

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

AIR STATIONARY SOURCE COMPLIANCE AND STATE ACTION REPORTING (40 CFR 51) (Renewal)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Air Stationary Source Compliance and Enforcement Information (40 CFR Part 51) (Renewal), EPA ICR Number 0107.09, OMB Control Number 2060-0096

1(b) **ABSTRACT:**

Source Compliance and State Action Reporting is an activity whereby State, District, Local, and Commonwealth governments (hereafter referred to as either "states/locals" or "state and local agencies") make air compliance and enforcement information available to the U.S. Environmental Protection Agency (EPA or the Agency) on a cyclic basis via input to the Air Facility System (AFS). The information provided to EPA includes compliance activities and determinations, and enforcement activities. EPA uses this information to assess progress toward meeting emission requirements developed under the authority of the Clean Air Act (CAA or the Act) to protect and maintain the atmospheric environment and the public health. The EPA and many of the state and local agencies access the data in AFS to assist them in the management of their air pollution control programs. This renewal information collection request (ICR) affects oversight of approximately 40,300 stationary sources by 93 state and local agencies and the Federal EPA, and is expected to require 108,433 labor hours per year and cost approximately \$5,688,758 annually. State and local agency burdens and costs are estimated as 73,073 hours and approximately \$3.5 million annually. On average, this burden amounts to approximately one-fourth of a full-time equivalent employee for each small state and local agency, less than one half of a full-time equivalent employee for each medium sized state and local agency and approximately one and one-quarter of a full-time equivalent employee for each large sized state and local agency for national reporting of compliance and enforcement related data under all of the applicable Clean Air Act programs.

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED/AUTHORITY FOR THE COLLECTION

(i) Authority

While there is no single statutory requirement for data entry into the Air Facility System (AFS), EPA believes that the provisions of Section 114(a)(1) of the CAA, 42 U.S.C. Section

7414(a)(1), provide EPA with broad authority to request reporting of information of the type sought by the Agency in this information collection request. Furthermore, much of this collection activity is conducted pursuant to the following subsections of regulations implementing the Clean Air Act under Subpart Q – Reports in 40 CFR 51: Sections 51.324 (a) and (b), and 51.327. Activity also is authorized by 40 CFR 70.4(j)(1), which addresses submission of information to EPA by state and local permit authorities, and 40 CFR 70.10(c)(1)(iii), which addresses EPA oversight of state and local agency compliance and enforcement efforts for major sources under Title V operating permit programs. Much of the information also is necessary for EPA to provide adequate oversight for other Federal programs implemented by states, such as the New Source Performance Standards (NSPS) in 40 CFR Part 60, National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 61 and Part 63, and New Source Review (NSR) permitting regulations in 40 CFR Part 51 and Part 52. Additionally, all of the data is necessary for the implementation of the air compliance and enforcement programs at either the Federal or state and local agency level. Finally, the information is necessary for EPA to fulfill its oversight responsibilities to ensure that State Implementation Plans (SIPs) fulfill the testing, inspection and enforcement requirements of 40 CFR 51.212 on an ongoing basis. Much of the need for this collection is outlined in several EPA guidance documents: the Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS) of April 2001, The Timely and Appropriate (T&A) Enforcement Response to High Priority Violations (HPVs) policy of December 1998, and the Clean Air Act National Stack Testing Guidance of September 2005.

(ii) General Need for the Data

The National air stationary source compliance monitoring and enforcement program promotes effective, cooperative, and coordinated efforts among EPA and the state and local agencies. The program recognizes the primary role of the state and local agencies in the prevention and control of air pollution. However, under the CAA, EPA has the ultimate responsibility to ensure the protection of the health and welfare of the American public. To meet these responsibilities, EPA provides guidance and oversight to the state and local agencies in two major areas: compliance surveillance and status activities, and enforcement activities. The cyclic reporting of surveillance information and compliance status is the subject of this renewal ICR. This reporting is communicated to the users as a set of minimum data requirements (MDRs), listed in Table 1 in Section 4(b). The MDRs represent the minimum amount of data EPA believes is necessary to manage the national air stationary source compliance monitoring and enforcement program. These data elements are critical in prioritizing programs and conducting national evaluations. In addition, the information provided by these data elements enables the Agency to respond in a timely manner to requests for information with accurate, nationally defined and reported data.

The CMS places an emphasis on the oversight of major sources and a limited subset of synthetic minor sources while providing state/local agencies with the flexibility to address local air pollution and compliance concerns. The CMS established a framework of minimal data

requirements for reporting to AFS. This information collection is a critical component of the implementation of the CMS.

The Clean Air Act National Stack Testing Guidance is designed to improve uniformity on conducting stack tests and coordination among EPA and state/local agencies. AFS is one of the Agency's vehicles for tracking and evaluating stack test data.

The HPV Policy is designed to help Federal, state and local agencies prioritize enforcement efforts with respect to sources of air pollution in their jurisdictions. The Policy directs scrutiny on those violations that are most important. The Policy provides definitions for specific types of violations and identifies the procedures to be used in violation identification. AFS is meant to be used for reporting HPV activity in its entirety: discovery, addressing and resolution.

EPA's Office of Enforcement and Compliance Assurance (OECA) and the Environmental Council of States (ECOS), state media associations, and other state representatives have developed a framework and process for conducting reviews of core enforcement in the CAA, Clean Water Act (CWA) and the Resource Conservation Recovery Act (RCRA) programs. OECA/ECOS State Review Framework (SRF) was developed to provide a national state enforcement program oversight system to promote consistency in the level of oversight, state enforcement activities, and in environmental protection across the country. Starting in 2005 and continuing through 2007, reviews were completed for all 50 states. Paramount to these reviews is the data contained in AFS for the CAA. The SRF reviews have become a tool for collaborative problem solving and involve both the review and audit of state/local agency performance in 12 elements covering compliance monitoring, civil enforcement, and data management.

Finally, data from AFS is provided to the public via the ENVIROFACTS, a web tool developed and maintained by EPA's Office of Environmental Information (<http://www.epa.gov/enviro/index.html>) and the Enforcement and Compliance History Online (ECHO), developed and maintained by EPA's Office of Enforcement and Compliance Assurance (OECA). ENVIROFACTS allows the public to retrieve data from a multitude of EPA databases, and includes summary information from AFS. The ECHO Web site (<http://www.epa.gov/echo>) provides compliance and enforcement information on approximately 800,000 regulated facilities nationwide. Data is extracted from AFS on a monthly basis and provided to ECHO. In addition, AFS data is used as part of performance measures satisfying the Government Performance Results Act (GPRA) requirements.

(iii) Reasons for Need for New Data as Part of this Renewal ICR

This renewal does not introduce any changes from the 2005 ICR.

Although EPA is introducing no new data requirements, EPA continues to request data

outlined as “Optional Reporting”. The 2005 ICR introduced this new category of data reporting, as many agencies are already reporting more data than the MDRs. This additional data has provided valuable information pertaining to compliance activities and enforcement cases. The creation of this discretionary category outlines for state and local agencies the types of data that the EPA would like to obtain to further its ability to oversee the compliance monitoring and enforcement program while providing a standardized way for data to be reported.

- CMS Policy and Data

A report issued by the EPA Office of the Inspector General, (Report No. E1G-AE7-03-0045-8100244 dated September 25, 1998, *Consolidated Report on OECA’s Oversight of Regional and State Air Enforcement Programs*) identified lack of oversight as a fundamental problem that adversely affected the effectiveness of the air compliance and enforcement program.

In response to the Office of Inspector General report, OECA developed the April 2001 CMS. To implement the CMS, necessary changes in AFS reporting capabilities were implemented concurrently with the 2001 ICR renewal. Specifically, changes were made to AFS to enable revised approaches associated with: identifying facilities to incorporate compliance evaluation frequencies; conducting compliance evaluations through the creation of Full and Partial Compliance Evaluations (FCEs and PCEs); tracking in-depth investigations of industries; inputting information on Title V compliance certifications; and expanded definitions and requirements for reporting stack tests.

After implementation of the CMS, the user community requested an additional Results Code of “Pending” for the reporting of stack tests to AFS. Many agencies indicated that a notification of a stack test completed is frequently received months before the final findings and analysis are received. In order to report to AFS within a 60 day timeframe, agencies requested the addition of a code to indicate that the final results of the test are “pending” final receipt of the stack test analysis. This code was added to AFS in 2007. It has not added any new burden to respondents, while providing the ability to report stack tests within the 60 day reporting timeframe even though the final analysis is not yet completed. Use of the pending code requires that agencies update the results code indicating either “Pass” or “Fail” within 120 days.

- High Priority Violator (HPV) Policy and Data

The HPV Policy of December 1998 provides a method of prioritizing violations for enforcement purposes. It provides guidance on the identification of violations in order to direct scrutiny to those of most importance. Also included in the Policy is information on the timeliness and appropriateness of enforcement, penalties, and the reporting and tracking of HPVs through AFS. The Policy provides clear guidance and criteria to state and local agency enforcement staff and managers and AFS users for defining the type of violation that triggers applicability of the policy. The 2005 ICR introduced the requirements of Date Discovered, Violation Type Code(s) and Violating Pollutant(s). These new data fields have provided the

information needed for appropriate interpretation of the activities undertaken to address and resolve a violation, and to ensure that the policy is being implemented as intended.

(b) USE/USERS OF THE DATA

There are many ways in which EPA, state and local agencies, and the public can use the AFS compliance and enforcement data. As stated previously, the MDRs represent the minimum amount of data EPA believes is necessary to manage the national air stationary source compliance monitoring and enforcement program. Some of the key uses of the data are to:

- Provide an accurate and accessible inventory of significant sources that are subject to federally enforceable emission regulations;
- Assess the compliance status of sources with respect to these regulations (compliance status changes are required on a timely basis to ensure progress for sources that are out of compliance and to continue surveillance for those which remain in compliance);
- Develop compliance and enforcement strategies;
- Target compliance activities and track enforcement actions;
- Develop new measures of regulatory program success;
- Prepare various EPA reports on a national, regional, sector, or other level;
- Standardize state and local reporting to EPA;
- Conduct regulatory analyses;
- Support multimedia initiatives which integrate quarterly reports of air, water, and land disposal compliance data;
- Provide timely and accurate response for information requests made by the public, pollution control vendors, Congress and other information requesters; and,
- Provide a forum and model of successful state and local compliance programs (that include Federal data reporting) which can be used by other agencies in the development or expansion of their existing programs.

(c) ABOUT AFS

AFS is a management information system designed to track compliance and enforcement

information. It is a fully-automated system which provides ready access to historical and current records for EPA, and state and local agency staff involved in compliance and enforcement activities. AFS resides on EPA's Enterprise Server (IBM S/390 computer) at the National Computer Center (NCC) in North Carolina and is accessible to all state and local agency users via a Host on Demand session via the Internet or through DynaComm communications software available to Federal users.

AFS is an antiquated system. Although EPA needs additional data fields, such as the pollutant of record for failed stack tests, all partial compliance evaluations, and complete information concerning the review of Title V Annual Compliance Certifications, the difficulty of adding new fields and data to AFS presents a burden to state and local agencies that EPA is unwilling to assign. Therefore, new additions to this ICR will be delayed until the modernization of AFS. Modernization of the AFS is underway, but resource restrictions have imposed delays on project work plans. A final conversion to a state-of-the-art system may not be completed for several years due to resource constraints. Oversight of the program must continue throughout the modernization effort, and valuable data necessary for oversight can be conveyed via AFS.

(d) PROGRAM CHANGES

There are no additions or changes to this data collection request.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

(a) NON-DUPLICATION

The MDR data elements outlined in Table 1 of Section 4(b) represent minimum data requirements for effective implementation and management of a compliance and enforcement program. For EPA and the public, the AFS data are the only source of national information on compliance and enforcement activities. State and local agency respondents generally collect the information as part of their customary business practice to manage their compliance and enforcement programs. AFS has been designed to reflect the core program data. Several state and local agencies use AFS as their own data system for managing these and other data elements. Yet, the vast majority of state and local agencies have their own data management systems. Many of those agencies have created integrated 'multi-media' data bases in order to collect a complete record of a source's permitting, compliance monitoring and enforcement data under all the applicable environmental statutes for which the source is regulated. Most AFS data is received from agencies via electronic "batch" processes from either single or multi media systems.

Agencies that report data to AFS via batch processes either create a conversion program to report data to AFS or they perform dual data entry in their agency system and into AFS. In

order to reduce the agency reporting burden to AFS, EPA has developed the Universal Interface (UI) software tool--a conversion program to streamline the process for batch uploads of information from state/local systems to AFS. Use of the UI replaces dual data entry. For agencies that batch transfer data to AFS, implementation of the UI reduces, and in some cases eliminates, the need for state and local agencies to expend resources for transferring data from their data systems to AFS. The OECA has awarded almost \$2,800,000 in competitive grant dollars from 1999 through 2008 to facilitate the use of AFS system and streamline the reporting process to AFS using the UI. Currently, twenty (20) agencies use the UI. Another five agencies are currently in the process of implementation, with some users indicating a reduction of reporting burden of 30% over previous batch reporting efforts. The UI converts and reports data for all MDRs, as well as numerous optional data elements. Over 31% of the nation's over 15,500 major sources are reported to AFS via the UI software. With major and synthetic minor sources compiled, over 1/3 of the nation's compliance monitoring and enforcement data is reported to AFS via the UI. If the agencies currently reviewing the software tool choose to use it, then almost 50% of the major source universe will be reported to AFS via the UI software. EPA believes that one reason burden hours are reduced in this renewal is due to the increased use of the UI. EPA is working on the improvement of the UI to receive and process XML-formatted files, as it is believed that this functionality will ease the burden of reporting for those agencies with the technological ability to report all media information via schemas.

(b) PUBLIC NOTICE REQUIRED PRIOR TO SUBMISSION TO OMB

The first Federal Register notice on this ICR renewal was published on October 23, 2007 (ICR No. 0107.09, OMB Control Number 2060-0096, Docket ID No. EPA-HQ-OECA-2007-0380). EPA accepted comments through December 24, 2007.

(c) CONSULTATIONS

EPA presented the renewal of this data collection to state and local agencies with no new data reporting requirements. The Agency encouraged comments and feedback from state and local agencies about this renewal and received two (2) comments during the comment period (outlined in Appendix 1, Comments Received during the Comment Period Ending December 24, 2007).

General Comments and Agency Responses:

- *Comment: The Minimum Data Requirements for submission of information to AFS indicates that the reportable universe of facilities includes any facility [to include minor sources] with a formal enforcement action.... We believe the data is of very little, if any practical utility to EPA, and, even if there is some marginal practical utility to EPA of tracking these data, we do not believe that it warrants the additional burden placed on the reporting agencies of tracking a significant number of additional facilities in perpetuity.*

- Response: The burden of tracking formal enforcement actions in AFS for minor sources is not well documented. Introduction of the HPV Policy of 1998 superseded previous guidance that had defined a violation as a situation known to have continued for seven (7) days or more. Therefore, the Air Enforcement Division of OECA's Office of Civil Enforcement is currently working on guidance to clarify the definition of a Federally-Reportable violation. EPA expects that this guidance will help to relieve some of the burden associated with what violations are reportable and for how long the source in question must be maintained within the database.
- Comment: *The AIRS data base should provide more information about permit status, e.g., by indicating whether the facility has a New Source Review or Title V permit, and whether those permits have expired.*
 - Response: These fields would be of added value to this collection of information, and EPA plans to create fields in a new modernized system to track expanded information for permits. The AFS Modernization Workgroup (a workgroup convened from December 2004 to February 2007 composed of both EPA and state/local representatives) recommended the addition of several optional data fields to a new system in order to capture valuable information not currently included in the AFS MDRs. The group recommended the expansion of permit records, but warned against the added burden to state and local agencies, recommending that such expanded records were to be considered "optional reporting" until officially requested through the ICR process. Respondents are currently required to report the applicability of New Source Review and Title V air programs.

Additionally, EPA presented an overview of the ICR proposed requirements at the annual National AFS Workshop in July 2007. One hundred (100) participants, mostly from state and local governments, participated in the workshop. EPA discussed this information request and collected total labor estimates for AFS from participants. This information was used to create a reporting survey of additional states/locals, identified in Appendix 2, Agencies Directly Contacted for Burden Estimates. The information gathered was used to develop the burden estimates discussed in Section 6 (i.e., current burden and the estimated burden that will result from this renewal ICR).

(d) EFFECTS OF LESS FREQUENT COLLECTION

The 2005 ICR requested a change from quarterly reporting to within 60 days of the day of the event or at least six (6) times per year. This request was made to ensure that the data used by EPA was accurate and as timely as possible. Data received quarterly was not providing enough data for meaningful reviews at midyear and end of year cycles. EPA would prefer data reported on a monthly basis, and many agencies do report each month. Our 2005 ICR requested monthly reporting and respondents indicated reporting of that frequency was too onerous. EPA

requested a 60 day standard, which has been accepted by most of the reporting agencies.

If EPA received data less frequently (e.g. quarterly), EPA would return to the past problematic practice where updates from agencies would only come in four times per year, and review of yearly evaluation plans and timely addressing of high priority violators would not be possible. Yearly reviews could not be completed until January of the following fiscal year, making them untimely.

(e) GENERAL GUIDELINES

This information collection contains no special circumstances that would conflict with the general guidelines in 5 CFR 1320.5.

(f) CONFIDENTIALITY

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information (see also 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 42251, September 20, 1978; and 44 FR 17674, March 23, 1979).

(g) Sensitive Questions

This section is not applicable.

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

(a) RESPONDENTS/SIC CODES

The respondents for the information collection activity are state and local environmental agencies. These environmental agencies are classified in SIC 9511/NAICS 924110. Source compliance data assembled by the state and local agencies covers numerous SIC categories. The state and local agencies that report to AFS are defined as delegated grantees of the Clean Air Act. Most contacts are identified on EPA's Web site (see Contacts List at <http://www.epa.gov/compliance/contact/data-afscontacts.html>). The total number of respondents is 93 (50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Mariana Protectorate and 37 delegated local agencies). Changed in this renewal is the classification of small, medium, and large agencies. Previous renewals categorized agencies by the number of major sources: 1-150 major sources defined a small agency, 151-499 defined a medium agency, and 500 or more major sources defined a large agency. Over the years AFS has seen a steady decline in the number of major sources:

| | |
|---------------|-----------------------------------|
| 2001 AFS ICR: | 89 agencies, 22,890 major sources |
| 2005 AFS ICR: | 93 agencies, 21,085 major sources |

2008 AFS ICR: 93 agencies, 15,563 major sources

Reasons contributing to this 32% decline in the number of sources in the major source universe include:

- A growing number of sources opting out of Title V to keep emissions under the major threshold level for a pollutant;
- The reductions in emissions gained through improved pollution control equipment.
- Changes to the Air Program tracking of specific substances. For example, total suspended particulate (TSP or PT) emission standards are being replaced with particulate matter of 10 micrometers or less (PM10) and fine particulate representing particle less than 2.5 micrometers in aerodynamic diameter (PM2.5). Splitting the emissions from this pollutant into two separate pollutants has resulted in the decrease of major threshold emissions for particulates.

Given the decline in the major source universe, using the breakouts of previous ICR renewals would distort the burden calculations downward. This is because there would only be eight (8) large agencies in the nation representing only 8% of the national universe of sources, whereas small and medium agencies would represent 92% of the universes. Although a majority of agencies have smaller counts of major sources than larger ones, a more distributed categorization redefines large agencies as having 350 or more major sources instead of 500 or more. The medium and small categories have also been redefined downward. This renewal re-categorizes the size of state and local source universe as follows:

- Small Agencies : Fewer than 59 Major Sources
- Medium Agencies: 60-349 Major Sources
- Large Agencies: Greater or Equal to 350 Major Sources

The list of agencies by category can be found in Appendix 3, State & Local Agency Classification by Size.

(b) INFORMATION REQUESTED

(i) Specific Data Reporting and Record keeping Items

Reporting: To manage the national air stationary source compliance monitoring and enforcement program, EPA provides a set of MDRs that identify the specific data elements to be reported and tracked in AFS for state and local agency compliance and enforcement activities. Table 1 provides a list of the MDRs for renewal. The reportable universe of facilities for AFS includes: Major, Synthetic Minor and Part 61 NESHAP Minor facilities, other facilities identified within the CMS Evaluation Plan, any facility with a formal enforcement action and any facility with an active HPV.

Formal enforcement actions are defined as administrative orders, consent decrees, civil or

criminal referrals, and civil and criminal actions. Reportable informal enforcement actions are defined as Notices of Violation. An informal action will not include the assessment of a monetary penalty. Notices of Violation with a proposed penalty should be reported as an administrative order under the delegated authority of Section 113 of CAA.

Additionally, facilities with formal enforcement should be tracked in AFS until the resolution of the violation, regardless of classification. For example, should an administrative order be issued to a facility listed with a minor classification, all information required to establish a facility record should be added to AFS. The source should have any and all resulting enforcement activity entered into AFS until resolution of the violation. Since a Notice of Violation (NOV) is not a formal enforcement action, respondents do not have to enter these activities into AFS for minor facilities, however, EPA recommends that this information be submitted in order to provide a complete picture of enforcement at the source.

Respondents are also reminded of the requirement to report all applicable pollutants emitted by a facility, to include the pollutants particulate (TSP or PT), PM10 and PM2.5.

Record keeping: Data submitted to EPA by respondents are maintained by EPA in AFS. Respondents are authorized with the implementation and management of the Clean Air Act. Those respondents with data management systems are already maintaining the required data elements for their program management purposes. The data is extracted and forwarded to EPA via the batch process. Those respondents without data management systems enter the data into the AFS online. Respondents are not required to report these data elsewhere.

(ii) Respondent Activities

The respondent activities associated with reporting of compliance and enforcement actions are detailed in Worksheet 1 in Section 6(a), below. These activities include:

- Process, compile, and review information for accuracy and appropriateness; and
- Transmit information in written or electronic format for entry into AFS, including any necessary changes to state and local data systems to facilitate the transfer of the AFS MDRs.
- Affirmation that the data has been transmitted accurately.

These tasks generally are to be performed on a 60-day basis. Section 6 of this Support Statement describes the cost and burden of these respondent activities. Most of the burdens under Activity 1 are designated as Customary Business Practice (CBP) because the state and local agencies will collect the information required by EPA for their own program management.

Record Retention: AFS users have the ability to delete data from the system that is no longer valid or pertains to sources that are permanently closed. Users of AFS are required to

maintain reportable MDR data in the system for at least five (5) years with the exception of data pertaining to HPVs and sources with minor formal enforcement actions. Sources with high priority violations are to be kept in AFS regardless of operating status. Minor sources with formal enforcement actions should be maintained in AFS for at least three years. Users are encouraged to archive permanently closed facilities after five years unless HPV activity is contained within the records.

TABLE 1
SUMMARY OF NATIONAL MINIMUM DATA REQUIREMENTS (MDRs)
FOR CLEAN AIR ACT STATIONARY SOURCE COMPLIANCE

Note: Unless otherwise noted, both Regions and states/locals report their data. The reportable universe of facilities for AFS includes: Major, Synthetic Minor and Part 61 NESHAP Minor facilities, other facilities identified within the CMS Evaluation Plan, any facility with a formal enforcement action and any facility with an active HPV. Facilities with formal enforcement actions (administrative orders, consent decrees, civil or criminal referrals and actions) should be tracked in AFS until the resolution of the violation, regardless of classification. If a minor source is included in the CMS universe, has a current enforcement action of <3 years old, or is listed as a discretionary HPV, it is considered reportable to AFS. Individual regional/state agreements are not superseded by this listing.

| <u>Identification</u> | <u>AFS Acronym</u> |
|---|---------------------------|
| 1. Facility Name | PNME |
| 2. State | STAB/STTE |
| 3. County | CNTY |
| 4. Facility Number | PCDS |
| 5. Street | STRS |
| 6. City | CYNM |
| 7. Zip Code | ZIPC |
| 8. SIC or NAICS Code | SIC1/NIC1 |
| 9. Government Ownership | GOVT |
| 10. HPV Linkage and Key Action (Day Zero) | Linked from Action Data |

Compliance Monitoring Strategy (CMS)

| | |
|-------------------------------------|------|
| 11. CMS Source Category | CMSC |
| 12. CMS Minimum Frequency Indicator | CMSI |

Note: Generally EPA enters these fields into AFS; state/locals provide this information per agreement with the EPA Region. An EPA Region may delegate data entry rights to a state/local agency.

All Regulated Air Program(s) [Note: All applicable air programs should be reflected at the plant level of AFS.]

| | |
|--|------|
| 13. Air Program | APC1 |
| 14. Operating Status | AST1 |
| 15. Subparts for NSPS, NESHAP and MACT | SPT1 |

Note: Any applicable subpart for the NSPS, NESHAP or MACT air program at major and synthetic minor sources, minor source NESHAP and all other facilities reported as MDR. Reporting of minor source NSPS and MACT subparts are optional but recommended.

Regulated Pollutant(s) within Air Program(s)

| | |
|--|-----------|
| 16. Pollutant(s) by Code or Chemical Abstract Service Number | PLAP/CAPP |
| 17. Classification(s): EPA/ST | ECLP/SCLP |
| 18. Attainment Status: EPA/ST | EATN/SATN |
| 19. Compliance Status: EPA/ST | ECAP/SCAP |

Actions Within Air Programs (includes Action Number, Type, Date Achieved)

20. Minimum Reportable Actions:

- Informal Enforcement Actions: Notice of Violation(s)
- Formal Enforcement Actions: Administrative Order(s) and Assessed Penalties, Consent Decrees and Agreements, Civil and Criminal Referrals, Civil and Criminal Actions
- HPV Violation Discovered: Linked actions are FCEs, PCEs, Stack Tests (Observed or Reviewed), Title V Annual Compliance Certifications, Stack Test Notification Receipt
- HPV Addressing Actions: Linked actions include but are not limited to State/EPA Civil or Criminal Referrals, State/EPA Civil or Criminal Actions, Administrative Orders, Consent Decrees, Source Returned to Compliance by State/EPA with no Further Action Required.
- HPV Resolving Actions: Linked actions include but are not limited to Violation Resolved, Closeout Memo Issued, Source Returned to Compliance by State/EPA with no Further Action Required.
- Full Compliance Evaluations (On or Off Site)
- Stack Tests: Pass/Fail/Pending codes (PP/FF/99) are reported in the results code field, pending codes must be updated within 120 days.
- Title V Annual Compliance Certification Due/Received: Reported by EPA unless otherwise negotiated. The Due Date of a Title V Annual Compliance Certification will be reported as Date Scheduled on the “Title V Annual Compliance Certification Due/Received by EPA” action, and is not enforcement sensitive.
- Title V Annual Compliance Certification Reviewed: Includes Results Codes for Annual Compliance Certification reviews: in compliance (MC), in violation (MV) and unknown (MU). Annual Compliance Certification deviations(s) will be indicated in RD08 for EPA reviews (and state reviews as negotiated).
- Investigations: EPA Investigation Initiated (started) and State/EPA Investigation Conducted (finished). State Investigation Initiated is added for optional use. EPA and State Investigation Initiated (started) action types are enforcement sensitive.

Additional Action Information:

21. Results Code RSC1

Note: Pass/Fail/Pending (PP/FF/99) codes are reported for Stack Test actions. Compliance Results Codes of “In Compliance (MC), In Violation (MV), or Unknown (MU)” are entered for Title V Annual Compliance Certification reviews.

22. RD08 (Certification Deviations) RD81

Note: EPA reports into AFS unless otherwise negotiated. Compliance Codes of “In Compliance (MC), In Violation (MV), or Unknown (MU)” are entered for Title V Annual Compliance

Certification reviews.

23. Date Scheduled DTS1

Note: The Due Date of a Title V Annual Compliance Certification will be reported as Date Scheduled on the “Title V Annual Compliance Certification Due/Received by EPA” action, and is not enforcement sensitive.

24. HPV Violation Type Code(s) VTP1

Note: To be identified when the Day Zero action is established.

25. HPV Violating Pollutant(s) VPL1

Note: To be identified when the Day Zero action is established.

Timeliness Standard

26. Action Reported within 60 Days of Event reported in the Date Achieved (DTA1) field of the action record for state and local agencies, with a minimum upload of six (6) times per year. Monthly updating is encouraged. Federal Data is to be reported on a monthly basis.

OPTIONAL/DISCRETIONARY DATA REPORTING TO AFS: NON-MDR DATA

The following items cover data that is not considered an MDR, but will be useful and helpful for program implementation, evaluation and oversight. State and local agencies are encouraged to report the following items whenever practicable.

- Minor Facility information: For minor sources that are not MDR (MDR for minor facilities is defined as: Minor NESHAP, a minor facility identified within the CMS plan for evaluation, minor facilities with an enforcement action <3 years old, or any HPV case regardless of class) reporting is optional but encouraged. Minor source information would include NSPS and MACT subpart applicability.
- Stack Test Pollutant (PLC1)
- Partial Compliance Evaluations (PCEs) and specific reporting of On-Site PCE activity defined as: Complaint Partial Compliance Evaluation, Permit Partial Compliance Evaluation, Process Partial Compliance Evaluation, Partial Compliance Evaluation On-Site Observation. (Note: All PCEs are required to be reported by EPA Regional offices. Also, any negotiated PCEs that are part of an alternative frequency which is part of an agency’s CMS plan are required to be reported.)
- Reporting more frequently than every 60 days.
- State Investigations initiated (Enforcement Sensitive).
- Title V Permit Program Data Elements (PPDEs): Required for reporting to AFS by the Office of Air Quality Planning and Standards (OAQPS), used by the Office of Enforcement and Compliance Assurance (OECA) for major source universe population. To be established when the Title V permit is issued. AFS will require the establishment

of an AFS ID, the individual permit number, category, and event type for permit issued plus the date achieved. Permit Program Data Elements (PPDEs) include the Permit Number (ASPN), Permit Category (PMTC), and Permit Issuance Event Types (IF-Permit Issued and IR-Permit Renewal) and the date (PATY/PDEA).

5. AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

(a) AGENCY ACTIVITIES

Activities performed by EPA personnel involve both EPA Regional and Headquarters staff. The Regional Offices generally serve as the primary liaison with respondents (and, if applicable, assume the primary role of any EPA reporting of data to AFS), while Headquarters staff focus on data system issues, data management practices, and other national program management activities. The EPA activities include¹:

- Interaction with delegated agencies (e.g., answer respondent questions, train respondents on the use of the system, liaison with state and local agencies, participate in National AFS data management discussions, etc.)
- Audit and review of data submissions
- Data entry and verification
- Report preparation
- Program review (including review of AFS user needs and suggestions of software revisions, or identification for state and local agencies of best/efficient data management and quality assurance practices)
- Data interpretation and analysis (including targeting activities)
- Quality assurance guidance

(b) COLLECTION METHODOLOGY AND MANAGEMENT

(i) Overview

The compliance and enforcement information collected from state and local respondents for entry into AFS is a well established process. Compliance and compliance action reporting to AFS and its predecessor, the Compliance Data System (CDS), has existed for the past 27 years. The MDRs have been developed as essential components of a compliance tracking program and have been adopted into state and local systems. Many states automatically update AFS from a local database, while some enter data into AFS directly. In some instances, EPA Regional Offices enter state and local agency compliance and enforcement data into AFS. Several EPA regional offices enter HPV data for state/local agency staff, whereas most regions have delegated data entry responsibility.

¹ For purposes of estimating burdens, the first four items are considered the primary Regional Office activities and the last three items are considered the primary Headquarters activities.

EPA data collection guidance and technical support to the respondent reporting community during the past 27 years has focused on supporting these agencies in their collection methodology in order to minimize the total burden associated with meeting their reporting requirements, and the Agency will continue to focus on these efforts. The continued development of the UI to allow for batch upload of data from a variety of state and local agency data systems to AFS is a central component of the ongoing EPA effort to ease the burdens on agencies to report data to AFS. In addition, consultations with respondents confirms for EPA that AFS is perceived as an old system in which it is difficult to report, quality assure, and extract data. EPA has begun modernization efforts, with the completion of a Needs Analysis in 2003; an initial Closeness of Fit Analysis to OECA's Integrated Compliance Information System in 2004; a Modernization Workgroup in 2007 and an ongoing AFS Business Case Analysis to take additional steps toward a modernized AFS. EPA will work with respondents to ensure that all the major reporting issues are dealt with in a modernized AFS.

EPA also has developed documents and memoranda to explain the collection and reporting of MDRs for AFS, such as user manuals. In addition to these documents, EPA provides services in support of optimizing the collection and reporting of AFS MDRs, including the following:

- An AFS telephone help line providing users with data collection transmittal and quality assurance, supplemented by Contractual, Regional and Headquarters staff.
- User training provided as requested and as funds allow.
- Flash Movie training materials distributed during the National Workshop in August 2007. Web-based materials available Summer 2008.
- EPA has provided the UI to facilitate reporting by state/local agencies to the AFS. This program eliminates the need for costly support of a native conversion program. Over the last five years, EPA has provided almost \$2,800,000 in grant dollars to help state and local agencies apply and use the UI for reporting to AFS. There are currently 20 users of the product, with 5 agencies currently working on the process of implementation. Users of the product indicate varying levels of resource savings, with an average of 30% of time saved in routine submissions to AFS. EPA has recently released Version 3.3 of the UI.
- A national AFS user workshop designed to provide as much training as possible, as well as provide up-to-date information regarding data reporting and quality assurance.
- A national AFS Compliance Workshop where input is solicited from Regional representatives to improve data collection and reporting. Attendees are provided with reports regarding the EPA data analysis relative to program progress. The output of these meetings includes memoranda or best practices documents that are promulgated to state

data collection and reporting respondents.

- A publicly-available EPA AFS Web site provides all users, as well as the general public, with information on documents, manuals, training information, updates, etc. (<http://www.epa.gov/Compliance/planning/data/air/afssystem.html>). Additionally, a User-Only website is available with specific programmatic information (such as teleconference minutes, planning activities) designed to keep AFS users informed of any and all system updates. The website does not provide access to AFS.
- A new AFS utility designed to archive historic actions, compress and renumber. As AFS has a limit of 998 compliance/enforcement actions and has information dating back to the 1970s, archiving of old activity was necessary to make way for new actions and reporting.
- The AFS Business Rules, compiled in 2003 with user input. This document, used in tandem with system documentation, provides the user with a complete system and programmatic guide for using AFS.
- During FY2007, respondents collaborated on definitions of enforcement actions within AFS, highlighting where additional clarification and information is needed for standard application across the nation. This collaboration will result in a new enforcement action definition dictionary to be added to the AFS web pages.

EPA presents these tools in plain English to provide novice and experienced personnel with suggestions as to how their reporting burden can be minimized. More specific guidance is provided as each EPA Regional Office enters into specific agreements with state and local agencies on AFS reporting.

(ii) Data Quality Checking Procedures

AFS data are edited and validated by the system for range, context, and appropriate database record identification and cross referencing upon submission to AFS. On a monthly basis, EPA downloads data from AFS and loads it into multiple applications providing data to the public: the Online Tracking and Information System (OTIS) which provides powerful analysis capabilities to EPA and state and local agencies, the ECHO system and ENVIROFACTS. These systems maintain procedures for error resolution and correction, thereby improving the quality of data in AFS.

Many state and local agencies have written Standard Operating Procedures or have expanded Quality Assurance Project Plans that define their reporting process. These procedures contain a data correction mechanism, define data ownership, and outline each step taken to report timely, accurate, and useable data to AFS. Additionally, OECA's Office of Compliance has a Quality Management Plan requiring that data quality requirements are built into each

legacy application and required of each respondent.

EPA reviews a comprehensive set of data retrievals on a cyclic basis to review state/local agency progress within the CMS, milestone completion with HPV pathways, and overall review of data elements for accuracy.

The new State Review Framework (SRF) project will provide state/local agency reviews every four years, utilizing AFS MDR data to document activity for air compliance and enforcement oversight.

(iii) Machine and Processing Technology

AFS resides on EPA's Enterprise Server (IBM S/390 G6 9672X37 computer) at the National Computer Center (NCC) in North Carolina and is accessible to all state and local agency users via a Host on Demand session via the Internet or through DynaComm communications software available to Federal users.

(iv) Data Entry and Storage

Once compliance data are submitted to EPA either directly online or via a batch update, the data are managed and maintained by EPA. EPA policy specifies the security and retention requirements for its databases, in addition to the specific program requirements and archiving protocols associated with each compliance data collection program. Users of AFS are required to maintain reportable MDR data in the system for at least five (5) years with the exception of data pertaining to HPVs and sources with minor formal enforcement actions. Sources with HPVs are to be kept in AFS regardless of operating status. Sources with minor formal enforcement actions should be maintained in AFS for at least three years, as AFS software does not allow deletion of actions less than three years old. Users are encouraged to archive permanently closed facilities after five years unless HPV activity is contained within the records. Additionally, the AFS Business Rules provide guidance for the archiving and deletion of old data.

(v) Public Access

The public may access AFS through:

- Freedom of Information Act requests made to EPA;
- "Browse" (read) only access to AFS non-confidential data. This requires an NCC user account and AFS non-confidential data access security clearance; and
- Review of AFS data available through EPA-supported Web sites such as ECHO (<http://www.epa.gov/echo/index.html>) and ENVIROFACTS (<http://www.epa.gov/enviro/>).

(c) SMALL ENTITY FLEXIBILITY

The respondents for this information collection activity are state, local, district, and Commonwealth environmental agencies. The Regulatory Flexibility Act (RFA), incorporated in the 1995 Paperwork Reduction Act, defines a “small governmental jurisdiction as governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.” The state and local agencies covered by this renewal ICR are above that threshold, and therefore no small entities will be affected by this information collection. The respondents defined as local agencies are recipients of Clean Air Act Section 105 grants, or have assumed reporting responsibility from their respective state agency.

(d) COLLECTION SCHEDULE

Since the 2005 ICR, AFS data from state and local agencies is collected on a 60-day schedule, associated with the Federal fiscal calendar. Regional and Federal data is to be reported to AFS on a monthly basis. Each month, data is extracted and provided to EPA systems for use in analysis and to provide data to the public. On a routine basis Regional and HQ EPA program staff develop trend and status reports utilizing AFS data and assess the completeness of the data submitted.

A normal data submission to AFS is composed primarily of action items (reference Table 1 of Section 4, Summary of National Minimum Data Requirements (MDRs)). State and local agencies would be including new sources, changes in classification or compliance status to existing sources and any other changes to the basic identification of the reportable universe (pollutants, operating status, attainment/nonattainment indicators, etc.). The inventory of sources may change (for example, many sources change processes and thus lower their emission levels resulting in a classification change from major to synthetic minor--or even minor) periodically, but is usually not a significant increase to data uploads.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

(a) ESTIMATING RESPONDENT BURDEN

Worksheet 1 reports the annual respondent burden estimates by burden activity. Worksheet 1 is derived from Appendix 1, Comments Received During the Public Comment Period Ending December 24, 2007; Appendix 2, Agencies Directly Contacted for Burden Estimates; and Appendix 3, State and Local Agency Classification by Size; plus activity assumptions discussed in Section 4(b)(ii) of this collection request. The respondent hour burden presented in this renewal ICR reflects the current and unchanged MDRs, as listed in Table 1 in Section 4(b) of this document. Based on the consultations identified in Section 3(c) and other data analyses, the burden estimates incorporate the following assumptions and findings:

- There are 93 respondents. Appendix 3 identifies the list of respondents reporting to AFS. Although the number of respondents matches the number of respondents in the 2005 ICR, there were considerable changes to the documented reporting universe:
- The State of California and Local Agencies: Reduction from 14 to 9 agencies due to organizational changes by the California Air Resources Board (CARB).
- Addition of Guam, American Samoa, and the Marianas Protectorate.
- Addition of two local agencies in Pennsylvania (Allegheny County and the City of Philadelphia).
- Reorganization of the local agencies in North Carolina resulting in three versus four locals and one state agency (Asheville, Forsyth and Mecklenburg local agencies).
- Addition of a local agency in Oregon (Lane County).
- The basis of the reportable universe is 15,563 major sources (~26% fewer than in the 2005 ICR renewal, and 32% fewer than in the 2001 ICR renewal), and 23,262 synthetic minor sources (sources with the potential to emit at the major threshold, but emit under this threshold due to process or operating restrictions). Also reportable are minor National Emission Standards for Hazardous Air Pollutants (NESHAP) sources (1,477 sources nationwide), any source included in the CMS universe for evaluation (opted-in sources used as a replacement for other sources) regardless of class, any minor source with an enforcement action < 3 years old, or any source with a High Priority Violation.
- The average respondent hours per response for reporting activities will depend on the number of sources for which a state or local agency must collect and report compliance and enforcement data. To reflect these differences EPA has grouped the agencies in three categories for purposes of this ICR based on the number of major sources that are in each state and local agency's jurisdiction, as defined in the following table:

| Respondent Size Category | Number of Facilities | Number of Agencies |
|--------------------------|---------------------------|--------------------|
| Large | >350 Major Sources | 13 |
| Medium | 60-349 Major Sources | 22 |
| Small | 59 or fewer Major Sources | 58 |

This is a change of respondent size from previous renewals, based on the change in number of major sources in the large category.

- A set of interview guides was created for estimating burden. The following guidelines were used for the guides:

SYSTEM REPORTING SETUP AND IMPLEMENTATION: Time and resources invested in equipment setup, implementation, and maintenance. Estimates of time spent to ensure communications software is working and hardware costs, if applicable. Reportable as time in hours and a dollar amount for equipment purchased for the sole purpose of entering AFS data. If an employee uses a state/local agency computer for more than just AFS data entry, equipment costs are not added to the burden estimate.

DATA PREPARATION: Preparation of data before data input. This category is used for Direct Entry agencies, agencies with specific data flows that are directly entered into AFS (HPV), batch states without a conversion program or batch states uploading AFS data that is not maintained in their own system. Time is reported in hours per year.

DATA ENTRY (DIRECT/BATCH): Using historic information to estimate data entry of Minimum Data Requirements (MDRs). Number of actions is multiplied by 1 minute then converted to hours per year. Universe upkeep is also included, consisting of maintenance of plant general, air program, and air program pollutant information. This time is based on the national average of sources in noncompliance. OTIS retrievals of September 2007 show the national average of 14% of major sources and 6% of synthetic minor sources in violation. This would require changing the air program pollutant data to violation, and then, in time, back to compliance. Time spent in universe maintenance is a combination of 1 minute times 5% of the major and synthetic minor universe for plant general upkeep, and 1 minute times the national violation rate for the major and synthetic minor universe. This category also covers the time spent for batch file compilation, compare and update.

BATCH FILE EXTRACTION: This category is used for creation of new conversion programs in Batch Agencies only. It covers the time and resources spent for data mapping, conversion work, file creation and testing. Time is reported in hours per year. If an agency has an existing batch file extraction program, no burden is reported.

CONVERSION FILE MAINTENANCE: Estimates of time spent in maintaining an existing conversion program are reported in this category. Time is reported in hours per year. Users of the Universal Interface program will have no time indicated in this category, as the conversion program is maintained by EPA.

CONTRACTOR ASSISTANCE: If any time and resources spent are for contractual assistance versus state/local agency personnel, those resources should be reporting using this category. Report dollars spent per year.

HPV OVERSIGHT: Special oversight of HPV cases is estimated at 10 minutes per month per case. Historic information of active cases during FY2006 will be used to estimate this burden.

DATA QUALITY PROCEDURES: Estimates reported in hours per year will reflect

review of direct data entry and batch file compare and error reports. Estimates in this category reflected an increase due to a better understanding of time needed for quality assurance work. Our understanding of necessary quality assurance improved from the State Review Framework analysis.

TRAINING AND INFORMATIONAL MEETINGS: Estimates reported in hours of time spent in training, conferences, workshops, and other meetings concerning AFS data entry ONLY.

- Estimations from direct users of AFS used a conversion of activity from FY06, universe of sources, comments received from the Federal Register announcement and input from interviews. Actual numbers of Full Compliance Evaluations, Stack Tests, Notices of Violation, Enforcement Actions, and HPV activity were taken into account to reach an estimation of burden.
- Estimations from batch users were completed using the same base information used for burden estimate of direct users, but also took into consideration the process used within the agency for generation of a transfer file. Time necessary to create the batch file from a state system will vary on the complexity of a system. Universal Interface users have a streamlined effort of time with no maintenance costs and thus have a lower level of effort than state or local agencies that maintain their own conversion program.

(b) ESTIMATING RESPONDENT COSTS

The last column in Worksheet 1 reports the total costs of respondent burden activities. The costs reflect the use of appropriately skilled labor at \$45.90 per hour. This hourly rate is in 2007 dollars reflecting average state/local government wages and salaries taken from the Bureau of Labor Statistics, US Department of Labor web site at <http://www.bls.gov/ncs/ect/hom.htm>. This average wage incorporates 10% of Management, Professional, and Related rates, 80% Professional and Related rates, and 10% Office and Administrative Support rates from the Occupational Group of State and Local Government Employer costs per hour, to reflect the mix of skills required for data oversight. The 2005 ICR used a rate of \$33.39 per hour. The burden cost by activity is computed as the product of burden hours and cost per hour. Added to cost are appropriate travel costs to meetings and workshops. The total annual burden cost for state and local agencies is estimated to be approximately \$3.5 million. The burden per response is approximately 131 hours.

(c) ESTIMATING RESPONDENT CAPITAL AND MAINTENANCE COSTS

There are no capital and maintenance costs associated with this reporting activity. State and local agencies maintain computers for their own tracking needs and this reporting activity only involves reformatting and transmission of that data. As necessary, EPA provided the equipment necessary for electronic transmission of data from state and local systems to AFS as

part of an AIRS Connectivity Project prior to 1991.

(d) ESTIMATING AGENCY BURDEN AND COST

Section 5(a) identifies several Agency activities for this information collection. Worksheet 2 presents the Federal EPA burden and cost estimates for each of these activity categories. Hours are allocated for data base management on the basis of 1.5 full-time equivalent positions dedicated to AFS activities in each Regional Office and 2 full time equivalents at the Headquarters level. The estimates are based on information from Regional Offices and on prior experience with the program. Estimates are formulated on a monthly basis versus bi-monthly basis (every 60 days) required of state and local agencies. Cost estimates for Regional activities are based on the salary of a GS-12 (step 5) staffer in 2007. An overhead factor of 1.6 is applied, and an average locality adjustment pay is available via the Salary Table on the Office of Personnel Management's web site to determine a full loaded hour rate for Regional activities or \$1,863,162 annually across the nation (<http://www.opm.gov/oca/07tables/indexGS.asp>). The cost also includes travel expenses for Regional employees to attend data meetings and workshops.

The bottom half of Worksheet 2 shows the burden and costs for EPA Headquarters staff. Direct labor costs are based on a GS-14 (Step 5) System Administrator, and a GS-13 (Step 5) Security Manager. The fully loaded hourly wage rate, with Washington DC locality pay, using the 1.6 benefit factor is \$321,065. The cost also includes travel expenses for Regional employees to attend data meetings and workshops.

WORKSHEET 1
ANNUAL STATE RESPONDENT BURDEN ESTIMATES

| Respondent Activities: Process, compile and review information; transmit information to AFS. Maintain records for AFS reporting compatibility. | Number of State/Local Agencies | Annual Responses (6x per year) | Annual Hours per Respondent | Total Hours | Total Cost |
|--|--------------------------------|--------------------------------|-----------------------------|------------------|-----------------------|
| Small State/Local Agencies (less than or equal to 59 major sources) | 58 | 348 | 5,017.00 | 30,102.00 | \$1,468,591.00 |
| Medium State/Local Agencies (60-299 major sources) | 22 | 132 | 2,640.00 | 15,840.00 | \$769,908.00 |
| Large State/Local Agencies (greater than or equal to 300 major sources) | 13 | 78 | 4,521.83 | 27,131.00 | \$1,266,032.00 |
| Totals | 93 | 558 | 12,178.83 | 73,073.00 | \$3,504,531.00 |

Total Cost is taken from Department of Labor statistics found at: <http://www.bls.gov/ncs/ect/home.htm>
 Costs include median dollar amounts for travel costs to data management meetings and workshops.

**WORKSHEET 2
FEDERAL ANNUAL AGENCY BURDEN
ESTIMATES**

| EPA REGION | # OF RESPONSES | HOURS PER RESPONSE | TOTAL HOURS | HOURLY COST | FULLY LOADED COST | TOTAL COST | |
|--------------------------------|-----------------------|---------------------------|--------------------|--------------------|--------------------------|-----------------------|-------------------|
| REGION 1 | 12 | 260.00 | 3,120.00 | \$36.99 | \$59.18 | \$187,654.08 | Boston, MA |
| REGION 2 | 12 | 260.00 | 3,120.00 | \$38.09 | \$60.94 | \$193,145.28 | New York, NY |
| REGION 3 | 12 | 260.00 | 3,120.00 | \$36.34 | \$58.14 | \$184,409.28 | Philadelphia, PA |
| REGION 4 | 12 | 260.00 | 3,120.00 | \$35.43 | \$56.69 | \$179,866.56 | Atlanta, GA |
| REGION 5 | 12 | 260.00 | 3,120.00 | \$37.24 | \$59.58 | \$188,902.08 | Chicago, IL |
| REGION 6 | 12 | 260.00 | 3,120.00 | \$35.88 | \$57.41 | \$182,112.96 | Dallas, TX |
| REGION 7 | 12 | 260.00 | 3,120.00 | \$34.44 | \$55.10 | \$174,924.48 | Kansas City, MO |
| REGION 8 | 12 | 260.00 | 3,120.00 | \$36.70 | \$58.72 | \$186,206.40 | Denver, CO |
| REGION 9 | 12 | 260.00 | 3,120.00 | \$39.85 | \$63.76 | \$201,931.20 | San Francisco, CA |
| REGION 10 | 12 | 260.00 | 3,120.00 | \$36.26 | \$58.02 | \$184,009.92 | Seattle, WA |
| Totals | 120 | 2,600.00 | 31,200.00 | | | \$1,863,162.24 | |
| EPA HEADQUARTERS SYSTEM | # OF RESPONSES | HOURS PER RESPONSE | TOTAL HOURS | HOURLY COST | FULLY LOADED COST | TOTAL COST | |
| ADMINISTRATOR | 12 | 173.33 | 2,080.00 | \$50.95 | \$81.52 | \$174,561.60 | GS-14/5 |
| SECURITY MANAGER | 12 | 173.33 | 2,080.00 | \$43.12 | \$68.99 | \$146,503.36 | GS-13/5 |
| Totals | 24 | 346.67 | 4,160.00 | | | \$321,064.96 | |
| Total Federal Burden | 144 | 2,946.67 | 35,360.00 | | | \$2,184,227.20 | |

Federal Wage Scales found at: <http://www.opm.gov/oca/07tables/indexGS.asp>

Fully loaded wage is hourly wage multiplied by 1.6. Total cost includes travel costs for meetings and workshops.

(e) BOTTOM LINE BURDEN HOURS AND COSTS

Worksheet 3 summarizes the total annual burden hours and costs for AFS collection activity. The data for Worksheet 3 represents totals computed across activities identified in Worksheets 1 and 2.

**WORKSHEET 3
TOTAL BURDEN HOURS AND COSTS**

| Respondent Type | Total Hours | Total Costs |
|--------------------------|----------------|---------------------|
| 1. States/Local Agencies | 73,073 | \$ 3,504,531 |
| 2. EPA Regions | 31,200 | \$ 1,863,162 |
| 3. EPA Headquarters | 4,160 | \$ 321,065 |
| Totals | 108,433 | \$ 5,688,758 |

(f) REASONS FOR CHANGE

Under this renewal ICR, total annual state and local agency respondent burden has decreased to 73,073 hours, while the 2005 ICR estimated a total annual respondent burden of 98,183 hours. Thus, the total estimated annual decrease in respondent burden is 25,110 hours. No adjustment to the baseline count of hours is submitted. The following information is provided to account for burden difference:

- Reduction in the Major Source universe: The universe of Major Sources in the 2005 ICR was 21,085. The universe in this renewal is current at 15,563 Major Sources, or a difference of 5,522 sources (a 26% drop from the 2005 universe). Although synthetic minor and NESHAP minor sources are also federally reportable, a 32% drop from 2001 ICR and a 26% drop from the 2005 ICR universe figures will result in less burden to report a smaller universe.
- Increase in the use of the Universal Interface software program: There were 14 agencies using the UI during the 2005 ICR renewal, there are now 20 agencies using the product. One state estimated they obtained a 30% savings in time using the UI. Not every state realizes the same amount of savings while using the product, as mapping and implementation depend upon the structure of the in-house database. However, a portion of the burden savings can be attributed to use of the UI.
- Consultations with states/local agencies reveal significant differences in estimated burdens. The burden estimated from one large state with an automated batch

upload process was almost identical to that reported from a small state reporting directly on line with 80% fewer major sources. Burden estimations were built on universe size and method of update to AFS: Direct user, batch user, or a UI batch user.

- The 2005 ICR also included costs for compiling new data fields: Burden estimates for the 2005 ICR included activities to start collecting new data for added fields. The addition of air program subparts, HPV Discovery Date, Violation Type Codes and Violating Pollutants added an estimation of 12,687 hours to the 2005 ICR renewal burden in data preparation and other one time costs.
- Every agency has a different procedure for the collection, review, verification, entry, analysis and interpretation of data management procedures. What might take 20 hours in one agency may take 30 or more hours in another due to internal procedures, management practices, and the relative skill and experience of the user.
- None of the agencies interviewed used outside contractors for any data management work. In the past, contractor work has proven to be more labor intensive and more expensive than work completed by state or local employees.

(g) BURDEN STATEMENT

The average burden per response for this collection of information is estimated to be 131 hours, though this estimate varies according to the type of respondent. Reporting by state and local environmental agencies on source compliance and enforcement actions is estimated based on the number of major sources in the state/local area. On a yearly basis using median counts, a small state/local agency spends an average of 87 hours per 60 days reporting to AFS. A medium state/local agency spends an average of 120 hours and a large state/local agency will spend around 348 hours per 60 days reporting to AFS, for a total of 73,073 hours per year for the transmittal, management and quality assurance of their data. EPA will require a total of 35,360 hours per year for EPA oversight, data quality assurance, reporting, and other Agency activities, for an overall total of 108,433 hours for both Federal and state/local agency effort.

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 standards are listed in 40 CFR Part 9 and 48 CRF Chapter 15.

APPENDIX 1

COMMENTS RECEIVED DURING THE COMMENT PERIOD ENDING DECEMBER 24, 2007

1. Mr. Eric Schaeffer, Executive Director
The Environmental Integrity Project
919 Eighteenth Street NW, Suite 650
Washington, DC 20006

2. Mr. Stephen S. Ours, P.E.
Environmental Engineer
Air Quality Management Section
Delaware Department of Natural Resources and Environmental Control
(Currently Employed by the District of Columbia Department of the Environment)

APPENDIX 2

CONSULTATIONS WITH STATE/LOCAL AGENCIES TO CONTACT FOR ICR RENEWAL

| Contact | Organization | Telephone | # of Major Sources | Method of Reporting to AFS | Contact Email |
|-----------------------------|---|--------------|--------------------|----------------------------|------------------------------|
| James McCormack | CA Air Resources Board | 919 324-8020 | 151 (medium) | Online Direct | jmccorma@arb.ca.gov |
| Uri Papish Andrea Curtis | OR Department of Environmental Quality | 503 229-6480 | 117 (small/medium) | Batch-Universal Interface | uri.papish@state.or.us |
| Jeff Nolan | LA Department of Environmental Quality | 225 219-3708 | 560 (large) | Batch-Universal Interface | jeff.nolan@la.gov |
| Keith Hill | CT Department of Environmental Protection | 860 424-3555 | 92 (small/medium) | Batch-Universal Interface | keith.hill@po.state.ct.us |
| Ray Pilapil | IL Environmental Protection Agency | 217 782-5811 | 617 (large) | Batch | ray.pilapil@illinois.gov |
| Casey Mutzenberger | ND Department of Health | 701 328-5188 | 69 (small/medium) | Online Direct | cmutzenberger@nd.gov |
| Deborah White | VA Department of Environmental Quality | 804 698-4408 | 281 (medium) | Batch | dmwhite@deq.state.va.us |
| Lou Musgrove | GA Department of Natural Resources | 404 363-7000 | 428 (medium/large) | Batch | lou.musgrove@dnr.state.ga.us |
| Jeanette Barnett | MO Department of Natural Resources | 573 526-4676 | 382 (medium/large) | Online Direct | Jeanette.barnett@dnr.mo.gov |

APPENDIX 3

STATE AND LOCAL AGENCY CLASSIFICATION BY SIZE

93 AGENCIES

SMALL = <150 MAJOR SOURCES
MEDIUM = 151-399 MAJOR SOURCES
LARGE = >350 MAJOR SOURCES

| 58 | | 22 | | 13 |
|-------------------|----------------------|-----------------------|----------------|----|
| SMALL | SMALL | MEDIUM | LARGE | |
| AL-HUNTSVILLE | NE | AK | CA-SOUTH COAST | |
| AL-JEFFERSON CITY | NE-LINCOLN/LANCASTER | AL | GA | |
| AMERICAN SAMOA | NH | AR | IL | |
| AZ-MARICOPA CO | NM-ALBUQUERQUE | AZ | IN | |
| AZ-PIMA CO | NV | CARB | LA | |
| AZ-PINAL CO | NV-CLARK CO | CA-SAN JOAQUIN VALLEY | MI | |
| CA-BAY AREA | NV-WASHOE CO | CO | NY | |
| CA-MONTEREY BAY | OR | IA | OH | |
| CA-SACRAMENTO | OR-LANE CO | KS | PA | |
| CA-SAN DIEGO | PA-ALLEGHENY CO | KY | TX | |
| CA-SANTA BARBARA | PA-PHILADELPHIA | MA | WI | |
| CA-VENTURA CO | PR | MN | MO | |
| CT | RI | MS | FL | |
| DC | SD | NC | | |
| DE | TN-CHATTANOOGA | NJ | | |
| GU | TN-KNOX CO | NM | | |
| HI | TN-MEMPHIS | OK | | |
| IA-LINN CO | TN-NASHVILLE | SC | | |
| IA-POLK CO | UT | TN | | |
| ID | VI | VA | | |
| KY JEFFERSON CO | VT | WV | | |
| MD | WA | WY | | |
| ME | WA-BENTON | | | |
| MP | WA-NORTHWEST | | | |
| MT | WA-OLYMPIC | | | |
| NC-ASHEVILLE | WA-PUGET SOUND | | | |
| NC-FORSYTH CO | WA-SOUTHWEST | | | |
| NC-MECKLENBURG CO | WA-SPOKANE | | | |
| ND | WA-YAKIMA | | | |