

**Information Collection Request
Supporting Statement for the
PM_{2.5} National Ambient Air Quality Standard
Implementation Rule
EPA ICR Number 2258.01**

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**Initial EPA Information Collection Request for the
PM_{2.5} National Ambient Air Quality Standard Implementation Rule**

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1. Identification of the Information Collection Request

1(a) Title of the Information Collection

The title of the Information Collection Request is PM_{2.5} National Ambient Air Quality Standard Implementation Rule, ICR number 2258.01, and OMB Control Number 2060-NEW.

1(b) Abstract/Executive Summary

The Paperwork Reduction Act requires the information found in this Information Collection Request (ICR) number 2258.01, to assess the burden (in hours and dollars) of the PM_{2.5} National Ambient Air Quality Standard (NAAQS) Implementation Rule as well as the periodic reporting and record keeping necessary to maintain the rule. The PM_{2.5} NAAQS rule applies to particles less than 2.5 micrometers in diameter (PM_{2.5}) which are also referred to as "fine" particles. The final FRN title is Clean Air Fine Particle Implementation Rule.

On July 18, 1997, EPA revised the NAAQS for particulate matter to add new standards for fine particles, using PM_{2.5} as the indicator. The EPA established health-based (primary) annual and 24-hour standards for PM_{2.5} (62 FR 38652). The annual standard was set a level of 15 micrograms per cubic meter, based on the 3-year average of annual mean PM_{2.5} concentrations. The 24-hour standard was set a level of 65 micrograms per cubic meter, based on the 3-year average of the 98th percentile of 24-hour concentrations.

The EPA established the PM_{2.5} standards based on evidence and numerous health studies demonstrating that serious health effects are associated with exposures to elevated levels of PM_{2.5}. Estimates show that attainment of the PM_{2.5} standards would be likely to result in tens of thousands fewer premature deaths each year, tens of thousands fewer hospital admissions each year, and hundreds of thousands fewer doctor visits, absences from work and school, and respiratory illnesses in children annually.

The preamble to the proposed and final regulation addresses the administrative burden in general terms. The preamble to the final rule states that an ICR will be prepared.

The time period covered in this ICR is a three year period from April 5, 2008 (the date that State implementation plans for attaining the PM_{2.5} standards are due) through

April 4, 2011. This rule provides the framework for the States to develop SIPs to achieve the new PM_{2.5} NAAQS. This framework reflects the requirements prescribed in CAA sections 110 and part D, subpart 1 of title I. A PM_{2.5} SIP contains rules and other requirements designed to achieve the NAAQS by the deadlines established under the CAA, and it also contains a demonstration that the State's requirements will in fact result in attainment. The SIP must meet the CAA requirements in subpart 1 to adopt reasonably available control measures (RACM) and reasonably available control technology (RACT) and provide for reasonable further progress (RFP) toward attainment for the period prior to the area's attainment date. After a State submits a SIP, the CAA requires EPA to approve or disapprove the SIP.

The incremental administrative burden for the areas and activities covered by this ICR is mitigated by 3 factors.

1. Some States may use some parts of EPA analyses conducted as part of the Clean Air Interstate Rule (CAIR), 2006 PM NAAQS Review, and the PM_{2.5} NAAQS Implementation Rule. Included in these analyses were emissions projections and air quality modeling design value predictions and interpolations for 2010, 2015, 2020, etc.
2. Promulgated federal rules which reduce future emissions of particle matter precursors. As a consequence:
 - i. Some designated non-attainment areas are projected to attain and maintain the PM_{2.5} NAAQS without additional State emission reducing regulations or programs.
 - ii. Some designated non-attainment areas will not design and adopt additional State rules to fulfill RFP requirements set forth by the PM_{2.5} NAAQS Implementation rule. The emission reductions associated with federal emission reducing rules are creditable toward RFP requirements.
3. Experience with meeting the requirements of the PM₁₀ and 8-hour Ozone NAAQS. Ten of the original 39 PM_{2.5} nonattainment areas were also PM₁₀ nonattainment areas. Thirty-two of the original 39 PM_{2.5} nonattainment areas were also 8-hour ozone non-attainment areas. Of the remaining 7 PM_{2.5} areas, 4 were designated 8-hour ozone nonattainment but are using an early action compact agreement to defer the designation effective date. Hence, there is familiarity with SIP activities for meeting nonattainment NAAQS requirements. Furthermore, many of these areas completed attainment demonstrations and fulfilled RFP and some RACT and RACM obligations for the PM₁₀ or 8-hour Ozone NAAQS.

The Agency anticipates additional administrative burden for State governments and the Agency of 630,000 hours and 69,300 hours, respectively. Fifty percent of the hours are expended in the first year with the remainder evenly divided between the second and third years of the ICR period. Tribes are not required to conduct attainment demonstrations or submit the RFP, RACT, or RACM requirements.

The present value of the total additional costs for State governments, the respondents, estimated at \$33.4 million for the 3 year period. On an equivalent annual basis that is \$12.7 million per year during the 3 year period of the ICR.

The present value of the Agency administrative cost burden is estimated at \$3.7 million dollars for the 3 year period. This is equivalent to equal annual basis of \$1.4 million per year during the three year period.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

The Clean Air Act, which was last amended in 1990, requires EPA to set National Ambient Air Quality Standards (NAAQS) for wide-spread pollutants from numerous and diverse sources considered harmful to public health and the environment. Part D of Title I of the Clean Air Act sets forth the plan (implementation) requirements for areas designated non-attainment with a promulgated National Ambient Air Quality Standard. The EPA is charged under Section 110 of the Clean Air Act (CAA), as amended, to assist each State with a non-attainment area to develop a plan which provides for implementation, maintenance and enforcement of such primary standard.

As a result of litigation and subsequent court decisions, an implementation framework was developed for the PM_{2.5} NAAQS. The PM_{2.5} NAAQS Implementation Rule is scheduled to be published in April 2007. When the review and comment periods on the draft and final federal implementation rules close, the affected parties could begin to assess the milestones and begin the planning process.

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

2(b) User/Users of the Data¹

The data collected from the State or local air agency respondents will include the required SIP elements prescribed in CAA sections 110 and part D, subpart 1 of title I for Implementation plans and the requirements in this Implementation Rule. The PM_{2.5} SIP will contains rules and other requirements designed to achieve the NAAQS by the deadlines established under the CAA, and it also contains a demonstration that the State's requirements will in fact result in attainment. The SIP must meet the requirements in subpart 1 to adopt RACM, RACT, and provide for RFP toward attainment for the period prior to the area's attainment date.

The regional and headquarters EPA use the information as part of their review of the attainment demonstration, RFP, RACM, and RACT requirements of the PM_{2.5}

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

implementation plan adequacy. After a State submits a SIP with the technical supporting documentation, the CAA requires EPA to approve or disapprove the SIP. The attainment demonstration must meet the requirements of Section 51.112 and Part 51, Appendix W and must include inventory data, modeling results, and emission reduction analyses on which the State has based its projected attainment date. The attainment date justified by the demonstration must be consistent with the requirements of 40 CFR 51.1004(a). The modeled strategies must be consistent with requirements in §51.1009 for reasonable further progress (RFP) and in §51.1010 for reasonably available control technology (RACT) and reasonably available control measures (RACM). The attainment demonstration and supporting air quality modeling should be consistent with EPA's PM_{2.5} modeling guidance.

The States use the attainment demonstrations, RFP, RACT and RACM determinations to inform their citizenry, including potentially regulated entities. They also use this information and analysis to fulfill federal obligations under Title I, Subpart D of the Clean Air Act and the PM_{2.5} Implementation Rule.

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

Emission reducing regulations developed by the States and approved by the EPA are federally enforceable.

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

3(a) Non-Duplication

The State respondent will submit a implementation plan for each nonattainment area that will need to include a number of elements, including an evaluation of RACT and RACM, an attainment demonstration showing how the area will attain the standards as expeditiously as practicable, and a plan showing that the area will make reasonable further progress from the date the area's SIP is due to its attainment date. The four parts to the information collection for this ICR can be contained in the respondents one PM_{2.5} SIP submission - the attainment demonstration and the RFP, RACT, and RACM requirements.

There are other activities covered by existing ICRs which complement the activities required for the attainment demonstration, RFP, RACT, and RACM. One example is the Consolidated Emissions Reporting Rule. Salient ICRs and their titles are identified below.

- Requirements for Preparation, Adoption, and Submittal of Implementation Plans
 - o 51.121-51.122 NO_x SIP Call.....2060-0445
 - o 51.160-51.166 New Source Review.....2060-0003

- o 51.321-51.323 Air Quality Data Reporting.....2060-0088
- o 51.353-51.354 Inspection/Maintenance.....2060-0252
- o 51.365-51.366 Inspection/Maintenance.....2060-0252
- Approval and Promulgation of Implementation Plans
 - o 52.21 Prevention of Significant Deterioration.....2060-0003
 - o 52.741 O3 Control Strategy for Chicago, IL-6 counties.....2060-0203
- Ambient Air Monitoring Reference and Equivalent Methods
 - o 53.42080-0005
 - o 53.9(f),(h),(i).....2080-0005
 - o 53.14.....2080-0005
 - o 53.152080-0005
 - o 53.16(a)-(d),(f).....2080-0005
- Outer Continental Shelf Air Regulations
 - o 55.4-55.82060-0249
 - o 55.11-55.142060-0249
- Ambient Air Quality Surveillance
 - o 58.11-58.142060-0084
 - o 58.20-58.232060-0084
 - o 58.25-58.282060-0084
 - o 58.30-58.312060-0084
 - o 58.332060-0084
 - o 58.352060-0084
 - o 58.40-58.412060-0084
 - o 58.432060-0084
 - o 58.452060-0084
 - o 58.502060-0084
- Determining Conformity of Federal Actions to State or Federal Implementation Plans
 - o 91.150-93.1602060-0279
- 8-hour Ozone National Ambient Air Quality Standard Implementation Rule
 - o 2236.02.....2060 – 0594

Attainment Demonstration. The attainment demonstration requirement appears as 40 CFR 51.1007 which implements Clean Air Act subsection 172(c)(1). The attainment demonstration for the PM_{2.5} NAAQS is unique and does not duplicate other implementation plan requirements. However, the States are encouraged to build upon related implementation planning processes they used for the Ozone NAAQS, regional haze rule, and/or PM NAAQS. Taking such steps, where appropriate, may reduce the incremental administrative burden and enable identification of control strategies that achieve requisite multi-pollutant environmental progress at a lower cost.

RFP. This unique requirement is described in 40 CFR 51.1009. Although the RFP submission does not duplicate other plan requirements, the RFP submission may complement them. For example, the emission reductions associated with the RFP SIP may also demonstrate attainment.

The States are encouraged to build upon related analyses for federal emission reducing rules as well as salient PM-10 and ozone NAAQS and regional haze implementation requirements where appropriate. Taking such steps may reduce the incremental administrative burden. For example, the temporal and spatial nature of emission reductions associated with the federal rules may be sufficient to meet the RFP requirements. Hence, the need to identify additional emission reductions to meet RFP requirements may be mitigated in some instances.

In addition, States are encouraged, where appropriate, to take into account similar analyses and planning efforts to meet certain PM10 and ozone NAAQS and regional haze implementation requirements. Such actions may result in RFP plans which achieve requisite multi-pollutant environmental progress at a lower cost.

RACT and RACM. These unique requirements are described in 40 CFR 51.1010 which implements CAA subsection 172(c)(1). For each PM_{2.5} nonattainment area, the State shall submit with the attainment demonstration a SIP revision demonstrating that it has adopted all reasonably available control measures (including RACT for stationary sources) necessary to demonstrate attainment as expeditiously as practicable and to meet any RFP requirements. The SIP revision shall contain the list of the potential measures considered by the State, and information and analysis sufficient to support the State's judgment that it has adopted all RACM, including RACT.

The States are encouraged to take into account the related analyses and planning efforts to meet certain PM10 and ozone NAAQS and regional haze implementation requirements where appropriate. Taking such steps can reduce administrative burden and foster achievement of multi-pollutant environmental progress at a lower cost.

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

EPA issued a public notice in the Federal Register (72 FR 20668) soliciting public comments for a 60-day period. EPA received no comments. The preamble for the final PM_{2.5} NAAQS implementation rule stated that an ICR would be prepared.

3(c) Consultations

The EPA solicited comment on the proposed PM_{2.5} implementation rules including public hearings. The EPA will solicit comment on the final PM_{2.5} implementation rules including public hearing after publication

3(d) Effects of Less Frequent Collection

The collections under 40 CFR 51.1007, 51.1009, and 51.1010 are necessary to provide assurances that identified level of emission reductions are adequate to ensure timely attainment and maintenance of the PM_{2.5} NAAQS while adhering to the mandatory measures and requirements for areas whose attainment dates are beyond 5 years after designation

3(e) General Guidelines

These reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR part 1320, section 1320.5.

This submission meets the current the Paperwork Reduction Act Submission in accordance with the guidelines set forth by the Office of Management and Budget. Those guidelines reflect the requirements of 5 CFR 1320.6. The final PM_{2.5} NAAQS implementation rule does not require:

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

3(f) Confidentiality

The information is requested from the States. To fulfill the attainment demonstration, RFP, RACT and RACM requirements, the States will use emissions levels and control efficiency data provided by certain facilities in the private and public sector. This information is available from a variety of sources. It is the assimilation and analysis of that data that is required in the attainment demonstration, RFP, RACT and RACM determinations.

There are 39 non-attainment areas that must prepare an attainment demonstration as well as meet the RFP, RACT and RACM requirements. States should already have information from emission sources, as facilities should have provided this information to meet other NAAQS SIP requirements, operating permits, and/or emissions reporting requirements. Such information does not generally reveal the details of production processes. But, to the extent it may, the affected facilities are protected. Specifically, the completion of the emissions and control efficiency information that is confidential, proprietary, and trade secret is protected from disclosure under the requirements of subsections 503(e) and 114 (c) of the Clean Air Act.

3(g) Sensitive Information

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

³ However, the states must still submit their attainment demonstration, RFP SIP, RACT SIP and RACM SIP.

The requested attainment demonstration, RFP, RACT and RACM submissions do not include questions whose answers would require sensitive information.

4.0 The Respondents and the Information Requested

4(a) Respondents and the Non-Attainment areas

Table 1 lists the States affected by the attainment demonstration, RFP, RACT and RACM requirements for the 39 PM_{2.5} non-attainment areas. Local, State, and federal agencies are part of the North American Industrial Classification System code number 924110.⁴

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

⁴ <http://www.census.gov/naics> Code number 924110 includes "administration of air & water resources & solid waste management programs"

Table 1. Particulate Matter (PM_{2.5}) Nonattainment Areas

(see <http://www.epa.gov/air/oaqps/greenbk/qnc.html>)

[Atlanta, GA](#)
[Baltimore, MD](#)
[Birmingham, AL](#)
[Canton-Massillon, OH](#)
[Charleston, WV](#)
[Chattanooga, AL-TN-GA](#)
[Chicago-Gary-Lake County, IL-IN](#)
[Cincinnati-Hamilton, OH-KY-IN](#)
[Cleveland-Akron-Lorain, OH](#)
[Columbus, OH](#)
[Dayton-Springfield, OH](#)
[Detroit-Ann Arbor, MI](#)
[Evansville, IN](#)
[Greensboro-Winston Salem-High Point, NC](#)
[Harrisburg-Lebanon-Carlisle, PA](#)
[Hickory, NC](#)
[Huntington-Ashland, WV-KY-OH](#)
[Indianapolis, IN](#)
[Johnstown, PA](#)
[Knoxville, TN](#)
[Lancaster, PA](#)
[Libby, MT](#)
[Liberty-Clairton, PA](#)
[Los Angeles-South Coast Air Basin, CA](#)
[Louisville, KY-IN](#)
[Macon, GA](#)
[Martinsburg, WV-Hagerstown, MD](#)
[New York-N. New Jersey-Long Island, NY-NJ-CT](#)
[Parkersburg-Marietta, WV-OH](#)
[Philadelphia-Wilmington, PA-NJ-DE](#)
[Pittsburgh-Beaver Valley, PA](#)
[Reading, PA](#)
[Rome, GA](#)
[San Joaquin Valley, CA](#)
[St. Louis, MO-IL](#)
[Steubenville-Weirton, OH-WV](#)
[Washington, DC-MD-VA](#)
[Wheeling, WV-OH](#)
[York, PA](#)

As indicated in Table 1, some areas have non-attainment area segments in more than one State. Furthermore, some multi-state areas span more than one EPA Regional Office. For example, the Philadelphia-Wilmington non-attainment area encompasses part of Pennsylvania, New Jersey, and Delaware. Pennsylvania and Delaware are in EPA Region 3 jurisdiction, while New Jersey is in EPA Region 2 jurisdiction. This could increase the administrative burden of the State's meeting the attainment demonstration, RFP, RACT and RACM requirements.

The size of the list of non-attainment areas also suggests greater administrative burden. However, the administrative requirements for attainment demonstrations, RFP, RACT and RACM are less for the areas that attain the PM_{2.5} NAAQS within 5 years or less of the non-attainment designation date. Furthermore, illustrative air quality simulations and interpolations done that considered the effects of the Clean Air Interstate Rule (CAIR), Clean Air Mercury Rule (CAMR) and Clean Air Visibility Rule (CAVR) for geographic areas (excluding CA in the simulations) showed 21 areas with predicted design values above the PM_{2.5} NAAQS level in 2010. There are 31 States required to submit the PM_{2.5} SIPs to meet the requirements for the 21 areas needing additional local control measures above the CAIR, CAMR and CAVR predicted results. There are 18 nonattainment areas predicted to meet the 2006 PM_{2.5} design value in 2010 from the CAIR, CAMR, and CAVR simulations. The 27 States for these 18 areas will have less administrative requirement in submitting the SIPs requirements.

The numbers of non-attainment areas or parts of areas in each State and the associated EPA Regional Office are presented in Table 2. These were derived from the November 1, 2006 information at: <http://www.epa.gov/air/oaqps/greenbk/qncs.html>. The numbers of areas predicted to be in attainment were derived by looking at the CAIR, CAMR, and CAVR air quality model simulation results. See Table 3.

Table 2. The Numbers of Non-Attainment Areas or Parts of Areas in Each State and EPA Regional Office

State or District	No. of Areas or Parts of Areas	EPA Region	No. of Nonattainment Areas Predicted in Attainment by 2010
Alabama	2	4	No such area
California	2	9	Not in simulation
Connecticut	1	1	1
District of Columbia	1	3	1
Delaware	1	3	1
Georgia	4	4	No such area
Illinois	2	5	No such area
Indiana	5	5	1
Kentucky	3	4	No such area
Maryland	3	3	3
Michigan	1	5	No such area
Missouri	1	7	No such area
Montana	1	8	No such area
North Carolina	2	4	2
New Jersey	2	2	2
New York	1	2	1
Ohio	9	5	4
Pennsylvania	8	3	7
Tennessee	2	4	No such area
Virginia	1	3	1
West Virginia	6	3	3

Table 3. Summary of Results of CAM-X Simulations for Base Case Runs and Interpolations which include emission reductions from the Clean Air Interstate Rule, Clean Air Mercury Rule and Clean Air Visibility Rule*

Nonattainment Area	Projected Attainment Status in 2010
Atlanta, GA	Nonattainment
Baltimore, MD	Attainment
Birmingham,AL	Nonattainment
Canton-Masillon, OH	Attainment
Charleston, WV	Nonattainment
Chattanooga, TN-GA	Nonattainment
Chicago-Gary-Lake County,IL-IN	Nonattainment
Cincinnati-Hamilton, OH-KY-IN	Nonattainment
Cleveland-Akron-Lorain, OH	Nonattainment
Columbus, OH	Nonattainment
Dayton-Springfield, OH	Attainment
Detroit-Ann Arbor, MI	Nonattainment
Evansville, IN-KY	Attainment
Floyd county, GA	Nonattainment
Greensboro-Winston Salem-High Point, NC	Attainment
Harrisburg-Lebanon-Carlisle, PA	Attainment
Hickory-Morganton-Lenoir, NC	Attainment
Huntington-Ashland, WV-KY-OH	Nonattainment
Indianapolis, IN	Nonattainment
Johnstown, PA	Attainment
Knoxville, TN	Nonattainment
Lancaster, PA	Attainment
Libby, MT	Nonattainment
Los Angeles-South Coast Air Basin, CA	Nonattainment
Louisville, KY-IN	Nonattainment
Macon, GA	Nonattainment
Martinsburg, WV-Hagerstown, MD	Attainment
New York-N.New Jersey-Long Island, NY-NJ-CT-PA	Attainment
Parkersburg-Marietta, WV-OH	Attainment
Philadelphia-Wilmington, PA-NJ-DE	Attainment
Pittsburg-Liberty-Clairton, PA	Nonattainment
Pittsburgh-Beaver Valley, PA	Attainment
Reading, PA	Attainment
San Joaquin Valley, CA	Nonattainment
St, Louis, MO-IL	Nonattainment
Steubenville-Weirton, OH-WV	Nonattainment
Washington, DC-MD-VA	Attainment
Wheeling, WV-OH	Attainment
York, PA	Attainment

* This is an illustrative simulation and is not necessarily a substitute for the work undertaken by the States in response to requirements for attainment demonstrations, RFP SIP submittals, RACT SIP submittals and RACM SIP submittals.

4(b) Information Requested

The information requested under this ICR is prescribed by 40 CFR 51.1007 (attainment demonstration), 51.1009 (RFP), and 51.1010 (RACT and RACM). The implementation framework set forth in the regulation does not adopt a “one-size-fits all” approach to meeting the attainment demonstration or RFP, RACT, and RACM requirements. This additional flexibility enables the States to customize, to the extent allowed by the Clean Air Act, their approach to attaining and maintaining the PM_{2.5} NAAQS.

Data Items. The emissions and control efficiency data required for the attainment demonstration, RFP, RACT, and RACM should have been collected as a result of reporting activities required by other OMB approved ICRs. For example, see the ICR associated with the Consolidated Emissions Reporting Rule: <http://www.epa.gov/ttn/chief/cerr/index.html>.

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

Respondents’ Activities. The States will compile and reference the data, set forth the methodology, conduct analyses, develop initial drafts, hold hearings, adopt rules, regulations, and programs, have discussions with EPA staff as appropriate, refine the draft demonstration and RFP, RACT, and RACM requirements as appropriate, adopt the SIP, and forward to EPA.

Agency Activities. EPA staff in the regional offices may facilitate timely receipt of the attainment demonstration, RFP, RACT, and RACM requirements by reviewing materials and answering questions from the States regarding: requirements, potential data sources, analysis tools, the draft attainment demonstration and other submissions. The EPA Regional Offices will evaluate the SIP submissions and take rulemaking actions to approve or disapprove the SIP revisions.

EPA headquarters staff will facilitate information flow amongst the regions and States to foster timely attainment of acceptable demonstrations and SIP submissions.

Reporting Protocols. The dates for the submissions are April 5, 2008 as set forth in Part D- Plan Requirements for Nonattainment Areas – Subpart 1- Nonattainment Areas in General and the PM_{2.5} Implementation rule.

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

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

States: The States agencies' activities include⁵:

- Forecast baseline emissions, develop and evaluate emission reduction strategies where warranted, conduct air quality modeling to verify maintenance and attainment of the PM_{2.5} NAAQS
- Calculate the emission reductions necessary to fulfill RFP requirement, determine creditable emission reductions, where necessary determine additional emission reductions and compliance timing to meet RFP requirement. Draft findings, hold State hearings, make revisions as warranted. Submit RFP SIP as part of SIP to EPA Regional office. Have discussions with EPA.
- Identify RACT applicable sources and their control measures under baseline and attainment conditions; and evaluate alternatives. Draft findings, hold State hearings, make revisions as warranted. Submit RACT determinations as part of SIP to EPA Regional Office. Have discussions with EPA.
- Identify RACM applicable sources and their control measures under baseline and attainment conditions; and evaluate alternatives. Draft findings, hold State hearings, make revisions as warranted. Submit RACM determinations to EPA Regional Office. Have discussions with EPA.

EPA Regional Offices. The regional office activities include:

- Answering inquiries put forth by the States.
- Reviewing data, analysis, and findings of attainment demonstration, RFP, RACT and RACM determinations.
- Rulemaking actions approving or disapproving the SIP submissions

EPA Headquarters. The EPA headquarters office activities include:

- Facilitating information flow and problem solving amongst the regions regarding demonstrations and submittals from the States
- Answering questions regarding application and interpretation of salient rule provisions.

⁵ In some instances, there are local air pollution control districts within the states. These local agencies work in partnership with the states to facilitate accomplishment of the activities noted below.

5(b) Collection Methodology and Management

The PM_{2.5} SIP meeting the attainment demonstration and RFP, RACT and RACM requirements will set forth the data sources and analytical methods, as well as the emission reduction and air quality improvement verification procedures.

5(c) Small Entity Flexibility

For an approved ICR, the Agency must demonstrate that it has taken all practical steps to develop separate and simplified requirements for small businesses and other small entities. See 5 CFR 1320.6(h). The PM_{2.5} NAAQS implementation regulation does not provide a direct administrative burden on small entities.

5(d) Collection Schedule

During the period from April 5, 2008 through April 4, 2011, the PM_{2.5} SIP is due on April 5, 2008 that meets the required elements for the attainment demonstration, RFP, RACT and RACM.

Attainment Demonstration. The demonstration submission date is April 5, 2008 for Subpart 1 designated non-attainment areas.

RFP. The RFP SIP submission date is April 5, 2008 for designated non-attainment areas. However, areas that demonstrate attainment as expeditiously as practicable but no more than 5 years following designation meet RFP.

RACT and RACM. For designated non-attainment areas which demonstrate attainment as expeditiously as practicable, but no later than 5 years following designation, RACT and RACM are met. For areas having an attainment date of more than 5 years, the RACT and RACM SIP submission date is April 5, 2008.

6. Estimating the Burden of the Collection

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

6(a) Estimating Respondent Burden

The estimated respondent burden is that associated with the activities which result in the States meeting the attainment demonstration, RFP, RACT, and RACM SIP requirements.

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

- The severity of the non-attainment problem varies among the designated areas.
- Certain areas or parts of areas may already have developed and implemented RACT and RACM requirements.
- Some areas may have future predicted $PM_{2.5}$ design values which demonstrate attainment in expeditious and practicable fashion, within 5 years of designation, under baseline conditions.
- Some areas may fulfill the RFP requirement as a result of creditable emission reductions resulting from federal rules that reduce $PM_{2.5}$ precursor emissions.

In the course of conducting the Clean Air Interstate Rule analysis and the economic assessment for the $PM_{2.5}$ NAAQS Implementation Rule, the EPA staff conducted air quality simulations. Some of the results are summarized in Table 3. This information, together with that in Tables 1 and 2 can serve in estimating the burden hours.

Subpart 1 Non-attainment Areas. EPA has identified 39 areas (www.epa.gov/air/oaqps/greenbk/qnsum.html). The base case air quality modeling simulations were used to develop burden hour estimates for the non-attainment areas. There were 2 areas omitted in those simulations. These were the areas in California. These simulations and interpolations assumed no additional emission reductions as a result of the States developing emission reductions as part of an $PM_{2.5}$ NAAQS SIP. Furthermore, the simulations did not assume any additional emission reductions from the Clean Air Interstate Rule. Under these conditions, of the 56 areas included in the analysis, did not have a predicted $PM_{2.5}$ design value simulated to meet $PM_{2.5}$ NAAQS by the end of 2009. If that progress is presumed to be as expeditious as practicable, 18 of the areas should have little problem in developing simulations demonstrating attainment and using that information to fulfill the RACT, RACM and RFP SIP requirements. The States with these 18 areas may wish to use the emission projections, air quality modeling simulations, and design value predictions to fulfill most of their attainment demonstration requirement.

As a starting point for developing burden estimates, the Agency looked at the total hours expended in related EPA level of effort work assignments, exclusive of the air quality modeling. The total was about 2000 hours in level of technical effort.⁶ The potential scope of that effort was geographically broad including all non-attainment areas outside CA. Examples of the specific scope of the effort included:

- Design of lower cost control strategies for 16 Subpart 2 moderate and certain Subpart 1 areas
- Examination of alternative emission reduction targets and geographic areas (e.g., staying in State but going up to 100km for VOC emissions reductions

⁶ EPA Contract No. 68-D-00-283; Work Assignments 3-53 and 4-66.

and up to 200km for NOx emission reductions for some non-attainment areas).

- Assessment of RFP requirements for certain non-attainment areas,
- Assessment of RACT/RACM
- Differences in cost, emission reductions, economic, and energy impacts looking at alternative frameworks for Phases 1 and 2 of the Implementation Rule.

These activities are related to but do not precisely mimic the incremental activities undertaken by a State to fulfill the attainment demonstration including the reasonably available control measure analysis as well as the RACT SIP, and RFP SIP submissions for a given 1 non-attainment area.

To avoid understating the State burden, an estimate of 3,000 hours per non-attainment area per State was assumed and applied to the 18 areas that were projected to be in attainment by 2009.⁷

Most of this estimated burden would be incurred in the first year. This is because of the overlap of emission reductions associated with the attainment demonstration, RACT requirements and the RFP requirements. For example, emission reductions resulting from RACT may be creditable toward attainment and RFP. Furthermore, for Subpart 1 areas which are projected to meet the standard in an expeditious manner by 2009, that demonstration fulfills the RACT, RACM and RFP requirements. Hence, although the attainment demonstration is not due until April 5, 2008, it benefits the State and potentially regulated entities to make the attainment demonstration and, where appropriate, the RACT/RACM/RFP requirements early in the implementation planning process. The presumed allocation of total incremental burden across time is 50% in year 1, 25% in year 2, and 25% in year 3.

For the remaining 27 non-attainment area not predicted below the NAAQS in 2009, the total incremental burden hour estimate was increased by a factor of 6. Specifically, the estimated burden for these areas was 18,000 hours. This estimate may be too high. However, directionally, one would expect more burden for the attainment demonstration in an area not expected to attain the standard within 5 years of designation under base case conditions. The estimated burden was increased for 31 States because certain areas of the 27 areas involve multiple States. The allocation of burden hours across time was the same for the 27 areas as that for the other Subpart 1 areas.

In the case of the 2 areas in CA, the estimated total incremental burden was put at 13,500 hours per area per State. The rationale for a number lower than 18,000 hours, but higher than 3,000 is based on the results of the base case air quality simulations for the other States. The 13,500 total incremental burden hours per area per State is consistent with the assumption that on average more of these areas will be in projected to be in non-attainment by 2009/2010 under base case. The presumed allocation of

⁷ For example, if a Subpart 1 area which is projected to attain the standard by 2009 is in two states, the assumed burden is 6,000 hours: 3,000 hours for each state. If a similar Subpart 1 area is found in only one state, the burden is assumed to be 3,000 hours.

total incremental burden across time is the same as for the other areas. To wit: 50% in year, 25% in year 2, and 25% in year 3.

The estimated incremental burden for non-attainment areas is presented in Table 4. The State total burden includes some non-attainment areas that include multiple States. For example, the Washington $PM_{2.5}$ non-attainment area requires SIP submittals from DC, MD and VA. Table 4 presents the differences between estimated burden for States predicted to meet the $PM_{2.5}$ NAAQS with Federal Control programs on the one hand and other States with areas not predicted to meet the NAAQS. The difference is explained by the great incremental burden estimate for the 19 non-attainment areas.

Table 4. Estimated Incremental Burden for the States Attainment Demonstration, RACT SIP Submission, and RFP SIP Submission for the Subpart 1 Non-Attainment Areas.

<u>State</u>	<u>EPA Region</u>	<u>No. of Areas or Parts of Areas</u>	<u>Additional Hours Year 1</u>	<u>Additional Hours Year 2</u>	<u>Additional Hours Year 3</u>
Alabama	4	2	18,000	9,000	9,000
California	9	2	13,500	6,750	6,750
Connecticut	1	1	1,500	750	750
District of Columbia	3	1	1,500	750	750
Delaware	3	1	1,500	750	750
Georgia	4	4	36,000	18,000	18,000
Illinois	5	2	18,000	9,000	9,000
Indiana	5	5	37,500	18,750	18,750
Kentucky	4	3	27,000	13,500	13,500
Maryland	3	3	4,500	2,250	2,250
Michigan	5	1	9,000	4,500	4,500
Missouri	7	1	9,000	4,500	4,500
Montana	8	1	9,000	4,500	4,500
North Carolina	4	2	3,000	1,500	1,500
New Jersey	2	2	3,000	1,500	1,500
New York	2	1	1,500	750	750
Ohio	5	9	51,000	25,500	25,500
Pennsylvania	3	8	19,500	9,750	9,750
Tennessee	4	2	18,000	9,000	9,000
Virginia	3	1	1,500	750	750
West Virginia	3	6	31,500	15,750	15,750
Total	Not Applicable	58	310,500	157,500	157,500

6(b) Estimating Respondent Cost

Labor costs are estimated for State governments using the total of projected additional hours for the Subpart 1 areas. These estimates do not reflect staff experience and economies of scale. The hourly rates are the result of estimated directed and indirect cost per employee. The main source of the information is <http://www.opm.gov/oca/payrates/index.htm>

The estimated weighted direct salary cost per employee is \$35.88 per hour. This results from a summation of the professional, managerial, and support staff components.

- Hourly equivalent 2006 Salary of Permanent Professional Staff at GS 11, Step 3 is \$29.06. This is the average of hourly equivalent rates for the San Francisco, CA and Washington, D.C. areas.

- To account for permanent managerial staff, 1/11 or 9% of the hourly rate for GS 13, Step 3 is added to the professional staff hourly rates. The average hourly equivalent rate for GS-13 using rates for San Francisco, CA and Washington, D.C. is \$41.42. Nine percent of that is \$3.73.
- To account for permanent support staff at GS-6, Step 6, 1/8 or 16% of the hourly rate is added to the professional staff hourly rates. The average hourly equivalent rate for GS-6, Step 6 using rates for San Francisco, CA and Washington, D.C. is \$19.33. Sixteen percent of that is \$3.09.

The estimated hourly indirect cost per employee is \$20.81. This amount is the sum of the following:

- Benefits at 16% of the weighted direct hourly equivalent salary cost per employee or \$5.74.
- Sick and annual leave at 10% of the weighted direct hourly equivalent salary cost per employee or \$3.59.
- General overhead at 32% of the weighed direct hourly equivalent salary cost per employee or \$11.48.

The estimated total weighted direct and indirect hourly equivalent salary cost per employee is \$56.69. The additional cost in year 1 for the 21 States to submit the SIP requirements for the 58 areas or parts of areas is \$17.6 million. The cost estimates for years 2 and 3 are \$8.9 million.

6(c) Estimating Agency Burden and Cost

The estimated agency burden is derived from the estimates for the respondents. Draft estimates were developed by the headquarters staff with review by regional office staff and subsequent refinement of the Agency burden and cost estimates.

The respondent burden was summed by EPA regional offices and a percentage was applied to the yearly burden estimate to reflect the actions taken on the part of the regional offices. Once yearly burdens were estimated for the Agency's Regional Offices, a percentage of those amounts are specified to derive estimates for the Agency's Headquarters Office Burdens. Discussions were held with Regional Office and Headquarters staff regarding the percentages and resulting burden estimates.

Agency Regional Office Burden. Table 5 summarizes total incremental respondent burden by Regional Office and provides estimates of total incremental Agency Regional Office burden. The summary of total incremental respondent burden comes from Table 4. The Agency Regional Office burden is presumed to be 10% of the estimated total incremental burden for respondent by EPA Regional Office. The total incremental burden allocation for the Agency Regional Offices in Table 5 is 50% in year 1, 25% in year 2, and 25% in year 3.

In discussions with Agency Regional Office staff, they indicated that the total incremental burden estimates were ballpark. However, some regional office staff felt that a more reasonable allocation of total incremental Agency Regional Office burden would be 37.5% in year 1, 37.5% in year 2, and 25% in year 3. If that allocation were used, the corresponding Agency Regional Office burden estimates in years 1 and 2 would be 23,625 and year 3 would be 15,750.

Table 5. Estimated Agency Regional Office Burden Derived by Taking 10% of Regional Respondent Burden Total for Years 1, 2, and 3

<u>EPA Regional Office</u>	<u>Year 1 Respondents' Burden</u>	<u>Year 1 Agency Reg. Office Burden</u>	<u>Year 2 Agency Reg. Office Burden</u>	<u>Year 3 Agency Reg. Office Burden</u>
1	1,500	150	75	75
2	4,500	450	225	225
3	60,000	6,000	3,000	3,000
4	102,000	10,200	5,100	5,100
5	115,500	11,550	5,775	5,775
6	No PM 2.5 Non-attainment areas			
7	9,000	900	450	450
8	9,000	900	450	450
9	13,500	1,350	675	675
10	No PM 2.5 Non-attainment areas			
Grand Total	315,000	31,500	15,750	15,750

Agency Headquarters Burden. The Regional Office burden estimates for years 1, 2, and 3 are multiplied by 10% to arrive at an estimate for Headquarters burden for the same 3 years. Resulting hours for year 1 is 3,150. The estimates for years 2 and 3 are 1,575.

Total Incremental Burden for the Agency. The regional and headquarters office burden estimate for year 1 is 34,650 hours. The estimates for years 2 and 3 are 17,325 hours each year.

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

Table 6. Total Cost Estimate for the Agency

<u>Entity</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Regional Office	\$1.79 million	\$0.89 million	\$0.89 million
Headquarters Office	\$0.18 million	\$0.09 million	\$0.09 million
Total Agency Cost	\$1.96 million	\$0.98 million	\$0.98 million

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

Part D of Title I of the Clean Air Act of 1990 provided plan requirements for Subpart 1 non-attainment areas along with prescribed requirements and schedules for those areas. The major set of respondents is the States, as they have over 90% of the estimated additional burden to meet these requirements on the specified schedule. There is also burden imposed on the Regional and Headquarters Offices of the Agency. Because of the overlap in work for the attainment demonstration, RACM SIP submittal, RACT SIP submittal, and RFP SIP submittal, most of the cost will be incurred in year 1 of the 3 year period covered by this ICR. In the Agency's roles as facilitator, compiler, reviewer, and preparer, the estimated burden for the Agency is also expected to be greater in the 1st year than in the 2nd or 3rd years.

The total incremental respondent universe burden and cost estimates are presented in Table 7.

Table 7. Total Incremental Respondent & Agency Universe Burden and Cost Estimates

Entity	Average Yearly Burden – (hours)	3-Year Burden – (hours)	Present Value of Costs for 3-Year Burden
States	208,500	625,500	\$35,459,595
Agency	23,100	69,300	\$3,928,617
Total	231,600	694,800	\$39,388,212

6(e) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10,000 hours per State respondent for this reporting period. This estimate is derived by taking 210,000 hours, the average yearly burden for the States identified in Table 7, and dividing by 21, the number of affected States. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information or for a Federal agency other than EPA to do so. This estimate includes the time and burden needed to conduct the tasks associated each State submitting the PM_{2.5} SIP required for each PM_{2.5} nonattainment area. The PM_{2.5} SIP will need to include the attainment demonstration, RFP, RACT and RACM SIP milestones covered during this ICR reporting period. In meeting these milestones, such incremental efforts may include reviewing instructions as well as verifying, processing, maintaining, and disclosing information. Such efforts may require incremental development, acquisition, installation, and/or utilization of technological systems for several purposes. These purposes include collecting, verifying, validating, processing, maintaining and disclosing information associated with the each milestone. The incremental efforts may result from adjusting the ways to comply with the previously applicable instructions associated with other National Ambient Air Quality Standards such as 8-hr ozone and PM-10. Consequently, in meeting

the milestones, there could be some incremental burden associated with learning/training, searching data sources, and transmitting the deliverables.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the Federal Register to display the OMB control number for the approved information collection requirements contained in the final implementation rule. However, as will be stated in the April 2007 Federal Register Notice for the PM_{2.5} Implementation Rule, ".. the failure to have an approved ICR for this rule does not affect the statutory obligation for the States to submit SIPs as required under part D of the CAA."

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-2007-0265, which is available for online viewing at 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. 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-2007-0265 and OMB Control Number 2060-NEW in any correspondence.