussed two other EPA activities that it thought would yield additional title V burden information for this renewal. One of these activities was a nationwide, comprehensive evaluation of the majority of title V operating permits programs, which was completed September 2006. The second activity is a stakeholder effort to assess all aspects of the title V program, currently lead by the Clean Air Act Advisory Committee. (This effort is known as the Title V Task Force.) The first activity, the State program evaluations, was not specifically designed to provide information for purposes of estimating burdens and cost of title V programs but it did result in information that generally supports the assumptions of the prior ICR, including those based on input from State and local permitting authorities. There is only one assumption for permitting authorities that has changed in response to these evaluations, that is the

frequency that public comments results in changes to draft permits (see Table 8, section 6.3.2), which did not lead to significant changes in overall burden for permitting authorities. (See analysis of State program evaluations included as Attachment 4). The second activity, the Title V Task Force, resulted in recommendations on ways that EPA could improve the effectiveness of the title V programs, such as through rulemaking or the issuance of guidance, but it did not result in any information useful for estimating burdens for this ICR, and no guidance or rulemaking resulting from this effort are effective at this time. (For more on the Title V Taskforce, see <http://www.epa.gov/oar/oaqps/permits/taskforce.html>)

**3.4 Effects of Less Frequent Collection**

In general, the information collections included in this ICR are one-time submittals per activity (e.g., permit application, permit issuance, and permit revision). Exceptions are deviation reports that must be submitted "promptly" and the semi-annual monitoring data report and the annual compliance certification. These reports are required by section 503(b)(1) and (2), respectively, of the Act and EPA has no leeway to require less frequent reporting.

**3.5 General Guidelines**

Part 70 requires retention of all monitoring data and support information and all permit applications, proposed permits, and final permit records for a period of 5 years. These records are necessary to fulfill the intent of title V to assure compliance with applicable requirements. Questions regarding the obligations of a source and its status of compliance can be resolved through such records.

**3.6 Confidentiality**

All information, other than confidential business information, relating to the permitting of sources under this program and related to compliance monitoring are required by section 503(e) of the Act to be subject to public review at all times. Section 70.4(b)(3)(viii) requires the permitting authority to make available to the public any permitting information except that entitled to protection from disclosure under section 114(c) of the Act. Protected information may be required to be submitted directly to EPA. Such information will be stored in EPA's Confidential Business Information office.

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## 4 The Respondents and the Information Requested

**4.1 Respondents** Respondents to this information collection come from two groups: permitting authorities (PAs) and sources required to obtain an operating permit.

All States are required by title V to develop a part 70 operating permits program. In many instances, local agencies administer a program in their jurisdiction in lieu of the State and are thereby subject to the same program requirements as States. In total, there are 112 State, territorial, and local agencies administering operating permits programs.

Under title V, all major stationary sources must obtain an operating permit.<sup>1</sup> Some non-major sources may also be subject to the program if they are subject to a Federal standard such as a New Source Performance Standard (including standards for hazardous air pollutants). Some of these sources have been exempted from the program or the applicability of the program requirements are deferred until some future date. Information provided to the EPA by permitting authorities indicate that 16,643 sources are now subject to the program, representing more than 500 SIC codes. Additional information (including SIC codes) for major sources subject to title V may be found by accessing the following web page:  
<http://www.epa.gov/compliance/resources/publications/data/systems/air/afsmajorsources.pdf>

**4.2 Information Requested** All activities associated with the operating permits program are considered information collection activities and are reflected in the ICR for part 70. Following are lists of the operating permits program data items submitted by sources and permitting authorities and program activities performed by permitting authorities and sources. Note that the descriptions for permitting authority activities below have been revised since the last ICR update to include more detailed descriptions, as request by NACCA (these changes are not due to any new EPA mandates).

**4.2.1 Data Items Submitted Including Recordkeeping Requirements**

**Permitting Authorities** (submitted to EPA)

- Applications for initial permits, permit revisions, and permit renewals
- Draft/proposed permits, permit revisions, or permit renewals

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<sup>1</sup> All definitions of “major” in the Act.

- Final permit
- Annual report of enforcement activities

**Sources** (submitted to permitting authority)

- Application for initial permits, permit revisions, and permit renewals
- Deviation reports that must be filed "promptly"
- Semi-annual monitoring report
- Annual compliance certification report

#### 4.2.2 Respondent Activities

#### PERMITTING AUTHORITY ACTIVITIES

- **Program administration:** Responding to inquiries about the program, developing internal and external program guidance, developing rules, forms, and other mechanisms to implement the program, planning, attending program training, permit fee collection, providing source training, attending EPA meetings and conferences, providing public education, and other program related activities.
- **Permit application review,** including discussions with a source concerning the completeness of the permit application, review of applications for completeness and technical approach, and requests for additional information, when necessary.
- **Draft permit preparation,** including contact with the source to clarify the specific requirements that apply, drafting the “statement of basis,” drafting gap-filing monitoring, when necessary, and drafting permit terms and conditions to reflect existing requirements.<sup>2</sup>
- **Comment period notification:** Providing notice to the public, EPA, and affected States of the comment period on a draft permit (for initial permit issuance, permit renewal and significant permit modification). Affected State notification is also required for minor permit modification.

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<sup>2</sup> This involves writing permit terms that reflect the “applicable requirements” that apply to sources. These “applicable requirements” (e.g., MACT and CAM) are not required by part 70; they are required by other Federal rules and their burdens are counted in the ICRs for those rules. Nevertheless, writing permit terms to reflect those requirements are part 70 burdens. Also, part 70 burdens include imposing additional monitoring through part 70, such as gap-filing monitoring (as clarified in a December 15, 2006 interpretive rule, 71 FR 75422).

- **Public hearing administration:** Administering a public hearing, when appropriate, for initial permit issuance, permit renewal, and significant permit modification.
- **Interaction with EPA** on a proposed permit, including negotiations, re-drafting, and formal EPA objections (including those attributable to public petitions).
- **Response to public comments:** Analyzing public comments and revising the draft permit accordingly, when appropriate.
- **Permit issuance:** Formalizing permits, placing copies of final permits on public websites, entering information into EPA's permit website (Air Facility System), and providing copies to sources.
- **General permits administration** (Burden for issuing general permits included with other permit issuance burden).
- **Permit revision:** Modifying permits to reflect changes at the source otherwise prohibited by the permit, including public participation and affected State review, when needed.
- **Permit renewal:** Updating the permit to reflect changes at the source, not captured through permit revision (includes reviewing application, drafting changes, public notice, public hearings (when needed), responding to public comments (when needed), and permit issuance).
- **Monitoring and compliance certification:** Reviewing deviation and semiannual monitoring reports and annual compliance certification reports required by part 70, and any enforcement activities related to such reviews.
- **Annual reporting:** Preparing and submitting to EPA annually a report of the State's enforcement activities.

### SOURCE ACTIVITIES

- **Permit application preparation,** including internal meetings, permitting authority discussions, management and legal department involvement, responsible official certification, contractor services.
- **Draft permit development:** Interaction with the permitting authority on draft permit development.
- **Gap-filling development:** Development of "periodic" monitoring or reporting, where necessary.
- **Public hearing participation**
- **Operate gap-filling periodic monitoring:** Operation of monitoring equipment and the taking and keeping of records, where necessary.

- **Monitoring reports:** Preparing deviation and semi-annual monitoring data reports and annual compliance certifications, including data analysis, responsible official certification, and report submission.
- **Permit revisions:** Preparing applications for revisions.
- **Permit renewal:** Preparing permit renewal applications.
- **Other activities** associated with permit renewal, including discussions with permitting authority and public hearing participation.

### EPA ACTIVITIES

- **Review proposed permits** and permit revisions to determine if they provide for compliance with all applicable requirements.
- **Review monitoring** provisions of proposed permits or permit revisions to see if they contain applicable requirements or to add periodic monitoring if needed.
- **Consult** with the permitting authority on any problems detected in the proposed permit or permit revision including interaction related to fact finding on permit petitions.
- **Program oversight including review of program changes**, review annual reports of enforcement activities, program evaluation, issuing notices of deficiency, development of formal EPA responses to public petitions, and applying sanctions to States, as appropriate.

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## 5 The Information Collected – Collection Methodology and Information Management

**5.1 Collection Methodology and Management** The Agency will receive proposed permits or permit revisions in hard copy or electronically, depending on permitting authority capability. Each EPA Regional Office has determined with their permitting authorities the most efficient system to exchange information. Each Regional Office maintains files of permit information only to the extent that the office determines the need for file retention. This will vary depending on factors such as the source (e.g., large, complicated sources vs. small), the type of permit (general vs. full), the number of actions occurring at a source, or the record of the source with respect to compliance. There is no need for EPA to maintain complete files of permit actions for public access since these are maintained by permitting authorities.

**5.2 Small Entity Flexibility** Title V provides few ways to mitigate the effects of operating permit regulations on small entities. Under section 502(a) of the Act, the Agency has exempted or deferred applicability of title V for those non-major source categories for which compliance with title V will be impractical, infeasible, or unnecessarily burdensome. (For example, see a recent final rule, 70 FR 75320, December 19, 2005, which exempted a large number of small sources). The Agency has not analyzed how many of these non-major sources will be small businesses, but believes that a large percentage may fall under that definition.

For industries with a large number of identical sources (e.g., bulk gasoline distribution terminals and gravel mining operations), general permits may be used to meet the requirements of title V (instead of a source-specific permit). General permits can reduce the burden of the program on small businesses.

In accordance with the analytical requirements established under the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Agency has determined that, because this ICR does not significantly increase burden relative to its predecessor, there are no adverse effects to be identified vis-à-vis small entities and small businesses.

**5.3 Collection Schedule** Items identified in section 4.2.1 are listed below with their schedule for submission.

**Permitting Authorities (submitted to EPA):**

- Application for permits, permit revision, and permit renewal should be submitted to EPA with the proposed permit or permit revision.
- Draft/proposed permits, permit revisions, or permit renewals should be submitted when the State wants to commence the EPA review period of the proposed permit or permit revision.
- The final permit should be submitted to EPA soon after it is issued, but there is no deadline in part 70 for this submission.
- The annual report of enforcement activities is submitted to EPA annually, but part 70 does not specify a date.
- Responding to program evaluation questionnaires.

**Sources (submitted to permitting authority):**

- New permit applications are due within 1 year after a source becomes subject to the program.
- Permit revision applications are submitted by a source when it wishes to make a change to its permit. There is no schedule for these submissions in that they are at the discretion of the source.
- Permit renewal applications are due at least 6 months prior to expiration of the permit.
- The semi-annual periodic monitoring report is due to be submitted to the permitting authority twice a year on dates specified by the permitting authority.
- The annual compliance certification report is due annually on a date specified by the permitting authority.
- Deviation reports (frequency is defined by permitting authority but at least every six months).

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## 6 Estimating the Burden and Cost of the Collection

### 6.1 Estimating the Number of Respondents

Historically, the Agency has identified 116 permitting authorities for title V purposes. This number includes several governmental agencies that do not manage operating permits programs. In actuality, there are 112 permitting authorities acting within the United States. Forty-nine States operate as permitting authorities, with California employing 34 local air quality management organizations in lieu of a statewide permitting authority. Puerto Rico, the Virgin Islands, and Washington D.C. all have operating permits programs, and there are 26 county or regional permitting authorities within States that operate in a manner similar to that of California.

As of September 2006, the Agency identified 16,643 sources subject to permitting under 40 CFR part 70, 16,441 of which have already received permits, representing a backlog of 202 sources. We consider sources who have not yet received initial permits to be in the backlog if the deadline for the permitting authority to act on the application has passed and a permit has not been issued. Also, between September 2006 and June 2007, EPA estimates that 25 new sources will become subject to permitting, and that an additional 54 permits will be issued (i.e., comprised of 25 new sources and 29 backlogged sources). Thus, at the beginning of the period covered by this analysis, EPA estimates there will be a source population of 16,668 sources, 16,495 issued permits, and a backlog of 173 permits. In addition, during the three years of this ICR we assume that the backlog of initial permits will be reduced in equal amount each year, eliminating the backlog by the end of the period of analysis. Also, 150 sources will become newly subject to permitting during the period of the analysis as a normal consequence of economic growth. Table 1 summarizes the number of permitting authorities and the number of permits to be issued during the period of this ICR renewal.

In the original 1992 RIA and ICR for the Operating Permits Regulations, the Agency anticipated 34,324 sources would be required to obtain operating permits. Since that time, the Agency has offered additional regulatory relief to sources by providing a vehicle through which sources defined as major based upon their potential to emit can, by contractually limiting operations, reduce their potential to emit to under the major source threshold (generally 100 tons per year of a criteria pollutant, 25 tons of a mixture of HAPs, or 10 tons of a single HAP). The success of this "synthetic minor" program can readily be seen by the significant drop (over 16,000 sources) in the number of affected major sources.

**TABLE 1  
IDENTIFICATION OF AFFECTED ENTITIES AND PERMIT ISSUANCE SCHEDULE**

PERMITTING AUTHORITIES		SOURCES	
State Permitting Authorities	49	Total Population of Part 70 Sources as of September 2006	16,643
PLUS: California Local Authorities	34	Less: Sources Permitted Before September 2006	16,441
PLUS: Territories and Possessions	2	Less: Sources Permitted September 2006 through June 2007	<u>54</u>
PLUS: District of Columbia	1	Total Sources Expected to Be Permitted through June 2007	16,495
PLUS: Other Local PAs	<u>26</u>	Plus: Newly Subjected Sources through June 2007	25
Total Permitting Authorities	112	Sources remaining to Be Permitted as of July 2007	173
		Percent of Sources Expected to Be Covered by General Permits	16%
		Existing Sources Expected to Be Covered	2,667
		Less: Sources Covered through June 2007	2,667
		Existing Sources Issued General Permits During this ICR	0
		Plus New Subject Sources During ICR Period (3 years)	150
		Total Permits to be Issued in Year 1	108
		Less: New Sources Covered by General Permits	0
		Single-source Permits to be Issued in Year 1	108
		Total Permits to be Issued in Year 2	108
		Less: New Sources Covered by General Permits	0
		Single-source Permits to be Issued in Year 2	108
		Total Permits to be Issued in Year 3	107
		Less: New Sources Covered by General Permits	0
		Single-source Permits to Be Issued in Year 3	107
		Total (single) Permits Expected to Be Issued During This ICR	323

Another example of regulatory relief incorporated into the operating permits program is the general permit, which allows large numbers of homogenous major sources of pollution to receive the same permit. This program has been successful in allowing approximately 16% (more than 2,600 part 70 sources) of all part 70 sources a cost-effective alternative to single-source permitting. Note that in prior analyses we estimated that 20% of sources would get general permits, but data EPA has collected recently from permitting authorities supports revising this estimate downward to 16% for purposes of the current analysis. The EPA estimates that by July 2007 (when the period of this ICR begins), the total population of part 70 sources will have grown to 16,668 and that 16% of these sources (2,667 sources) will have received general permits. Because general permits are typically relatively easy to issue, the Agency assumes that all existing sources eligible for general permits will have received them by June 2007 and that none of the 173 backlogged sources will be issued general permits during the three years of this ICR. We further assume that none of the estimated 150 newly subject sources will receive general permits during the period of this ICR.

Data collected by EPA suggests a renewal backlog of 8,552 permits as of September 2006. These permits will need to be renewed during the 3-year ICR period in order to eliminate the backlog. Additional permits will become subject to renewal during the ICR period because their initial or previous renewal permits are expiring. Thus, the total amount of permits projected to be renewed during the ICR period is 11,668. EPA assumes that the total number of permits to be renewed in each year of the ICR will be 1/3 of the backlog plus whatever permits would normally come up for review because their permits are at the end of their 5-year term, or 4,414 the first year, 3,710 the second year, and 3,544 the third year. This analysis also assumes that 84% of renewal permits will be issued as single-source permits and 16% as general permits, consistent with EPA's revised assumption. Also, EPA notes that the assumption of 8,552 permits in the renewal backlog is likely overestimated. We are in the process of implementing a new tracking system that should provide better estimates of this variable, but this system is not fully operational at this time.

## **6.2 Estimating Burden**

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. The Agency derived its estimates in Tables 2 and 3 from previous consultations with fewer than nine respondents from the regulated community on the burdens and costs of the permit programs, data collected by EPA from permitting authorities on the numbers of permits issued, renewed, and modified in the course of program administration, and based on our analysis of data submitted within the context of State and local permitting program evaluations. For table 3, permitting authority burden by activity, we have made several changes since the last ICR renewal, including revising the burden for permit renewals and significant modifications from 60 hours per activity to 90 hours per activity for both, and changing minor permit modification from 20 hours per activity to 30 hours per activity. These changes were made pursuant to consultation with NACCA to more accurately reflect the burdens of public notification, public comment, public hearing, and affected State review for these activities. The

specific tasks included in each activity are in Section 4.2.2, above, and the worksheets in Attachment 2 of this ICR.

Table 4 includes Federal burden estimates for each of the EPA activities discussed above in section 4.2.2. A change to this table since the last ICR renewal (also based on NACCA input), is the addition of a separate entry for EPA program oversight (e.g., formal EPA response to public petitions), as described in section 4.2.2, because of increased EPA efforts in this area in recent years. Other activities in the table remain unchanged from the last ICR renewal.

**TABLE 2**  
**AVERAGE SOURCE BURDEN BY ACTIVITY**

ACTIVITY	BURDEN PER SOURCE OR PERMIT (Hours)
Prepare Application	300
Draft Permits Interaction	40
Gap-filling Monitoring Development	40
Public Hearing Participation	10
Operate Gap-filling Periodic Monitoring	200
Prepare Monitoring Reports	80
Permits Revisions	
Significant Permit Modifications(10% of Permits)	80
Minor Permit Modifications (50% of Permits)	40
Administrative Amendments (50% of Permits)	8
Re-application of General Permit	2
Permit Renewal	200
Other Activities	20

**TABLE 3**  
**PERMITTING AUTHORITY BURDEN BY ACTIVITY**

<b>ACTIVITY</b>	<b>BURDEN PER PERMIT OR PROGRAM (Hours)</b>
Program Administration	3,500 / PA
Permit Application Review	100 / permit
Draft Permits Preparation	150 / permit
Comment Period Notification	10 / permit
Hold Public Hearings	100 / hearing
Interaction with EPA	20 / permit
Analyze Public Comments	40 / permit
Permits Issuance	8 / permit
General Permits	80 / PA
Permit Revision Significant Permit Modification Minor Permit Modification Administrative Amendment	90/ permit 30 / permit 5 / permit
Permits Renewal	90 / permit
Renew General Permits	10 / permit
Review Monitoring and Compliance Certification Reports	5 / report / permit
Annual Enforcement Activity Reporting	40 / PA

**TABLE 4**  
**EPA ACTIVITIES**

<b>ACTIVITIES</b>	<b>BURDEN HOURS PER PERMIT / PROGRAM</b>
Review Proposed Permits* New Permits Significant Permit Modifications Minor Permit Modifications	20 / permit 8 / revision 1 / revision
Consultation New Permits (25%) Significant Permit Modifications (25%) Minor Permit Modifications (25%)	8 / permit 8 / permit 1 / permit
Program Oversight	50 / program / year
Review the Annual Enforcement Activity Reports	10 / report

\* Includes the burden for review of periodic monitoring

## 6.3 Estimating Costs

### 6.3.1 Estimating Source Costs

Historically, the Agency had assumed 70% of all source burden categories would be performed in-house, with the remaining 30% delegated to contractors.<sup>3</sup> However, this renewal incorporates the previous ICR reassessment of that assumption, which is based on allocation of contractor support for only the initial permit application task. This analysis assumes one-third of the source's initial permit application preparation would be performed by contracted labor. The remainder of the source's tasks would be done entirely in-house.

In the 2000 ICR renewal, EPA determined source wage rates based on data from the 1997 Statistical Abstract of the United States, adjusted to 1999 dollars using the Employment Cost Index (ECI). The Agency estimated the total hourly cost of in-house labor using the wage rates for technical support staff (at full time), administrative staff (at one-eleventh time), and administrative support staff (at one-eighth time), adding in the costs for benefits, sick leave/vacation, and general overhead. The resulting hourly cost was \$32 per hour for in-house labor. In the 2004 ICR renewal, EPA calculated an updated hourly cost for in-house labor using the same methodology. At that time, the hourly cost was \$34 per hour.

For this ICR renewal, the Agency was unable to duplicate the methodology used in 2000 and 2004 because the Bureau of the Census has changed the data reported in the Statistical Abstract of the United States. Instead, EPA updated the hourly cost for in-house labor by adjusting the 2004 value (in 2003 dollars) to 2006 dollars using the ECI for white-collar workers in private industry. This calculation resulted in an hourly cost of \$38 for in-house labor as detailed below in Table 5.

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<sup>3</sup>United States Environmental Protection Agency, Regulatory Impact Analysis and Regulatory Flexibility Act Screening for Operating Permits Regulations, EPA-450/2-91- 011, June 1992, pp. 16-17.

**TABLE 5**  
**DETERMINATION OF SOURCE IN-HOUSE BURDEN COSTS**

$$\begin{aligned}
 Cost_{2006} &= Cost_{2003} * \left( \frac{ECI_{2005}}{ECI_{2003}} \right) * ECI_{2006 \text{ factor}} \\
 &= \$34.40 / \text{hour} * \frac{183.8}{172.0} * 1.029 \\
 &= \$37.83 / \text{hour}
 \end{aligned}$$

ECI<sub>2003</sub> and ECI<sub>2005</sub> from U.S. Census Bureau, *Statistical Abstract of the United States, 2007*, Table 632, Private industry workers, white-collar occupations. Available at [www.census.gov/compendia/statab/labor\\_force\\_employment\\_earnings/compensation\\_wages\\_and\\_earnings/](http://www.census.gov/compendia/statab/labor_force_employment_earnings/compensation_wages_and_earnings/)  
ECI<sub>2006factor</sub> from U.S. Department of Labor, Bureau of Labor Statistics at [www.bls.gov/new.release/eci.t05.htm](http://www.bls.gov/new.release/eci.t05.htm). Index for September 2006 relative to December 2005 for private industry workers, white-collar occupations excluding sales.

For contracted labor, operating permit management and reporting require the same skills employed by the EPA's consultants. For the 2000 ICR, as an estimation of a source's consulting costs, the Agency averaged the fully loaded cost of three environmental contractors at the PL 2 (secretarial support), PL 3 (technical), and PL 4 (administration) levels, applying the methodology employed below in Table 6 for establishing a Federal and PA FTE wage rate. The fully loaded hourly cost calculated at that time for Industry-hired consultants is \$268 (1999 dollars). Therefore, the hourly rate for preparing the initial permit application was set at \$111 for the 2000 ICR (1/3 of \$268 plus 2/3 of \$32). All other source tasks were estimated using the in-house hourly cost of \$32 per hour.

Because of the confidential nature of the values used to estimate contractor hourly costs, the exact methodology was not documented in the 2000 ICR. As a result, for the 2004 ICR renewal EPA used the ECI to update the hourly cost for preparing initial permit applications, calculating a value of \$131 per hour. For the current ICR renewal, EPA has used the same approach. The Agency used the methodology detailed above in Table 5, except that we started with the value in 1999 dollars (\$111 per hour) and used the ECI for 1999 (146.9) in place of the ECI for 2003. This resulted in an hourly cost for preparing an initial permit application of \$143. All other source tasks are estimated at the in-house hourly cost of \$38 per hour, as discussed above.

**6.3.2 Estimating PA and Agency Costs**

Historically, the Agency applied a \$34 per hour rate for Federal and State full time employee (FTE) wage rates. During the development of the ICR for the part 71 Federal Operating Permit Regulations, the Agency was

instructed by the Office of General Council (OGC) to compute more accurate estimations of these hourly costs. To determine the appropriate hourly wage to apply to the burden estimation for each respondent, OGC instructed the Agency to assume the appropriate FTE rate to apply would be a GS-11 Step 3, fully loaded to account for overhead, benefits, and all other appropriate costs. To fully incorporate the cost of that FTE's support staff and managerial costs, the Agency also assumed one-eleventh of a manager's time (at a GS-13, Step 3 level), and one-eighth of a secretary's time (at a GS-6, Step 6 level). Applying the same process for this ICR renewal, the Agency has determined the appropriate cost of Federal and permitting authority burden at \$45 per hour. Table 6 displays the calculation of this rate.

**TABLE 6  
DETERMINATION OF FEDERAL AND PERMITTING AUTHORITY BURDEN COSTS**

Annual Salary of Permit Staff, GS 11 Step 3 (FY 06 Schedule)*	\$49,269.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 06 Schedule )*	\$70,220.00
Factor (1/11)	<u>0.09</u>
	\$6,319.80
Annual Cost of Admin. Support Staff, GS 6 Step 6 (FY 06 Schedule)*	\$32,765.00
Factor (1/8)	<u>0.13</u>
	<u>\$4,259.45</u>
Annual Applicable Salary of Permit Staff	\$59,848.25
Benefits (at 16%)	\$9,575.72
Sick Leave/Vacation (at 10%)	\$5,984.83
General Overhead	<u>\$18,511.67</u>
Total Cost Per FTE	\$93,920.47
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)	\$45.15

\* <http://www.opm.gov/oca/06tables/html/ga.asp>, January 4, 2007

Table 7 lists the burden categories for respondent sources, the number of estimated occurrences for each item, and the expected cost for each, based on the burden estimations from Table 2.

Table 8 lists the burden categories for respondent permitting authorities, the expected number of permits or programs involved, and the expected cost for each, based on the burden estimations from Table 3.

Table 9 lists the burden categories for Federal (EPA) activities, the number of estimated permits or programs involved, and the expected cost for each, based on the burden estimations from Table 4.

**TABLE 7  
THE BURDEN AND COST OF SOURCE ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

<b>ACTIVITY</b>	<b>BURDEN HOURS PER PERMIT</b>	<b>RATE PER HOUR</b>	<b>AFFECTED PERMITS</b>	<b>TOTAL BURDEN (HOURS)</b>	<b>TOTAL COST (\$2006)</b>
Prepare Application	300	\$143	150	45,000	\$6,435,000
Draft Permit	40	\$38	323	12,920	\$490,960
Gap Filling Monitoring Development	40	\$38	162	6,480	\$246,240
Public Hearing Participation	10	\$38	6	60	\$2,280
Operate Gap Filling Monitoring	200	\$38			
Year 1			8,248	1,649,600	\$62,684,800
Year 2			8,302	1,660,400	\$63,095,200
Year 3			8,356	<u>1,671,200</u>	<u>\$63,505,600</u>
				4,981,200	\$189,285,600
Prepare Monitoring Reports	80	\$38			
Year 1			16,495	1,319,600	\$50,144,800
Year 2			16,603	1,328,240	\$50,473,120
Year 3			16,711	<u>1,336,880</u>	<u>\$50,801,440</u>
				3,984,720	\$151,419,360
Permit Revisions		\$38			
Significant Permit Modification	80				
Year 1			1,383	110,640	\$4,204,320
Year 2			1,394	111,520	\$4,237,760
Year 3			<u>1,404</u>	<u>112,320</u>	<u>\$4,268,160</u>
			4,181	334,480	\$12,710,240
Minor Permit Modifications	40				
Year 1			6,914	276,560	\$10,509,280
Year 2			6,968	278,720	\$10,591,360
Year 3			<u>7,022</u>	<u>280,880</u>	<u>\$10,673,440</u>
			20,904	836,160	\$31,774,080
Administrative Amendments	8				
Year 1			6,914	55,312	\$2,101,856
Year 2			6,968	55,744	\$2,118,272
Year 3			<u>7,022</u>	<u>56,176</u>	<u>\$2,134,688</u>
			20,904	167,232	\$6,354,816
General Permit Renewal	2	\$38	1,867	3,734	\$141,892
Permit Renewal	200	\$38	9,801	1,960,200	\$74,487,600
Other Activities	20	\$38	9,801	196,020	\$7,448,760
<b>Totals</b>				<b>12,528,206</b>	<b>\$480,796,828</b>

**TABLE 8  
THE BURDEN AND COST OF PERMITTING AUTHORITY ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

ACTIVITY	Burden Hours per Permit	Affected Permits or Programs	Total Burden (Hours)	Total Cost (\$2006)
Program Administration	3,500	112 programs	1,176,000	\$52,920,000
Permit Application Review	100	150	15,000	\$675,000
Draft Permit Preparation	150	323	48,450	\$2,180,250
Comment Period Notification	10	323	3,230	\$145,350
Public Hearing	100	6	600	\$27,000
Interaction with EPA	20	323	6,460	\$290,700
Analyzing Public Comments	40	6	240	\$10,800
Permit Issuance	8	323	2,584	\$116,280
General Permits Administration	80	112 programs	26,880	\$1,209,600
Permit Revisions Significant	90			
Year 1		1,383	124,470	
Year 2		1,394	125,460	
Year 3		<u>1,404</u>	<u>126,360</u>	
		4,181	376,290	\$16,933,050
Minor	30			
Year 1		6,914	207,420	
Year 2		6,968	209,040	
Year 3		<u>7,022</u>	<u>210,660</u>	
		20,904	627,120	-
				\$28,220,400
Administrative	5			
Year 1		6,914	34,570	
Year 2		6,968	34,840	
Year 3		<u>7,022</u>	<u>35,110</u>	
		20,904	104,520	\$4,703,400
			1,107,930	\$49,856,850
Permit Renewals	90	9,801	882,090	\$39,694,050
Review General Permits	10	1,867	18,670	\$840,150
Review Monitoring and Compliance Certification Reports				
Year 1	15	16,495	247,425	\$11,134,125
Year 2	15	16,603	249,045	\$11,207,025
Year 3	15	16,711	250,665	\$11,279,925
			747,135	\$33,621,075
Annual Enforcement Activity Reporting	40	112 programs	13,440	\$604,800
Totals			4,048,709	\$182,191,905

**TABLE 9  
THE BURDEN AND COST OF EPA ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

<b>ACTIVITY</b>	<b>Burden Hours</b>	<b>Affected Permits or Programs</b>	<b>Total Burden (Hours)</b>	<b>Total Cost (\$2006)</b>
Review Permits and Revisions New Permits	20	81	1,620	\$72,900
Renewals	20	490	9,800	\$441,000
Significant Permit Revisions	Year 1	1,383	11,064	\$497,880
	Year 2	1,394	11,152	\$501,840
	Year 3	<u>1,404</u>	<u>11,232</u>	<u>\$505,440</u>
		4,181	33,448	\$1,505,160
Minor Permit Revisions	Year 1	6,914	6,914	\$311,130
	Year 2	6,968	6,968	\$313,560
	Year 3	<u>7,022</u>	<u>7,022</u>	<u>\$315,990</u>
		20,904	20,904	\$940,680
Consult with PA New Permits	8	81	648	\$29,160
Significant Permit Revisions	Year 1	346	2,768	\$124,560
	Year 2	348	2,784	\$125,280
	Year 3	<u>351</u>	<u>2,808</u>	<u>\$126,360</u>
		1,045	8,360	\$376,200
Minor Permit Revisions	Year 1	1,729	1,729	\$77,805
	Year 2	1,742	1,742	\$78,390
	Year 3	<u>1,755</u>	<u>1,755</u>	<u>\$78,975</u>
		5,226	5,226	\$235,170
Program Oversight	50	112 programs	16,800	\$756,000
Review the Annual Report	10	112	3,360	\$151,200
Totals			100,166	\$4,507,470

**6.3.3 Bottom Line Burden Hours and Costs**

Tables 2, 3, and 4 display the activities of the part 70 program for sources, permitting authorities, and Federal government (EPA), respectively. Table 5 explains the derivation of the hourly cost of in-house labor for sources, and Table 6 gives the derivation of hourly costs for permitting authorities and EPA. Tables 7, 8, and 9 display the total burden and costs associated with each of these categories. Table 10 below summarizes the costs for all three types of affected entities in 2006 dollars.

**TABLE 10  
BOTTOM LINE BURDEN AND COST (2007-2010)**

	<b>Number of Affected Entities</b>	<b>Total ICR (3-Year) Burden Hour</b>	<b>Average Annual Burden Per Respondent</b>	<b>Average Annual Burden Per Source</b>	<b>Total ICR (3-Year) Cost (\$2006)</b>	<b>Average Annual Cost Per Respondent (\$2006)</b>	<b>Average Annual Cost Per Source</b>
<b>Sources</b>	16,818	12,528,206	248	248	\$480,796,828	\$9,529	\$9,529
<b>PAs</b>	112	4,048,709	12,050	80	\$182,191,905	\$452,238	\$3,611
<b>Federal</b>	1	100,166	33,389	2	\$4,507,470	\$1,502,490	\$89
<b>Total</b>		16,677,081	NA	NA	\$667,496,203	NA	NA

Table 10 displays the expected burden and cost for sources, permitting authorities, and the Federal government for implementation of the title V Operating Permits Program between July 2007 and June 2010. Of the 16.7 million hours the Agency anticipates it will take to perform all the functions required by title V, about 3/4 of the burden applies to sources. However, the magnitude of the total expected burden can be misleading, due to the number of permitted sources. For the 16,818 sources included in this analysis, the average expected burden is relatively small – just over 6 weeks of a full time employee's time. Likewise, the cost associated with that burden is also small - about \$9,500.

Permitting authorities incur about 24 percent of the burden in Table 10, with the total burden spread between a significantly smaller number of entities than for sources. On average, the Agency estimates the PA burden associated with the title V Operating Permits Program will be about 12,000 hours per year. However, for some permitting authorities with relatively fewer sources (Connecticut, Wyoming, etc.), this average burden will exceed their actual burden; and, for permitting authorities with more than the average number of sources (Louisiana, Texas, etc.), the average burden will be too low. A better measure of the effect of title V regulations on permitting authorities would be to divide the total estimated hours by the number of operating permits. On average, each PA can expect to spend about 80 hours per year managing and overseeing each permit in its jurisdiction, at a cost of approximately \$3,600 per permit. However, this cost cannot be considered an Unfunded Mandate from the Federal government, because the net cost to permitting authorities for their

management of an operating permits program must, by law, be passed on to sources in the form of permit fees of sufficient magnitude to fully offset all permit management costs. Therefore, the true annual cost to permitting authorities under title V is zero, and the true annual cost to sources is \$221 million, or approximately \$13,100 per permit.

#### **6.4 Changes in the Burden**

The part 70 program has been evolving since its inception, beginning with promulgation of the part 70 regulations in 1992. Consequently, the activities associated with implementing the part 70 program have changed since the previous ICR. State and local permitting authorities first developed their programs and submitted them to EPA for approval. This activity occurred over several years during which approved programs were beginning to be implemented by first having sources submit permit applications. As the later program submissions were being approved, some agencies were in the early stages of issuing permits. As of the beginning of this ICR, all programs are approved and essentially all permit applications have been submitted to the permitting authorities.

With the experience gained through program implementation, EPA and permitting authorities have a better sense of the activities associated with the program and the burden of those activities. The activities in this ICR have been developed based on this knowledge. The burden (in hours) in this ICR can be accurately compared to the approved burden levels in its predecessor on an activity-by-activity basis, since these burdens are independent of changes in the wage rates used to compute the costs for each activity.

The approved burden level in the previous ICR was 4.0 million hours per year for sources, 1.1 million burden hours per year for permitting authorities, and 28 thousand hours for Federal oversight; for a total of 5.1 million hours. Table 11 compares the burden in the previous ICR with the burden in this ICR. The change in burden is an increase from the previous ICR due primarily to changes in levels of program activities that have occurred as a result of evolution of the program and secondarily due to changes in burden estimates for permitting authorities and EPA. These changes would be considered "adjustments."

For permitting authorities, there is a slight overall increase in burden during the 3-year period of this ICR. The burden for program development and review of initial permit applications for existing sources has ended because these activities have largely been completed. However, these reductions are more than offset by activities that will increase, such as preparation of

renewal permits (including responding to objections), processing of permit revisions, and review of semi-annual monitoring and annual compliance reports.

**TABLE 11  
BURDEN CHANGE FROM NOVEMBER 2004 ICR TO CURRENT ICR**

	Average Annual Burden in November 2004 ICR	Average Annual Burden in ICR Renewal	Difference
<b>Sources</b>	3,978,858	4,176,069	197,211
<b>PAs</b>	1,130,690	1,349,570	218,880
<b>Federal</b>	28,294	33,389	5,095
<b>TOTAL</b>	5,137,842	5,559,028	421,186

The primary reason hourly burden has increased for sources during this ICR period is because, as initial permits are approaching expiration, sources will be preparing applications for renewal permits. In addition, in this analysis, we are using a lower, more accurate estimate of the number of general versus single-source permits (16% as compared to 20% assumed for past ICRs). In addition, an increase in the overall number of sources with permits results in a corresponding increase in monitoring activities, in permit revisions, and in preparing and submitting semi-annual monitoring reports and the annual compliance certification report.

**6.5 Burden Statement**

As previously noted, it is impractical to attempt to delineate burden by respondent and activity due to the large number of respondents, the variation in the circumstances for each respondent, and the varied nature of the activities of the program. Following in Table 12 is the apportioned burden for each type of respondent. This is derived from the total permitting authority hourly burden divided by the number of permitting authorities, and similarly for sources.

**TABLE 12  
BURDEN STATEMENT**

	Number of Respondents	Total Annual Burden	Average Annual Burden per Respondent	Average Annual Burden per Source
<b>Source</b>	16,818	4,176,069	248	248
<b>PAs</b>	112	1,349,570	12,050	80
<b>Federal</b>	1	33,389	33,389	2

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-HQ-OAR-2004-0015, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2004-0015 and OMB Control Number 2060-0243 in any correspondence.

**ATTACHMENT 1**  
**ASSUMPTIONS FOR PART 70 ICR RENEWAL**

## ASSUMPTIONS

### TIME PERIOD OF ICR

The time period covered by this ICR is July 1, 2007 to June 30, 2010

### SOURCE POPULATION

1. Total population of title V sources as of September 2006 = 16,643
  - o An additional 25 sources will be added to the program by July 2007.
  - o Source populations at the beginning of ICR will be  $16,643 + 25 = 16,668$
  - o This ICR projects that 50 additional sources will become subject to title V each year increasing the population as follows:
2. Source population at the end of June 2008 =  $16,668 + 50 = 16,718$
3. Source population at the end of June 2009 =  $16,718 + 50 = 16,768$
4. Source population at the end of June 2010 =  $16,768 + 50 = 16,818$

### INITIAL PERMIT ISSUANCE BACKLOG

5. The total backlog of existing sources that had not received their initial permits was 202 sources as of September 2006 (16,643 minus 16,441 permits issued).
6. Assume that all backlogged initial permits will be issued between September 2006 and June 2010.
  - o Between September 2006 and July 2007 (when this ICR begins), an estimated 29 backlogged initial permits will be issued.
  - o Thus, over the period of this ICR, 173 backlogged permits will remain to be issued.
  - o Assume that 58 backlogged permits will be issued during the first year of the ICR, 58 in the second year, and 57 in the third year.

### GENERAL PERMITS

7. Assume by July 2007, 16% of all sources (2,667) will be covered by general permits. This is because general permits are usually the first to be issued and, therefore, it is appropriate to assume that all existing sources eligible for general permits would be covered by the beginning of the ICR period.
8. Assume that none of the backlogged permits or permits for newly subject sources issued during the period of this ICR will be general permits.

9. Assume 16% of all expired permits (11,668) will be renewed as general permits (1,867)

### **NEW SOURCES**

EPA estimates there will be approximately 50 new major sources nationwide applying for a title V permit each year during the term of this ICR (150 total for the 3 years of this ICR). For this ICR, it is assumed these permits will be issued equally during the three years of this ICR (i.e., 50 permits per year).

### **SINGLE-SOURCE, INITIAL PERMITS ISSUANCE RATE ACCOUNTING FOR GENERAL PERMITS AND NEW SOURCES**

10. Single-source permits (i.e., not general permits) which will be subject to the full permit issuance process
- o 173 existing (i.e., backlogged) sources will be issued single-source permits during the period of the ICR (58 in year 1, 58 in year 2, and 57 in year 3)
  - o 150 single-source permits issued to new sources in years 1, 2, & 3 of the ICR (50 per year)
11. Summary of single-source initial permit issuance by year
- o Year 1 - 108 permits
  - o Year 2 - 108 permits
  - o Year 3 - 107 permits

### **PERMIT REVISION RATES**

12. Sources covered by general permits will not apply for permit revisions
13. 16,441 sources were covered by permits as of September 2006
14. An additional 54 sources will be issued permits between September 2006 and July 2007
15. 2,667 sources or 16% of the source population will be covered under general permits by July 2007 (i.e., all backlogged existing sources will need single-source permits)
16. Number of single-source permits issued by the beginning of this ICR (i.e., July 2007) for which permit revisions may be made during year 1 of this ICR:
- o 16,495 permits were issued by July 2007
  - o 2,667 sources are covered by general permits by July 2007
  - o  $16,495 - 2,667 = 13,828$  single-source permits issued by July 2007
17. Single-source permits issued as of beginning of year 2 (i.e., through June 2008) of this ICR (for which permit revision may be made during year

2) is 108 issued during year 1 plus the 13,828 already issued = 13,936 single-source permits

18. Single-source permits issued as of beginning of year 3 (i.e., through June 2009) of this ICR (for which permit revision may be made during year 3) is 108 issued during year 2 plus the 13,936 already issued = 14,044 single-source permits

19. Summary:

- o Permits for which revisions may be made during year 1 – 13,828
- o Permits for which revisions will be made during year 2 – 13,936
- o Permits for which revisions will be made during year 3 - 14,044

## **PERMIT RENEWAL**

20. Data indicate that there was a permit renewal backlog of 8,552 permits as of September 2006.

21. Assume that these backlogged renewals will be issued during the period of this ICR (2,851 in year 1, 2,851 in year 2, and 2,850 in year 3).

22. An additional 1,563 permits will become due for renewal during year 1 of this ICR. Thus, a total of 4,414 permits will be renewed during the first ICR year (1,563 newly due plus 2,851 backlogged renewals). Assume 16% or 706 ( $0.16 * 4,414$ ) sources covered by general permits, leaving 3,708 single-source permit renewals during year 1 of this ICR.

23. An additional 859 sources will be newly up for renewal between July 2008 and June 2009. With 2,851 backlogged sources, there will be a total of 3,710 renewals in year 2. Assume 16% or 594 are sources covered by general permits, leaving 3,116 single-source permit renewals during year 2 of this ICR.

24. An additional 694 sources will be newly up for renewal between July 2009 and June 2010. With 2,850 backlogged sources, there will be a total of 3,544 renewals in year 3. Assume 16% or 567 are sources covered by general permits, leaving 2,977 single-source permit renewals during year 3 of this ICR.

25. Summary:

- o  $4,414 + 3,710 + 3,544 = 11,668$  total sources covered by renewal permits of which  $0.16 * 11,668 = 1,867$  are general permits
- o  $11,668 - 1,867 = 9,801$  single-source permits which will have to be renewed during this ICR period (3,708 in year 1, 3,116 in year 2, and 2,977 in year 3)

**SOURCES REPORTING MONITORING AND COMPLIANCE STATUS**

All sources with issued permits (including those covered by general permits) will report monitoring data semi-annually and compliance certifications annually. Sources with issued permits are as follows:

26. 16,495 sources will be covered by issued permits at the beginning of this ICR and will be submitting reports during year 1 of this ICR.

27. 108 additional sources will be covered by permits issued in year 1. 108 + 16,495 sources already covered by permits = 16,603 sources that will be covered by permits by the beginning of year 2 and will be submitting reports during year 2.

28. 108 additional sources will be covered by permits issued in year 2. 108 + 16,603 sources already covered by permits = 16,711 sources that will be covered by permits by the beginning of year 3 and will be submitting reports during year 3.

**SYNTHETIC MINOR PERMITS**

All synthetic minor permits had been issued prior to July 2007 so no burden is included during the term of this ICR.

**PERMIT APPLICATIONS**

During the period of this ICR, it is assumed 150 new sources will submit applications for initial title V permits.

**SUMMARY OF TABLE OF ASSUMPTIONS**

<b>ITEM</b>	<b>NUMBER</b>	<b>COMMENTS</b>
Number of sources subject to part 70	16,668	At the beginning of this ICR (July 2007)
Number of sources already issued permits at the beginning of this ICR	16,495 (13,828 single-source)	2,667 sources covered by general permits
Number of backlogged permits for existing sources	173	Single-source permits to be issued for all; 1/3 per year

<b>ITEM</b>	<b>NUMBER</b>	<b>COMMENTS</b>
Number of sources which will become subject to part 70 during this ICR	150	50 each year
Sources issued permits in year 1 of this ICR	108 (all single-source)	Single-source permits for 58 existing sources and 50 new sources
Sources issued permits in year 2 of this ICR	108 (all single-source)	Single-source permits for 58 existing sources and 50 new sources
Sources issued permits in year 3 of this ICR	107 (all single-source)	Single-source permits for 57 existing sources and 50 new sources
Total issued permits during this ICR	323 (all single-source)	108 single-source permits in year 1, 108 single-source permits in year 2, 107 single-source permits in year 3
Total issued permits ICR Years:	N/A	All are single-source permits
o Year 1	13,828	Single-source permits issued at beginning of ICR
o Year 2	13,936	13,828 already issued plus 108 single-source permits issued in year 1
o Year 3	14,044	13,936 already issued plus 108 single-source permits issued in year 2
Permits subject to renewal:	N/A	11,668 total including 8,552 sources in backlog
o Year 1	4,414	3,708 single & 706 general
o Year 2	3,710	3,116 single & 594 general
o Year 3	3,544	2,977 single & 567 general
Applications for initial permits submitted during this ICR	150	150 new sources
Sources submitting semi-annual monitoring and annual compliance	N/A	From all sources, including those covered under general permits

<b>ITEM</b>	<b>NUMBER</b>	<b>COMMENTS</b>
certification reports		
o Year 1	16,495	
o Year 2	16,603	
o Year 3	16,711	
General Permits Subject to Renewal	1,867	16% of all (11,688) general permits

**ATTACHMENT 2**  
**WORKSHEETS FOR BURDEN ESTIMATES**

**WORKSHEETS**

The EPA contacted respondents from the regulated community and EPA Regional Offices to obtain information to be used as the basis for calculating burden hour estimates for implementing the part 70 regulations. The respondents are listed in section 3.3. Tables 1, 2, and 3 below are the worksheets used for calculating burden estimates.

**TABLE 1**

**PERMITTING AUTHORITY ACTIVITIES**

<b>ACTIVITY</b>	<b>BURDEN PER INDIVIDUAL PERMIT OR PROGRAM</b>	<b>COMMENTS*</b>	<b>TOTAL PROGRAM BURDEN FOR 3 YEARS</b>
Program administration: Responding to inquiries about the program, developing internal and external program guidance, planning, attending program training, permit fee collection, providing source training, attending EPA meetings and conferences, providing public education, and other program related activities.	3,500 hrs. per agency	112 agencies	392,000 hrs. per year 1,176,000 for 3 years of ICR
Reviewing a permit application, including discussions with a source concerning the permit application.	100 hrs./permit	Assume 150 new sources will submit permit applications nationwide	15,000 for 3 years of ICR
Preparing a draft permit, including contact with the source.	150 hrs./permit	323 permits issued during 3-year ICR time period	48,450 for 3 years of ICR
Providing notice to the public, EPA, and affected States of the comment period on a draft permit.	10 hrs./permit	323 draft permits during ICR time period	3,230 for 3 years of ICR
Holding a public hearing on a	100 hrs./hearing	Assume a	600 for 3 years of

ACTIVITY	BURDEN PER INDIVIDUAL PERMIT OR PROGRAM	COMMENTS*	TOTAL PROGRAM BURDEN FOR 3 YEARS
permit.		hearing for 1 in 50 of the 323 new single-source permits (i.e., 6 hearings)	ICR
Interaction with EPA on a proposed permit, including negotiations, re-drafting, and formal EPA objections (including those attributable to public petitions).	20 hrs./permit	323 proposed permits during ICR time period	6,460 for 3 years of ICR
Analyzing public comments and revising the permit accordingly	40 hrs./permit	Assume comments on 1 in 50 permits (i.e., 6 permits)	240 for 3 years of ICR
Issuing the permit, including web activities and source notification.	8 hrs./permit	323 new permits issued during ICR time period	2,584 for 3 years of ICR
Administering general permits (Burden for issuing general permits included with other permit issuance burden)	80 hrs. per agency per year	112 agencies	8,960 hrs. per year 26,880 for 3 years of ICR
Revising a permit.	N/A	Number of issued single-source permits: year 1-13,828; year 2 -13,936; year 3 -14,044	N/A
• Significant (1 out of every 10 issued permits per year)	90 hrs. each	Significant permit modifications: 1,383 - yr 1; 1,394 - yr 2; 1,404 - yr 3	Hours: 124,470 - yr 1 125,460 - yr 2 126,360 - yr 3 376,290 for 3 years of ICR
• Minor (1 out of every 2 issued permits per year)	30 hrs. each	Minor permit modifications: 6,914 - yr 1;	Hours: 207,420 - yr 1, 209,040 - yr 2, 210,660 - yr 3,

<b>ACTIVITY</b>	<b>BURDEN PER INDIVIDUAL PERMIT OR PROGRAM</b>	<b>COMMENTS*</b>	<b>TOTAL PROGRAM BURDEN FOR 3 YEARS</b>
		6,968 - yr 2; 7,022 - yr 3	627,120 for 3 years of ICR
• Administrative (1 out of every 2 issued permits per year)	5 hrs. each	Administrative amendments: 6,914 - yr 1; 6,968 - yr 2; 7,022 - yr 3	Hours: 34,570 - yr 1, 34,840 - yr 2, 35,110 - yr 3, 104,520 for 3 years of ICR
Renewing a single-source permit (reviewing application, drafting any changes, public notice, issuance).	90 hrs./permit renewal	9,801 renewals during ICR term	882,090 for 3 years of ICR
Renewing a general permit	10 hrs./general permit renewal	1,867 general permit renewals	18,670 for 3 years of ICR
Reviewing two semiannual monitoring reports, and the annual compliance certification.	15 hrs./permit (5 hrs. each)	All permits: year 1 - 16,495; year 2 - 16,603; year 3 - 16,711	Hours: 247,425 - yr. 1, 249,045 - yr. 2, 250,665 - yr. 3, 747,135 for 3 years of ICR
Preparing and submitting to EPA annually a report of the State's enforcement activities.	40 hrs./agency	112 agencies	4,480 hrs. per year, 13,440 for 3 years of ICR

\*See the Assumptions in Attachment 1 for the derivation of some of these numbers.

**TOTAL BURDEN HOURS FOR PERMITTING AUTHORITIES:**

4,048,709 hours for 3 years/3 = 1,349,570 hours per year

**TABLE 2**  
**SOURCE ACTIVITIES**

<b>ACTIVITY</b>	<b>BURDEN PER SOURCE</b>	<b>COMMENTS*</b>	<b>TOTAL PROGRAM BURDEN FOR 3 YEARS</b>
Preparing a permit application, including internal meetings, permitting authority discussions, management and legal department management and legal department certification, contractor services.	300 hrs.	Assume 150 permit applications during 3 years of ICR	45,000 for 3 years of ICR
Interaction with the permitting authority on draft permit development.	40 hrs.	Assume 323 new single-source permits issued during 3 years of ICR	12,920 for 3 years of ICR
Development of periodic monitoring gap-filling.	40 hrs. per source	Assume gap-filling for 50% of 323 single-source permits issued during 3 years of ICR (i.e., 162)	6,480 for 3 years of ICR
Public hearing participation	10 hrs. (1 in 50 single-source permits get hearing)	323 single-source permits during ICR period, 1 in 50 = 6 sources	60 for 3 years of ICR
Operation of gap-filling periodic monitoring (annual burden to operate monitors, keep records, etc.).	200 hrs. per year	Assume gap-filling for 50% of all permits: 8,248 - yr. 1 8,302 - yr. 2 8,356 - yr. 3	Hours: 1,649,600 - yr. 1, 1,660,400 - yr. 2, 1,671,200 - yr. 3, 4,981,200 for 3 years of ICR
Preparing semi-annual monitoring data reports, including data analysis, responsible official certification,	80 hrs. per year	All issued permits: 16,495 - yr. 1 16,603 - yr. 2 16,711 - yr. 3	Hours: 1,319,600 - yr. 1, 1,328,240 - yr. 2, 1,336,880 - yr. 3, 3,984,720 for 3 years of ICR

ACTIVITY	BURDEN PER SOURCE	COMMENTS*	TOTAL PROGRAM BURDEN FOR 3 YEARS
and report submission (annual burden for both reports). Include preparing and submitting annual compliance certification.			
Preparing application for permit revisions			
• Significant permit modifications (1 out of every 10 single-source permits per year)	80 hrs. each	Significant permit revisions: 1,383 - yr 1 1,394 - yr 2 1,404 - yr 3	Hours: 110,640 - yr. 1, 111,520 - yr. 2, 112,320 - yr. 3, 334,480 for 3 years of ICR
• Minor permit modifications (1 out of every 2 single-source permits per year)	40 hrs. each	Minor permit modifications: 6,914 - yr. 1 6,968 - yr. 2 7,022 - yr. 3	Hours: 276,560 - yr. 1, 278,720 - yr. 2, 280,880 - yr. 3, 836,160 for 3 years of ICR
• Administrative amendments (1 out of every 2 single-source permits per year)	8 hrs. each	Administrative amendments: 6,914 - yr. 1 6,968 - yr. 2 7,022 - yr. 3	Hours: 55,312 - yr. 1, 55,744 - yr. 2, 56,176 - yr. 3, 167,232 for 3 years of ICR
Preparing an application for single-source permit renewal	200 hrs.	9,801 renewals during ICR term	1,960,200 for 3 years of ICR
Re-applying for coverage under a general permit	2 hrs.	1,867 sources	3,734 for 3 years of ICR
Other activities associated with permit renewal, including discussions with permitting authority and public hearing participation.	20 hrs.	9,801 renewals during ICR term	196,020 for 3 years of ICR

\*See the Assumptions in Attachment 1 for the derivation of some of these numbers.

**TOTAL BURDEN HOURS FOR SOURCES:**

12,528,206 hours for 3 years/3 = 4,176,069 hours per year

**PROGRAM TOTAL**

4,048,709 hours (permitting authorities) + 12,528,206 hours (sources) = 16,576,915 total hours for 3 years

16,576,915 total hours/3 = 5,525,638 hours per year for permitting authorities and sources to implement the part 70 program.

**TABLE 3**

**EPA ACTIVITIES**

ACTIVITY	BURDEN PER INDIVIDUAL PERMIT OR PROGRAM	COMMENTS	TOTAL PROGRAM BURDEN FOR 3 YEARS
Review proposed permits and permit revisions to determine if they provide for compliance with all applicable requirements.	N/A	N/A	N/A
• New permits	20 hrs. per new permit	Review 25% of 323 permits issued during ICR term (81 permits)	1,620 for 3 years of ICR
• Significant permit revision	8 hrs. per revision	Review all Revisions: 1,383 - yr. 1 1,394 - yr. 2 1,404 - yr. 3	Hours: 11,064 - yr. 1, 11,152 - yr. 2, 11,232 - yr. 3, 33,448 for 3 years of ICR
• Minor permit revision	1 hr. per revision	Review all. Revisions: 6,914 - yr. 1 6,968 - yr. 2 7,022 - yr. 3	Hours: 6,914 - yr. 1, 6,968 - yr. 2, 7,022 - yr. 3, 20,904 for 3 years of ICR
Review periodic monitoring provisions of proposed permits or permit revisions to see if they are adequate to demonstrate compliance with applicable requirements.	N/A	Burden included above in review of permits and revisions.	N/A
Consult with the permitting authority on any problems detected in the proposed permit or permit revision.	N/A	N/A	N/A

<b>ACTIVITY</b>	<b>BURDEN PER INDIVIDUAL PERMIT OR PROGRAM</b>	<b>COMMENTS</b>	<b>TOTAL PROGRAM BURDEN FOR 3 YEARS</b>
• New permits	8 hrs. per new permit	Consult on 25%. 323 permits issued during ICR term (81)	648 hours of ICR
• Significant permit modifications	8 hrs. per revision	Consult on 25%. Sig. mods: 1,383 - yr. 1(346) 1,394 - yr. 2 (348) 1,404 - yr. 3 (351)	Hours: 2,768 - yr. 1, 2,784 - yr. 2, 2,808 - yr. 3, 8,360 for 3 years of ICR
• Minor permit modifications	1 hr. per revision	Consult on 25%. Minor mods: 6,914 - yr. 1(1,729) 6,968 - yr. 2(1,742) 7,022 - yr. 3 (1755)	Hours: 1,729 - yr. 1, 1,742 - yr. 2, 1,755 - yr. 3, 5,226 for 3 years of ICR
Program oversight	50 hrs. per program per year	112 agencies	Hours: 5,600 per year, 16,800 for 3 years of ICR
Review the annual report of enforcement activities.	10 hrs. per report	112 agencies	3,360 for 3 years of ICR

TOTAL FOR EPA: 100,166 hours for 3 years/3 = 33,389 hours per year

**ATTACHMENT 3**  
**TITLE V OF THE CLEAN AIR ACT, THE STATUTORY REQUIREMENTS FOR**  
**THE RESPONDENT INFORMATION**

**SEC. 502. PERMIT PROGRAMS**

(a) Violations.- After the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate an affected source (as provided in title IV), a major source, any other source (including an area source) subject to standards or

regulations under section 111 or 112, any other source required to have a permit under parts C or D of title I, or any other stationary source in a category designated (in whole or in part) by regulations promulgated by the Administrator (after notice and public comment) which shall include a finding setting forth the basis for such designation, except in compliance with a permit issued by a permitting authority under this title. (Nothing in this subsection shall be construed to alter the applicable requirements of this Act that a permit be obtained before construction or modification.) The Administrator may, in the Administrator's discretion and consistent with the applicable provisions of this Act, promulgate regulations to exempt one or more source categories (in whole or in part) from the requirements of this subsection if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.

(b) Regulations.- The Administrator shall promulgate within 12 months after the date of the enactment of the Clean Air Act Amendments of 1990 regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include each of the following:

(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of applications.

(2) Monitoring and reporting requirements.

(3)(A) A requirement under State or local law or interstate compact that the owner or operator of all sources subject to the requirement to obtain a permit under this title pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title, including section 507, including the reasonable costs of -

(i) reviewing and acting upon any application for such a permit,

(ii) if the owner or operator receives a permit for such source, whether before or after the date of the enactment of the Clean Air Act Amendments of 1990, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

(iii) emissions and ambient monitoring,

(iv) preparing generally applicable regulations, or guidance,

(v) modeling, analyses, and demonstrations, and

(vi) preparing inventories and tracking emissions.

(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in subparagraphs (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than \$25 per ton of each regulated pollutant, or such other amount as the Administrator may determine adequately reflects the reasonable costs of the permit program.

(ii) As used in this subparagraph, the term "regulated pollutant" shall mean (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and

(III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

(iii) In determining the amount under clause (i), the permitting authority is not required to include any amount of regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

(iv) The requirements of clause (i) shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will meet the requirements of subparagraph (A).

(v) The fee calculated under clause (i) shall be increased (consistent with the need to cover the reasonable costs authorized by subparagraph (A)) in each year beginning after the year of the enactment of the Clean Air Act Amendments of 1990 by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. For purposes of this clause -

(I) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and

(II) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(C)(i) If the Administrator determines, under subsection (d), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under subsection (i), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under subparagraph (A). Such fees shall be designed solely to cover the Administrator's costs of administering the provisions of the permit program promulgated by the Administrator.

(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes).

(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State, local, or interstate agency under this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph (A).

(4) Requirements for adequate personnel and funding to administer the program.

(5) A requirement that the permitting authority have adequate authority to:

(A) issue permits and assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act;

(B) issue permits for a fixed term, not to exceed 5 years;

(C) assure that upon issuance or renewal permits incorporate emission limitations and other requirements in an applicable implementation plan;

(D) terminate, modify, or revoke and reissue permits for cause;

(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than \$10,000 per day for each violation, and provide appropriate criminal penalties; and

(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under this title.

(6) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, for processing such applications, for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications, renewals, or revisions, and including an opportunity for judicial review in State court of the final permit action by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of that action under applicable law.

(7) To ensure against unreasonable delay by the permitting authority, adequate authority and procedures to provide that a failure of such permitting authority to act on a permit application or permit renewal application (in accordance with the time periods specified in section 503 or, as appropriate, title IV) shall be treated as a final permit action solely for purposes of obtaining judicial review in State court of an action brought by any person referred to in paragraph (6) to require that action be taken by the permitting authority on such application without additional delay.

(8) Authority, and reasonable procedures consistent with the need for expeditious action by the permitting authority on permit applications and related matters, to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 503(e), subject to the provisions of section 114(c) of this Act.

(9) A requirement that the permitting authority, in the case of permits with a term of 3 or more years for major sources, shall require revisions to the permit to incorporate applicable standards and regulations promulgated under this Act after the issuance of such permit. Such revisions shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations. No such revision shall be required if the effective date of the standards or regulations is a date after the expiration of the permit term. Such permit revision shall be treated as a permit renewal if it complies with the requirements of this title regarding renewals.

(10) Provisions to allow changes within a permitted facility (or one operating pursuant to section 503(d)) without requiring a permit revision, if the changes are not modifications under any provision of title I and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions: *Provided*, That the facility provides the Administrator and the permitting authority with written notification in advance of the proposed changes which shall be a minimum of 7 days, unless the permitting authority provides in its regulations a different time frame for emergencies.

(c) Single Permit.- A single permit may be issued for a facility with multiple sources.

(d) Submission and Approval.- (1) Not later than 3 years after the date of the enactment of the Clean Air Act Amendments of 1990, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality, or the interstate compact provide adequate authority to carry out the program. Not later than 1 year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator may approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b). If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within 180 days after receiving notification.

(2)(A) If the Governor does not submit a program as required under paragraph (1) or if the Administrator disapproves a program submitted by the Governor under paragraph (1), in whole or in part, the Administrator may, prior to the expiration of the 18-month period referred to in subparagraph (B), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(B) If the Governor does not submit a program as required under paragraph (1), or if the Administrator disapproves any such program submitted by the Governor under paragraph (1), in whole or in part, 18 months after the date required for such submittal or the date of such disapproval, as the case may be, the Administrator shall apply sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(C) The sanctions under section 179(b)(2) shall not apply pursuant to this paragraph in any area unless the failure to submit or the disapproval referred to in subparagraph (A) or (B) relates to an air pollutant for which such area has been designated a nonattainment area (as defined in part D of title I).

(3) If a program meeting the requirements of this title has not been approved in whole for any State, the Administrator shall, 2 years after the date required for submission of such a program under paragraph (1), promulgate, administer, and enforce a program under this title for that State.

(e) Suspension.- The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may, in such notice, retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this subsection should be construed to limit the Administrator's ability to enforce permits issued by a State.

(f) Prohibition.- No partial permit program shall be approved unless, at a minimum, it applies, and ensures compliance with, this title and each of the following:

(1) All requirements established under title IV applicable to "affected sources."

(2) All requirements established under section 112 applicable to "major sources", "area sources," and "new sources."

(3) All requirements of title I (other than section 112) applicable to sources required to have a permit under this title. Approval of a partial program shall not relieve the State of its obligation to submit a complete program, nor from the application of any sanctions under this Act for failure to submit an approvable permit program.

(g) Interim Approval.- If a program (including a partial permit program) submitted under this title substantially meets the requirements of this title, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than 2 years after such approval, and may not be renewed. For the period of any such interim approval, the provisions of subsection (d)(2), and the obligation of the Administrator to promulgate a program under this title for the State pursuant to subsection (d)(3), shall be suspended. Such provisions and such obligation of the Administrator shall apply after the expiration of such interim approval.

(h) Effective Date.- The effective date of a permit program, or partial or interim program, approved under this title, shall be the effective date of approval by the Administrator. The effective date of a permit program, or partial permit program, promulgated by the Administrator shall be the date of promulgation.

(i) Administration and Enforcement.- (1) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, the Administrator shall provide notice to the State and may, prior to the expiration of the 18-month period referred to in paragraph (2), in the Administrator's discretion, apply any of the sanctions specified in section 179(b).

(2) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, 18 months after the date of the notice under paragraph (1), the Administrator shall apply the sanctions under section 179(b) in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

(3) The sanctions under section 179(b)(2) shall not apply pursuant to this subsection in any area unless the failure to adequately enforce and administer the program relates to an air pollutant for which such area has been designated a nonattainment area.

(4) Whenever the Administrator has made a finding under paragraph (1) with respect to any State, unless the State has corrected such deficiency within 18 months after the date of such finding, the Administrator shall, 2 years after the date of such finding, promulgate, administer, and enforce a program under this title for that State. Nothing in this paragraph shall be construed to affect the validity of a program which has been approved under this title or the authority of any permitting authority acting under such

program until such time as such program is promulgated by the Administrator under this paragraph. [42 U.S.C. 7661a]

### **SEC. 503. PERMIT APPLICATIONS.**

(a) **APPLICABLE DATE.**-Any source specified in section 502(a) shall become subject to a permit program, and required to have a permit, on the later of the following dates-

(1) The effective date of a permit program or partial or interim permit program applicable to the source; or

(2) The date such source becomes subject to section 502(a).

(b) **COMPLIANCE PLAN.**-(1) The regulations required by section 502(b) shall include a requirement that the applicant submit with the permit application a compliance plan describing how the source will comply with all applicable requirements under this Act. The compliance plan shall include a schedule of compliance, and a schedule under which the permittee will submit progress reports to the permitting authority no less frequently than every 6 months.

(2) The regulations shall further require the permittee to periodically (but no less frequently than annually) certify that the facility is in compliance with any applicable requirements of the permit, and to promptly report any deviations from permit requirements to the permitting authority.

(c) **DEADLINE.**-Any person required to have a permit shall, not later than 12 months after the date on which the source becomes subject to a permit program approved or promulgated under this title, or such earlier date as the permitting authority may establish, submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted. The permitting authority shall approve or disapprove a completed application (consistent with the procedures established under this title for consideration of such applications), and shall issue or deny the permit, within 18 months after the date of receipt thereof, except that the permitting authority shall establish a phased schedule for acting on permit applications submitted within the first full year after the effective date of a permit program (or a partial or interim program). Any such schedule shall assure that at least one-third of such permits will be acted on by such authority annually over a period of not to exceed 3 years after such effective date. Such authority shall establish reasonable procedures to prioritize such approval or disapproval actions in the case of applications for construction or modification under the applicable requirements of this Act.

(d) **TIMELY AND COMPLETE APPLICATIONS.**-Except for sources required to have a permit before construction or modification under the applicable requirements of this Act, if an applicant has submitted a timely and complete application for a permit required by this title (including renewals), but final action has not been taken on such application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant timely to submit information required or requested to process the application. No source required to have a permit under this title shall be in violation of section 502(a) before the date on which the source is required to submit an application under subsection (c).

(e) COPIES; AVAILABILITY.-A copy of each permit application, compliance plan (including the schedule of compliance), emissions or compliance monitoring report, certification, and each permit issued under this title, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit shall not be entitled to protection under section 114(c).

#### **SEC. 504. PERMIT REQUIREMENTS AND CONDITIONS.**

(a) CONDITIONS.-Each permit issued under this title shall include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every 6 months, the results of any required monitoring, and such other conditions as are necessary to assure compliance with applicable requirements of this Act, including the requirements of the applicable implementation plan.

(b) MONITORING AND ANALYSIS.-The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act, but continuous emissions monitoring need not be required if alternative methods are available that provide sufficiently reliable and timely information for determining compliance. Nothing in this subsection shall be construed to affect any continuous emissions monitoring requirement of title IV, or where required elsewhere in this Act.

(c) INSPECTION, ENTRY, MONITORING, CERTIFICATION, AND REPORTING.-Each permit issued under this title shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulation under subsection (b). Any report required to be submitted by a permit issued to a corporation under this title shall be signed by a responsible corporate official, who shall certify its accuracy.

*§70.5(c) Standard applications form and required information.* The State program under this part shall provide for a standard application form or forms. Information as described below for each emissions unit at a part 70 source shall be included in the application. The Administrator may approve as part of a State program a list of insignificant activities and emissions levels which need not be included in permit applications. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the schedule approved pursuant to §70.9 of this part. The permitting authority may use discretion in developing application forms that best meet program needs and administrative efficiency. The forms and attachments chosen, however, shall include the elements specified below:

(1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(2) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated alternative scenario identified by the source.

(3) The following emission related information:

(i) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this paragraph (c) of this section. The permitting authority shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the fee schedule approved pursuant to §70.9(b) of this part.

(ii) Identification and description of all points of emissions described in paragraph (c)(3)(i) of this section in sufficient detail to establish the basis for fees and applicability of requirements of the Act.

(iii) Emissions rate in tpy and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.

(iv) The following information to the extent it is needed to determine to regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules.

(v) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(vi) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the part 70 source.

(vii) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the Act.)

(viii) Calculations on which the information on paragraphs (c)(3)(i) through (c)(3)(vii) of this section is based.

(4) The following air pollution control requirements:

(i) Citation and description of all applicable requirements, and

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(5) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of this part or to determine the applicability of such requirements.

(6) An explanation of any proposed exemptions from otherwise applicable requirements.

(7) Additional information as determined to be necessary by the permitting authority to define alternative operating scenarios identified by the source pursuant to § 70.6(a)(9) of this part or to define permit terms and conditions implementing § 70.4(b)(12) or § 70.6(a)(10) of this part.

(8) A compliance plan for all part 70 sources that contains all the following:

(i) A description of the compliance status of the source with respect to all applicable requirements.

(ii) A description as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis.

(C) For requirements for which the source is not in compliance at the time or permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(iii) A compliance schedule as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(C) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to and shall not sanction noncompliance with, the applicable requirements on which it is based.

(iv) A schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(9) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph (d) of this section and section 114(a)(3) of the Act;

(ii) A statement of methods used for determining compliance, including a description of monitoring, record keeping, and reporting requirements and test methods;

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the permitting authority; and

(iv) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

(10) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the Act.

(d) Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**ATTACHMENT 4**  
**ANALYSIS OF PART 70 STATE PROGRAM EVALUATIONS FOR ICR**  
**RENEWAL PURPOSES (1587.07)**

## Background

- Representative sample of State Evaluations selected (below) for review.
- List of State/local agencies reviewed is similar to list of States that initially responded to surveys for earlier ICRs.
  - Previous ICR estimates based on responses from: New Jersey, West Virginia, Mississippi, San Joaquin, Illinois, Vermont, Alabama, Dayton Ohio, Wisconsin.
  - Audit analysis based on same list, except for Dayton, Ohio and San Joaquin, where audits are not available for review.
  - State of Ohio was substituted for Dayton, Ohio because Dayton is a field office of the Ohio program, not a separate program.
- State program evaluations not designed primarily for ICR purposes – designed for programs oversight purposes instead – thus, results only partially appropriate for ICR purposes.
- State evaluations reports did not typically address total burdens hours or costs for individual activities, sources or States, nor did they address average burden hours or average costs per permit, per source, or per permitting authority.
- Data for ICR renewal also provided by EPA's internal TOPS part 70 tracking system – a system where EPA Regional offices provide tracking data on a 6-month basis for each approved part 70 program (some 3-month data also available for historical purposes).
  - TOPS data not summarized below, but independently included in assumptions included in ICR (i.e., source universe subject to permitting, number of initial permits issued, number of renewal permits issued, Number of significant modification issued, number of general permits (also interpreted as number of sources subject to general permitting)).
- Since the last ICR renewal (30 months ago), the Title V Taskforce under the Clean Air Act Advisory Committee has undertaken a review of the title V program (this was mentioned briefly in the current ICR, section 3.3). This effort resulted in a list of recommendations for changes to policy and rulemakings to make the programs more effective, but no data useful for ICR renewal purposes was generated.
- For the record, the previous ICR assumed the following:
  - General permits are 1/5 of the total.
  - Public notification occurs for every draft permit.
  - Public comments cause draft permits to be revised 10% of the time.
  - Public hearings are held for 2% of permits.
  - Gap-filling monitoring (or recordkeeping which serves the same purpose) is required in 1/2 of permits, including general permits.
  - Significant permit revisions occur in 1/10 of issued single permits (does not include general permits) on an annual basis (30% over 3 years)
  - Minor permit modifications occur in 1/2 of single permits each year (150% of permits over 3 years)

- o Administrative amendments occurs in ½ of single permits each year (150% of permits over 3 years)
- o Permit renewals occur roughly at the same rate as the initial permits expire and that any backlog of renewals is reduced over the 3-year period of the ICR.
- o Applying for a permit renewal is about 1/2 the burden of applying for an initial permit, while for States, permit renewals are about 1/3 the burden of initial permits.
- o 100% of compliance reports reviewed by States.

Note that all of these State programs have been effective, with at least interim approval, which allowed them to begin issuing permits, for over 10 years at present.

### **Results of Evaluations**

- No major changes to assumptions for ICR renewal supported by this review – information within evaluation reports generally consistent with past EPA assumptions.
- The State evaluations generally lack quantitative data, but they provide general support that the assumptions of the ICR are a directionally correct assessment of the frequency that certain activities occur.
- One minor change is in the number of sources that are expected to get regulatory relief through the use of general permits. The evaluations are not convincing on this point but tracking data shows that 16% of permits are general permits.
- Another minor change is in the percentage of public comments that lead to changes to the draft permits. The evaluations suggests that such changes are rare, consistent with the frequency that public hearings occur, since the standard for changing the permit and for holding a public hearing are similar. Thus, we are changing the frequency for finalizing drafts permit with public comment to 2% from 10% within the burden estimates for permitting authorities.

### **State Summaries**

#### **New Jersey (410 Permits)**

1. No General permits
2. “Perform Gap-filling exercise on every permit” (didn’t answer question directly)
3. Public comments on less than 2% of draft permits, all changed in response
4. Public hearing requested occasionally, public attendance low
5. Significant modifications: 1-2% (TOPS shows 46 over life of program)
6. Minor Modifications: 90% (TOPS only addresses significant modifications)
7. Admin Amendments: 10%
8. Review 100% of compliance reports
9. Renewals easier to process because applications focus on changes at sources since permit issued. Renewals not a high priority at this time

**West Virginia** (171 Permits)

1. 1 general permit (certain units at natural gas compressor facilities), 26 sources fully implemented (13% of sources)
2. “Some sort” of gap-filling recordkeeping or monitoring in “most, if not all permits.” (Didn’t say how many units in these permits had such M&R). Experience is causing NSR permits to be written better, so that less gap-filing will be necessary in title V permits in future
3. Public comments are “rare,” or “0 to 3%,” and change due to comments occur similarly
4. No Public hearings have ever been held
5. 191 modifications to date (over life of program)
6. Significant Modifications: 11% (TOPS shows 0 over life of program)
7. Minor Modifications: 30.9%
8. Admin Amendments: 46.1%
9. Renewals easier to process, but we have only processed a few (Did not elaborate further)
10. Review 100% of compliance reports

**Mississippi** (317 Permits)

1. No general permits. Will consider general permits for MACT area sources not exempted from Title V
2. Said in “some cases” gap-filling has lead to new control devices. Also, did not specify how often gap-filling recordkeeping or monitoring added other than to say that they did so when the underlying standards are inadequate
3. Has not received many public comments, most on high profile sources on Gulf Coast. Also said comments during public comment period are “rare”
4. Did not specify that any public hearings have occurred
5. 384 revisions during life of program
6. Significant Modifications: 85 out of 384 or 22% (TOPS says 138)
7. Minor Modifications: 24 out of 384 or 6%
8. Admin Amendments: 33 out of 384 or 9% also they said 502(B)(10) changes were 242 out of 384 or 63% (these are similar in burden to admin. amendments because no public process required)
9. Renewals not easier to-date, but streamlined renewal applications coming, so may be easier in future
10. Review 100% of compliance reports

**Alabama** (251 Permits)

1. No general permits issued
2. Periodic monitoring added for “most units subject to a regulation that do not contain underlying monitoring requirements”
3. Public comments: Said they have not received many and that most were not relevant to title V

4. Did not state that any hearings had ever been held, only stated that they have procedures in place to hold hearings
5. TOPS says 54 significant revisions to date (no response to these questions in audit)
6. Renewals easier than initial issuance because of staff experience
7. Review 100% of compliance reports

**Vermont** (20 permits)

1. No general permits
2. They said they have added monitoring when necessary, but not how often
3. Public comments very few, perhaps 5% (1 comment)
4. State has had 1 public hearing
5. Significant Modifications: 55.3% (TOPS says 6 over life of program)
6. Minor Modifications: 20%
7. Admin Amendments: 26.7%
8. Renewals easier to process, application much better, review focuses on changes and CAM
9. Review 100% of compliance reports

**Wisconsin** (148 Permits)

1. General permits for non-metallic minerals processing plants, small heating units, hospital sterilizers, and printing presses; about 5% of sources
2. They say they have added monitoring but not how often
3. Public comments on 10% of permits, 5% change due to comment
4. Did not say how often public hearings held
5. Significant Modifications: 80% (TOPS says 136 life of program)
6. Minor Modifications: 5%
7. Admin Amendments: 15%
8. Just plainly said easier to renew
9. Review 100% of compliance reports

**Illinois** (728 Permits)

1. No general permits
2. No universal approach as to when gap-filing added. Much recordkeeping added but monitoring only typically for utility sources; monitoring may be added for other source categories based on case-by-case determination
3. Public comments on 5-7% of draft permits; most result in changes to the permit to some extent
4. Did not specify how often public hearings have occurred. EPA notes that State's website for public hearing did not contain any public hearing records for title V permits within the last 6 months
5. Significant Modifications: 15% (TOPS says 41)
6. Minor Modifications: 40%
7. Admin Amendments: 45%

8. Renewals easier because most requirements already established in permits, requirements do not typically need to change, and renewal application much more complete than applications for initial permits
9. Review 100% of compliance reports

**Ohio** (755 Permits)

1. No general permits
2. “Gap-filling as appropriate based on regulations and DAPC Engineering Guide #65”. Also said “routinely” added to permits
3. Public comments on less than 5% of draft permits; changes due to comments less than 1%
4. 8 public hearings have occurred during life of program
5. Significant Modifications: 10% (TOPS says 18)
6. Minor Modifications: 4%
7. Admin Amendments: 86%
8. Very much easier because just updating what already done
9. Review 100% of compliance reports

**ATTACHMENT 5**  
**FEBRUARY 9, 2007 FEDERAL REGISTER NOTICE (72 FR 6233)**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2004-0015 and EPA-HQ-OAR-2004-0016; FRL-8277-3]

### Agency Information Collection Activities; Proposed Collections; Comment Request; Part 70 Operating Permit Regulations, EPA ICR No. 1587.07, OMB Control No. 2060-0243; Part 71 Federal Operating Permit Regulations, EPA ICR No. 1713.06, OMB Control No. 2060-0336

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew two existing approved Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). These ICRs are scheduled to expire on March 31, 2007. Before submitting these ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before April 10, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2004-0015 (part 70 ICR) or EPA-HQ-OAR-2004-0016 (part 71 ICR), by one of the following methods:

- *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Fax*: (202) 566-7944.
- *Mail*: U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket Information Center, 1200 Pennsylvania Avenue, NW., Mail Code 2822T, Washington, DC 20460.
- *Hand Delivery*: EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are accepted only during the Docket's normal hours of operation—8:30 a.m. to 4:30 p.m., Monday through Friday. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OAR-2004-0015 or EPA-HQ-OAR-2004-0016.

EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise to be protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an "anonymous access" system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to us without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

**FOR FURTHER INFORMATION CONTACT:** Jeff Herring, Office of Air Quality Planning and Standards, Air Quality Policy

Division (C504-05), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541-3195; fax number: (919) 541-5509; e-mail address: *herring.jeff@epa.gov*.

#### SUPPLEMENTARY INFORMATION:

#### How Can I Access the Docket and/or Submit Comments?

The EPA has established public dockets for these ICRs under Docket ID Nos. EPA-HQ-OAR-2004-0015 (part 70 ICR) and EPA-HQ-OAR-2004-0016 (part 71 ICR) which are available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the reading room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. Use [www.regulations.gov](http://www.regulations.gov) to obtain a copy of the draft collections of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID numbers identified in this document.

#### **What Information Particularly Interests EPA?**

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) enhance the quality, utility, and clarity of the information to be collected; and
- (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

#### **What Should I Consider When I Prepare My Comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID numbers assigned to these actions in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

#### **To What Information Collection Activity or ICR Does This Apply?**

Docket ID Nos. EPA-HQ-OAR-2004-0015 (part 70 ICR) and EPA-HQ-OAR-2004-0016 (part 71 ICR).

*Affected entities:* Entities potentially affected by this action are those which must apply for and obtain an operating permit under title V of the Clean Air Act (Act). These, in general, include sources which are defined as "major" under any title of the Act.

*Titles:* Part 70 Operating Permit Regulations; Part 71 Federal Operating Permit Regulations.

*ICR numbers:* For the part 70 regulations, EPA ICR No. 1587.07 and OMB Control No. 2060-0243. For the part 71 regulations, EPA ICR No. 1713.05 and OMB Control No. 2060-0336.

*ICR status:* These ICRs are currently scheduled to expire on March 31, 2007. 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 in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related

collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Title V of the Act requires States to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of “major” and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those State operating permits programs, to oversee implementation of the State programs, and to operate a Federal operating permits program in areas not subject to an approved State program. The EPA regulations setting forth requirements for the State operating permits programs are at part 70, title 40, chapter I of the Code of Federal Regulations. These are referred to as the “Part 70 Operating Permit Regulations,” which are the subject of one of the ICRs addressed in this notice. The EPA regulations for the Federal operating permits program are at part 71, title 40, chapter I of the Code of Federal Regulations. These are referred to as the “Part 71 Federal Operating Permit Regulations,” which are the subject of the second ICR addressed in this notice. The part 71 program is being implemented for sources located in Indian country, Outer Continental Shelf sources, and in areas that do not have part 70 programs. In implementing title V of the Act and EPA’s part 70 operating permits regulations, State and local permitting agencies must develop programs and submit them to EPA for approval (section 502(d)), and sources subject to the program must develop operating permit applications and submit them to the permitting authority within 1 year after program approval (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(d)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). All information submitted by a source and the issued permit shall also be available for public review except for confidential information which will be protected from disclosure (section 503(e)). Sources will semi-annually submit compliance monitoring reports to the permitting authorities (section 504(a)). The EPA has the responsibility to oversee implementation of the program and to administer a Federal operating permits program in the event a program is not approved for a State (section 502(d)(3)) or if EPA determines the permitting authority is not adequately administering its approved program (section 502(i)(4)). The activities to carry out these tasks are considered mandatory and necessary for implementation of title V and the proper operation of the operating permits program. This notice provides updated burden estimates from previously approved ICRs. *Burden Statement:* The annual public reporting and recordkeeping burden for the part 70 collection of information is estimated to average 248 hours per permitted source, and the annual burden for permitting authorities to administer a part 70 program is estimated to average 10,179 hours. The annual public reporting and recordkeeping burden for the part 71 collection of information is estimated to average 221 hours per permitted source.

#### **Are There Changes in the Estimates From the Last Approval?**

There is an increase of 206 thousand hours in the part 70 total estimated respondent annual burden compared with that identified in the ICR currently approved by OMB. This increase in part 70 burden for sources and permitting authorities is an adjustment due to changes in burden estimates, primarily an increase in permit renewal activities. These changes in burden are not program changes, as no federal mandates, including the part 70 and part 71 regulations, have changed in any way that would affect these ICRs since the last ICR updates. For the part 71 program, there is a decrease of 22 thousand hours in the total estimated annual burden compared with that identified in the ICR currently approved by OMB. This burden reduction is also an adjustment, due to changes in assumptions, primarily due to a reduction in expected EPA oversight activities for delegated part 71 programs.

#### **What Is the Next Step in the Process for This ICR?**

The EPA will consider the comments received and amend the ICRs as appropriate. The final ICR packages will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICRs to OMB and the opportunity to submit additional comments to OMB. If you

have any questions about these ICRs or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: January 31, 2007.

**Jenny Noonan Edmonds,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. E7-2180 Filed 2-8-07; 8:45 am]

**BILLING CODE 6560-50-P**