

EPA

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

November 2011

**DRAFT SUPPORTING
STATEMENT FOR THE
PART 70 STATE
OPERATING PERMIT
PROGRAM**

prepared by

Jeff Herring, Environmental Scientist
Air Quality Policy Division
Operating Permits Group



Executive Summary

The approved burden level in the previous ICR was 4.2 million hours per year for sources, 1.3 million hours per year for permitting authorities (PAs), and 33 thousand hours for the Federal government; for a total of 5.6 million hours each year. The current ICR predicts 4.0 million, 1.3 million, and 37 thousand hours, respectively, for each respondent group, for a total of 5.3 million hours each year. Overall, this is an expected decrease of 211 thousand hours. This small decrease in burden primarily reflects the benefits of reductions in permit modification activities brought about by the implementation of the Flexible Air Permits rule and a decrease in source population and existing permits based on updated data available from permitting authorities. For sources, this is a decrease in burden of 199 thousand hours, due to the same reasons as for permitting authorities. The Agency predicts States and other PAs will incur a burden decrease of about 15 thousand hours per year and the Federal government will incur an increase of about 3 thousand hours per year.

**TABLE E-1
BURDEN CHANGE FROM DECEMBER 2007 ICR TO CURRENT ICR**

	Average Annual Burden in November 2007 ICR	Average Annual Burden in ICR Renewal	Difference
Sources	4,176,069	3,977,118	-198,951
PAs	1,349,570	1,334,766	-14,804
Federal	33,389	36,583	3,194
TOTAL	5,559,028	5,348,467	-210,561

Table E-1 displays the expected annual burden and the expected change in annual burden for sources, PAs, and the Federal government for implementation of the part 70 Operating Permits Program between the 3-year period covered by this ICR renewal, May 2012 and April 2015. Of the 5.3 million hours the Agency anticipates it will take to perform all the functions required each year, about 75 percent of the burden applies to sources. However, the magnitude of the total expected burden can be misleading due to the number of permitted sources. For the 15,940 sources included in this analysis, the average expected burden is relatively small – just over 6 weeks of a full-time employee's time.

Permitting authorities incur about 24 percent of the burden of part 70 management, with the total burden spread between a significantly smaller

number of entities compared to sources. On average, the Agency estimates the burden associated with the part 70 Operating Permits Program will be about 11,900 hours per year per PA. Each PA can expect to expend an average of 84 hours of effort per source each year, at a cost of about \$3,900 per permit. However, PA burden cannot be considered an Unfunded Mandate because the net cost to PAs for their management of an operating permits program must, by law, be passed on to the PA's sources through the permit fee. The cost of permits to sources must be of sufficient magnitude to fully offset all permit management costs. Hence, the true annual cost to permitting authorities under title V is zero, and the true annual cost to sources is \$227 million, approximately \$14,200 per source per year.

The decrease in burden for sources and permitting authorities compared to the 2007 ICR renewal is primarily due reductions in the number of permit modification activities performed each year due to implementation of the Flexible Permits (FAP) rule. Secondary to this, compared to the 2007 ICR renewal, some of the burden decreases are due to updated data from permitting authorities about the numbers of existing sources and permits and updated wage rates.

Since the 2007 ICR renewal, EPA promulgated two new regulatory revisions to part 70 and part 71: the Flexible Air Permits Rule¹ and the GHG Tailoring rule². OMB has previously approved ICR changes related to these two rule changes and we incorporate them into this renewal and update them to match the current state of program implementation (see ICR change justification documentation for the Flexible Air Permits Rule³ and the GHG Tailoring Rule)⁴. These change justification documents are included in the docket for this ICR renewal. The first rule resulted in a net reduction in burden for a large number of existing sources, while the second resulted in an increase in burden for a modest number of newly subject sources and small increases in burden for a large number of existing sources. The two revisions resulted in a net reduction in burden when compared to the 2007 ICR renewal. Since the changes in burden are caused by updated data on the

¹ Operating Permit Programs, Flexible Air Permits Rule, Final Rule (74 FR 51418, October 6 2009).

² Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule, Final Rule (75 FR 31514, June 3, 2010).

³ Information Collection Request for Changes to the Part 70 Operating Permit Regulations, the Part 71 Operating Permits Regulations, and the Parts 51 and 52 Prevention of Significant Deterioration Regulation and Non-Attainment New Sources Review Regulations for Flexible Air Permits, November 2008, EPA tracking # 1587.10.

⁴ Information Collection Request for State Operating Permit Regulations (40 CFR part 70) Change Justification, EPA tracking # 1587.11.

number of sources and permits, rather than changes in information collection requirements that have not already been approved by OMB, there are no new information collection requirements contained in this analysis.

The burden and cost increase for Federal (EPA) activities compared to the 2007 renewal are due to increased EPA review related to implementation of the GHG Tailoring rule, which is greater than the burden decrease for EPA expected from implementation of the Flexible Air Permit rule.

In accordance with the analytical requirements established under the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Agency has determined that there are no adverse effects to be identified vis-à-vis small entities and small businesses. Note that EPA has not made any changes in regulatory requirements or policy that would impose any new information collection requirements for small business. This ICR renewal does show a small decrease in overall burden hours due to the update in the number of existing permits and the effects of the Flexible Air Permit rule.

Table of Contents

Executive Summary.....E-1

1. Identification of the Information Collection.....1

2. Need and Use of the Collection.....3

**3. Non-Duplication, Consultation, and Other
Collection Criteria.....5**

4. The Respondents and the Information Requested.....8

**5. The Information Collected – Collection Methodology
and Information Management.....12**

6. Estimating the Burden and Cost of the Collection.....14

Attachment 1

Assumptions for Part 70 ICR Renewal.....29

Attachment 2

**Title V of the Clean Air Act, the Statutory Requirements
For the Respondent Information.....44**

Attachment 3

**Analysis of Part 70 State Program Evaluations For ICR Renewal Purposes
(1587.07).....55**

Attachment 4

Federal Register Notice61

1 Identification of the Information Collection

This analysis is titled: "Draft Supporting Statement for the State Operating Permit Program." It fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) to determine, report, and periodically update the regulatory burden associated with the Operating Permits Program, codified in 40 CFR part 70. This report has been assigned EPA tracking number 1587.12. The OMB tracking number for this ICR is 2060-0243.

1.2 Description

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

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

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

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

The Agency anticipates annualized direct costs of the part 70 program for the three years of the ICR to subject sources to be approximately \$496 million. These represent the direct administrative costs for 15,940 sources, or approximately \$10,400 per source per year (250 hours per source per year). The Agency estimates the cost of the part 70 permit program for the three years of the ICR to permitting authorities to be approximately \$184 million (about \$3,900 and 84 hours per source per year) while Federal costs for the three

years of the ICR will be approximately \$5.0 million (about \$100 and 2 hours per source per year).

2 Need and Use of the Collection

2.1 Need/Authority for the Collection

In implementing title V of the Act and EPA's part 70 operating permit regulations, State and local permitting authorities must develop programs and submit them to EPA for approval (section 502(d)). Sources subject to the program must prepare operating permit applications and submit them to the permitting authority within 1 year after approval of the program by EPA (section 503). Permitting authorities will then issue permits (section 503(c)) and thereafter enforce, revise, and renew those permits at no more than 5-year intervals (section 502(b)(5)). Permit applications and proposed permits will be provided to, and are subject to review by, EPA (section 505(a)). The permit and all information submitted by a source shall be available for public review except for confidential information which will be protected from disclosure (section 503(e)) and the public shall be given public notice of, and an opportunity for comment on, permit actions (section 502(b)(6)). Sources will submit monitoring reports semi-annually and compliance certification reports annually, to the permitting authorities (section 503(b)(2)). The EPA has the responsibility to oversee implementation of the program (section 502(c)). A copy of sections 502 through 504 of title V of the Act are in Attachment 2.

2.2 Practical Utility/Users of the Data

The burden estimates included in this ICR include the total burden of implementing the part 70 operating permits program. For the 3-year period covered by this ICR, all State programs (including those portions of States for which an operating permits program is being implemented by a local agency) have been submitted to EPA and have been granted full approval. All permit applications have been submitted to State or local permitting authorities except for sources that will be newly subject to the program.

To carry out the remaining activities of the program (listed above in section 1.2) permitting authorities must obtain the required information from sources subject to the program and they must then carry out their functions (e.g., permit issuance, renewal, and revision and report review) based on the information.

2.3 Caveats and Considerations

The information included in this ICR is based upon the best data sources available to the Agency at this time. However, inconsistencies in PA reporting techniques, incomplete

data sets, and sampling limitations imposed upon the Agency by the Paperwork Reduction Act necessitated a certain amount of extrapolation and "best-guess" estimations by permitting authority and Agency experts. Consequently, the reader should not consider the conclusions to be an exact representation of the level of burden or cost that will occur during the three years of this ICR. Instead, this ICR should be considered a directionally-correct assessment of the impact the Part 70 Permits Program will have over the next three years.

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

3 Non-Duplication, Consultation, and Other Collection Criteria

3.1 Non-Duplication

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

3.2 Public Notice Requirements

For any existing rule, § 3507(g) of the PRA limits the length of time for which the Director may approve a collection of information to 3 years. The last ICR renewal (EPA tracking number 1587.07) was granted on September 12, 2007 for the period ending September 30, 2010. On April 22, 2009, the expiration date of the ICR renewal was extended to April 30, 2012 as part of the approval of collection changes associated with the promulgation of the final Flexible Air Permits rule, EPA tracking number 1587.10.

Except for information collection in notices of proposed rules or those exempted under the emergency processing provisions of 44 U.S.C. § 3507(j), the PRA requires EPA to solicit comment on each proposed information collection, including the renewal or modification of any existing ICR. **[We will update the following after the first FR notice is published in December 2011]** *On February 9, 2007 (72 FR 6233), the Agency published a notice soliciting comment on an analysis of burden for the part 70 program for the 3-year period of this ICR (i.e., July 1, 2007 to June 30, 2010). A copy of the February 2007 notice is attached as Attachment 4. The EPA received no public comments.*

3.3 Consultations

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

with them EPA received input on the draft ICR renewal for part 70 that was released for public comment on February 2, 2007. Consistent with NACAA's input during that consultation, changes were made to burden estimates for certain activities performed by permitting authorities and EPA. Also, consistent with NACAA's concerns, in section 4.2.2, we are providing more detailed descriptions of permitting authority activities. The burden estimates for specific activities for this ICR renewal continues to rely on consultations conducted for the previous ICRs, as shown below.

Permitting authorities contacted by EPA:

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

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

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

In the 2007 ICR renewal, EPA discussed two other EPA activities that it thought would yield additional title V burden information. One of these activities was a nationwide, comprehensive evaluation of the majority of title V operating permits programs, which was completed September 2006. The second activity was a stakeholder effort to assess all aspects of the title V program, currently lead by the Clean Air Act Advisory Committee. (This effort is known as the Title V Task Force.) The first activity, the State program evaluations, was not specifically designed to provide information for purposes of estimating burdens and cost of title V programs but it did result in information that generally supports the assumptions of the prior ICR, including those based on input from State and local permitting authorities. This resulted in only one assumption for permitting authorities that changed, that is the frequency that public comments results in changes to draft permits (see Table 8, section 6.3.2), which did not lead to significant changes in overall burden for permitting authorities. The second activity, the Title V Task Force, resulted in recommendations on ways that EPA could improve the effectiveness of the title V programs, such as through rulemaking or the issuance of guidance, but it did not result in any information useful for estimating burdens for this ICR, and no guidance or

rulemaking resulting from this effort are effective at this time. (For more on the Title V Taskforce, see <http://www.epa.gov/oar/oaqps/permits/taskforce.html>)

3.4 Effects of Less Frequent Collection

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

3.5 General Guidelines

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

3.6 Confidentiality

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

4 The Respondents and the Information Requested

4.1 Respondents

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

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

Under title V, all major stationary sources must obtain an operating permit.⁵ Some non-major sources may also be subject to the program if they are subject to a Federal standard such as a New Source Performance Standard (including standards for hazardous air pollutants). Some of these sources have been exempted from the program or the applicability of the program requirements are deferred until some future date. Information provided to the EPA by permitting authorities indicates that 14,988 sources are now subject to the program, representing more than 500 SIC codes. Additional information (including SIC codes) for major sources subject to title V may be found by accessing the following web page:
<http://www.epa.gov/compliance/resources/publications/data/systems/air/afsmajorsources.pdf>

4.2 Information Requested

All activities associated with the operating permits program are considered information collection activities and are reflected in the ICR for part 70. Following are lists of the operating permits program data items submitted by sources and permitting authorities and program activities performed by permitting authorities and sources.

4.2.1 Data Items Submitted Including Recordkeeping Requirements

Permitting Authorities (submitted to EPA)

- Applications for initial permits, permit revisions, and permit renewals
- Draft/proposed permits, permit revisions, or permit renewals
- Final permit
- Annual report of enforcement activities

⁵ All definitions of “major” in the Act.

Sources (submitted to permitting authority)

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

4.2.2 Respondent Activities

PERMITTING AUTHORITY ACTIVITIES

- **Program administration:** Responding to inquiries about the program, developing internal and external program guidance, developing rules, forms, and other mechanisms to implement the program, planning, attending program training, permit fee collection, providing source training, attending EPA meetings and conferences, providing public education, and other program related activities.
- **Permit application review,** including discussions with a source concerning the completeness of the permit application, review of applications for completeness and technical approach, and requests for additional information, when necessary.
- **Draft permit preparation,** including contact with the source to clarify the specific requirements that apply, drafting the “statement of basis,” drafting gap-filling monitoring, when necessary, and drafting permit terms and conditions to reflect existing requirements.⁶
- **Comment period notification:** Providing notice to the public, EPA, and affected States of the comment period on a draft permit (for initial permit issuance, permit renewal and significant permit modification). Affected State notification is also required for minor permit modification.
- **Public hearing administration:** Administering a public hearing, when appropriate, for initial permit issuance, permit renewal, and significant permit modification.
- **Interaction with EPA** on a proposed permit, including negotiations, re-drafting, and formal EPA objections (including those attributable to public petitions).

⁶ This involves writing permit terms that reflect the “applicable requirements” that apply to sources. These “applicable requirements” (e.g., MACT and CAM) are not required by part 70; they are required by other Federal rules and their burden are counted in the ICRs for those rules. Nevertheless, writing permit terms to reflect those requirements are part 70 burdens. Also, part 70 burden include imposing additional monitoring through part 70, such as gap-filing monitoring (as clarified in a December 15, 2006 interpretive rule, 71 FR 75422).

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

SOURCE ACTIVITIES

- **Permit application preparation**, including internal meetings, permitting authority discussions, management and legal department involvement, responsible official certification, contractor services.
- **Draft permit development:** Interaction with the permitting authority on draft permit development.
- **Gap-filling development:** Development of “periodic” monitoring or reporting, where necessary.
- **Public hearing participation**
- **Operate gap-filling periodic monitoring:** Operation of monitoring equipment and the taking and keeping of records, where necessary.
- **Monitoring reports:** Preparing deviation and semi-annual monitoring data reports and annual compliance certifications, including data analysis, responsible official certification, and report submission.
- **Permit revisions:** Preparing applications for revisions.
- **Permit renewal:** Preparing permit renewal applications.
- **Other activities** associated with permit renewal, including discussions with permitting authority and public hearing participation.

EPA ACTIVITIES

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

5 The Information Collected – Collection Methodology and Information Management

5.1 Collection Methodology and Management

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

5.2 Small Entity Flexibility

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

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

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

5.3 Collection Schedule

Items identified in section 4.2.1 are listed below with their schedule for submission.

Permitting Authorities (submitted to EPA):

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

Sources (submitted to permitting authority):

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

6 Estimating the Burden and Cost of the Collection

6.1 Estimating the Number of Respondents

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

As of July 2011, the Agency identified 14,988 sources subject to permitting under part 70, 14,650 of which have already received permits, representing a backlog of 338 sources. We consider sources who have not yet received initial permits to be in the backlog if the deadline for the permitting authority to act on the application has passed and a permit has not been issued. Also, between May 2011 and April 2012, EPA estimates that 100 new sources will become subject to permitting, and that an additional 185 permits will be issued (i.e., comprised of 100 new sources and 85 backlogged sources). Thus, at the beginning of the period covered by this analysis, EPA estimates there will be a source population of 15,088 sources, 14,835 issued permits, and a backlog of 253 permits. In addition, during the three years of this ICR we assume that the backlog of initial permits will be reduced in equal amount each year, eliminating the backlog by the end of the period of analysis. Also, 300 sources will become newly subject to permitting during the period of the analysis as a normal consequence of economic growth⁷ and 552 sources will become newly subject because they trigger permitting requirements for GHGs pollutants under the GHG Tailoring Rule.⁸ Table 1 summarizes the number of permitting authorities and the number of permits to be issued during the period of this ICR renewal.

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

⁷ The 2007 ICR renewal assumed there would be 50 new sources per year, while data collected by EPA from permitting authorities suggests 100 sources per year is a more accurate assumption.

⁸ This number is based on assumptions made in the RIA and ICR for the GHG Tailoring rule for sources that would become subject to part 70 solely based on Step 2 of the Tailoring rule.

readily be seen by the significant drop (over 16,000 sources) in the number of affected major sources.

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

PERMITTING AUTHORITIES		SOURCES	
State Permitting Authorities		Total Population of Part 70 Sources as of June 2011	14,988
PLUS: California Local Authorities	49	Less: Sources Permitted Before June 2011	14,650
PLUS: Territories and Possessions	34	Less: Sources Permitted July 2011 through April 2012	<u>185</u>
PLUS: District of Columbia	2	Total Sources Expected to Be Permitted through April 2012	14,835
PLUS: Other Local PAs	1	Plus: Newly Subjected Sources through April 2012	100
Total Permitting Authorities	<u>26</u> 112	Sources remaining to Be Permitted as of May 2012	253
		Percent of Sources Expected to Be Covered by General Permits	16%
		Existing Sources Expected to Be Covered	2,374
		Less: Sources Covered through June 2007	2,374
		Existing Sources Issued General Permits During this ICR	0
		Plus New Subject Sources During ICR Period (3 years)	852
		Total Permits to be Issued in Year 1	369
		Less: New Sources Covered by General Permits	0
		Single-source Permits to be Issued in Year 1	369
		Total Permits to be Issued in Year 2	369
		Less: New Sources Covered by General Permits	0
		Single-source Permits to be Issued in Year 2	369
		Total Permits to be Issued in Year 2	368
		Less: New Sources Covered by General Permits	0
		Single-source Permits to Be Issued in Year 3	368
		Total (single) Permits Expected to Be Issued During This ICR	1105

Another example of regulatory relief incorporated into the operating permits program is the general permit, which allows large numbers of homogenous major sources of pollution to receive the same permit. This program has been successful in allowing approximately 16% (more than 2,300 part 70 sources) of all part 70 sources a cost-effective alternative to single-source permitting. The EPA estimates that by April 2012 (when the period of this ICR begins), the total population of part 70 sources will have grown to 15,088 and that 16% of these sources (2,374 sources) will have received general permits. Because general permits are typically relatively easy to issue, the Agency assumes that all existing sources eligible for general permits will have received them by May 2012 and that none of the 253 backlogged sources will be issued general permits during the three years of this ICR. We further assume that none of the estimated 852 newly subject sources will receive general permits during the period of this ICR.

Data collected by EPA suggests a renewal backlog of 3,335 permits as of July 2011. These permits will need to be renewed during the 3-year ICR period in order to eliminate the backlog. Additional permits will become subject to renewal during the ICR period because their initial or previous renewal permits are expiring. Thus, the total amount of permits projected to be renewed during the ICR period is 13,295. EPA assumes that the total number of permits to be renewed in each year of the ICR will be one third of the backlog plus whatever permits would normally come up for review because their permits are at the end of their 5-year term, or 4,431 the first year, 4,432 the second year, and 4,432 the third year. This analysis also assumes that 84 percent of renewal permits will be issued as single-source permits and 16 percent as general permits.

6.2 Estimating Burden

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. The Agency derived its estimates in Tables 2 and 3 from previous consultations with fewer than nine respondents from the regulated community on the burdens and costs of the permit programs, data collected by EPA from permitting authorities on the numbers of permits issued, renewed, and modified in the course of program administration, and based on our analysis of data submitted within the context of State and local permitting program evaluations. The assumptions in Table 2, 3 and 4 are unchanged from the 2007 ICR renewal.

Table 4 includes Federal burden estimates for each of the EPA activities discussed above in section 4.2.2. These activities remain unchanged from the last ICR renewal. Also, there are several new activities or changes in activity levels compared to the 2007 ICR renewal that are related to the Flexible Air Permits and GHG Tailoring rules, and for the sake of clarity, we discuss those later in this document.

**TABLE 2
AVERAGE SOURCE BURDEN BY ACTIVITY**

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

**TABLE 3
PERMITTING AUTHORITY BURDEN BY ACTIVITY**

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

**TABLE 4
EPA ACTIVITIES**

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

* Includes the burden for review of periodic monitoring

6.3 Estimating Costs

6.3.1 Estimating Source Costs

Historically, the Agency had assumed 70 percent of all source burden categories would be performed in-house, with the remaining 30 percent delegated to contractors.⁹ However, this renewal incorporates the previous ICR reassessment of that assumption, which is based on allocation of contractor support for only the initial permit application task. This analysis assumes one-third of the source's initial permit application preparation would be performed by contracted labor. The remainder of the source's tasks would be done entirely in-house.

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

For this ICR renewal, the Agency was unable to duplicate the methodology used in 2000 and 2004 because the Bureau of the Census has changed the data reported in the Statistical

⁹ United States Environmental Protection Agency, Regulatory Impact Analysis and Regulatory Flexibility Act Screening for Operating Permits Regulations, EPA-450/2-91- 011, June 1992, pp. 16-17.

Abstract of the United States. Instead, EPA updated the hourly cost for in-house labor by adjusting the 2004 value (in 2003 dollars) to 2006 dollars using the ECI for white-collar workers in private industry. Then in the change justification for the GHG Tailoring rule, we adjusted the wage rates based on an index for December 2007 relative to December 2006 for private industry workers, management, professional, and related workers, as contained in the U.S. Department of Labor, Bureau of Labor Statistics, Employment Cost Index Historical Listing: Current Dollar March 2001-March 2009. This calculation resulted in an hourly cost of \$39 for in-house labor for sources as detailed below in Table 5.

TABLE 5
DETERMINATION OF SOURCE IN-HOUSE and Contractor BURDEN COSTS

$Cost_{2007} = Cost_{2006} * ECI_{2007\ factor}$ $ECI_{2007\ factor} = \$37.83 / hour * \frac{107.1 - 103.8}{103.8} * 0.03179$ $In-hour\ Cost_{2007} = \$37.83 / hour * 1.032 = \$39.03 / hour$ $Contractor\ Cost\ 2007 = \$143 / hour * 1.032 = \$147.58 / hour$

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

Because of the confidential nature of the values used to estimate contractor hourly costs, the exact methodology was not documented in the 2000 ICR. As a result, for the 2004 ICR renewal EPA used the ECI to update the hourly cost for preparing initial permit applications, calculating a value of \$131 per hour. For the 2007 ICR, EPA used the same approach. The Agency used the methodology detailed above in Table 5, except that we started with the value in 1999 dollars (\$111 per hour) and used the ECI for 1999 (146.9) in place of the ECI for 2003. This resulted in an hourly cost for preparing an initial permit application of \$143. All other source tasks are estimated at the in-house hourly cost of \$38

per hour, as discussed above. In 2010, for purposes of calculating the wage rates for purposes of the ICR change justification for the GHG tailoring rule, EPA calculated the wage rates for in-house and contractor wages as shown in Table 5, which resulted in an in-house wage rate of \$39/hour and a contractor rate of \$148/hour. This is the wage rates assumed in this ICR renewal.

6.3.2 Estimating PA and Agency Costs

Historically, the Agency applied a \$34 per hour rate for Federal and State full time employee (FTE) wage rates. During the development of the ICR for the part 71 Federal Operating Permit Regulations, the Agency was instructed by the Office of General Council (OGC) to compute more accurate estimations of these hourly costs. To determine the appropriate hourly wage to apply to the burden estimation for each respondent, OGC instructed the Agency to assume the appropriate FTE rate to apply would be a GS-11 Step 3, fully loaded to account for overhead, benefits, and all other appropriate costs. To fully incorporate the cost of that FTE's support staff and managerial costs, the Agency also assumed one-eleventh of a manager's time (at a GS-13, Step 3 level), and one-eighth of a secretary's time (at a GS-6, Step 6 level). Applying the same process for this ICR renewal, the Agency has determined the appropriate cost of Federal and permitting authority burden at \$46 per hour. Table 6 displays the calculation of this rate.

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

Annual Salary of Permit Staff, GS 11 Step 3 (FY 07 Schedule)*	\$50,106.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 076 Schedule)*	\$71,415.00
Factor (1/11)	<u>0.09</u>
	\$6,427.35
Annual Cost of Admin. Support Staff, GS 6 Step 6 (FY 06 Schedule)*	\$33,322.00
Factor (1/8)	<u>0.13</u>
	<u>\$4,331.86</u>
Annual Applicable Salary of Permit Staff	\$60,865.21
Benefits (at 16%)	\$9,738.43
Sick Leave/Vacation (at 10%)	\$6,086.52
General Overhead	<u>\$18,511.67</u>
Total Cost Per FTE	\$95,301.83
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)	\$45.77

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

Table 7 lists the burden categories for respondent sources, the number of estimated occurrences for each item, and the expected cost for each, based on the burden estimations from Table 2. Table 8 lists the burden categories for respondent permitting authorities, the expected number of permits or programs involved, and the expected cost for each, based

on the burden estimations from Table 3. Table 9 lists the burden categories for Federal (EPA) activities, the number of estimated permits or programs involved, and the expected cost for each, based on the burden estimations from Table 4.

Tables 7, 8 and 9 closely follow the analysis of the 2007 ICR renewal without accounting for changes due to the Flexible Air Permits or GHG Tailoring rules. We refer to these tables as the “baseline” analysis later on in this document because they allow the reader to see the effects of this ICR update relative to the 2007 ICR renewal baseline. We later show the changes relative to the FAP and the GHG tailoring rule relative to the baseline in the bottom line section, where we show the totals taking everything into account.

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

ACTIVITY	BURDEN HOURS PER PERMIT	RATE PER HOUR	AFFECTED PERMITS	TOTAL BURDEN (HOURS)	TOTAL COST (\$2007)
Prepare Application	300	\$148	852	255,600	\$37,828,800
Draft Permit	40	\$39	1,190	47,600	\$1,856,400
Gap Filling Monitoring Development	40	\$38	595	23,800	\$928,200
Public Hearing Participation	10	\$39	24	240	\$9,360
Operate Gap Filling Monitoring	200	\$39	7,418	1,483,600	\$57,860,400
Year 1			7,602	1,520,400	\$59,295,600
Year 2			7,786	<u>1,557,200</u>	<u>\$60,730,800</u>
Year 3				4,561,200	\$177,886,800
Prepare Monitoring Reports	80	\$39	14,835	1,186,800	\$46,285,200
Year 1			15,204	1,216,280	\$47,434,920
Year 2			15,572	<u>1,245,760</u>	<u>\$48,584,640</u>
Year 3				3,648,840	\$142,304,760
Permit Revisions Significant Permit Mods	80	\$39			
Year 1			1,246	99,680	\$ 3,887,520
Year 2			1,277	102,160	\$ 3,984,240
Year 3			<u>1,308</u>	<u>104,640</u>	<u>\$ 4,080,960</u>
			3,831	306,480	\$11,952,720
Minor Permit Mods	40				
Year 1			6,231	249,240	\$ 9,720,360
Year 2			6,385	249,015	\$ 9,960,600
Year 3			<u>6,540</u>	<u>255,060</u>	<u>\$10,202,400</u>
			19,156	766,240	\$29,883,360
Admin. Amendments	8				
Year 1			6,231	49,848	\$1,944,072
Year 2			6,385	51,080	\$1,992,120
Year 3			<u>6,540</u>	<u>52,320</u>	<u>\$2,040,480</u>
			19,156	153,248	\$5,976,672
General Permit Renewal	2	\$39	2,127	4,254	\$165,906
Permit Renewal	200	\$39	11,168	2,233,600	\$87,110,400
Other Activities	20	\$39	11,168	223,360	\$8,711,040

Totals				12,224,462	\$504,614,418
--------	--	--	--	------------	---------------

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

ACTIVITY	Burden Hours per Permit	Affected Permits or Programs	Total Burden (Hours)	Total Cost (\$2007)
Program Administration	3,500/year	112 programs	1,176,000	\$54,096,000
Permit Application Review	100	150	85,200	\$ 3,919,200
Draft Permit Preparation	150	323	165,750	\$7,624,500
Comment Period Notification	10	323	11,050	\$508,300
Public Hearing	100	6	2,200	\$101,200
Interaction with EPA	20	323	22,100	\$1,016,600
Analyzing Public Comments	40	6	880	\$40,480
Permit Issuance	8	323	8,840	\$406,640
General Permits Administration	80/year	112 programs	26,880	\$1,236,480
Permit Revisions Significant	90			
Year 1		1,246	112,140	\$5,158,440
Year 2		1,277	114,930	\$5,286,780
Year 3		<u>1,308</u>	<u>117,720</u>	<u>\$5,415,129</u>
		3,831	344,790	\$15,860,340
Minor	30			
Year 1		6,231	186,930	\$8,598,780
Year 2		6,385	191,550	\$8,811,300
Year 3		<u>6,540</u>	<u>196,200</u>	<u>\$9,025,200</u>
		19,156	574,680	\$26,435,280
Administrative	5			
Year 1		6,231	31,155	\$1,590,220
Year 2		6,385	31,925	\$1,602,640
Year 3		<u>6,540</u>	<u>32,700</u>	<u>\$1,615,060</u>
		19,156	95,780	\$4,405,880
			1,015,250	\$46,701,500
Permit Renewals	90	11,168	1,005,120	\$46,235,520
Review General Permits	10	2,127	21,270	\$978,420
Review Monitoring and Compliance Certification Reports				
Year 1	15	14,835	222,525	\$10,236,150
Year 2	15	15,202	228,053	\$10,490,415
Year 3	15	<u>15,572</u>	<u>233,580</u>	<u>\$10,744,680</u>
		45,611	747,135	\$31,471,245
Annual Enforcement Activity Reporting	40	112 programs	13,440	\$618,240
Totals			4,238,138	\$194,954,325

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

ACTIVITY	Burden Hours	Affected Permits or Programs	Total Burden (Hours)	Total Cost (\$2006)
Review Permits and Revisions				
New Permits	20	298	5,950	\$273,700
Renewals	20	558	11,160	\$513,360
Significant Permit Revisions	8			
Year 1		1,246	9,968	\$458,528
Year 2		1,277	10,216	\$469,936
Year 3		<u>1,308</u>	<u>10,464</u>	<u>\$481,344</u>
		3,831	30,648	\$1,409,808
Minor Permit Revisions	1			
Year 1		6,231	6,231	\$286,626
Year 2		6,385	6,385	\$293,710
Year 3		<u>6,540</u>	<u>6,540</u>	<u>\$300,840</u>
		19,156	19,156	\$881,176
Consult with PA				
New Permits	8	298	2,380	\$109,480
Significant Permit Revisions	8			
Year 1		312	2,496	\$114,816
Year 2		319	2,552	\$117,392
Year 3		<u>327</u>	<u>2,616</u>	<u>\$120,336</u>
		958	7,664	\$352,544
Minor Permit Revisions	1			
Year 1		1,558	1,558	\$71,668
Year 2		1,596	1,596	\$73,416
Year 3		<u>1,635</u>	<u>1,635</u>	<u>\$75,210</u>
		4,789	4,789	\$220,294
Program Oversight	50	112 programs	16,800	\$772,800
Review the Annual Report	10	112	3,360	\$154,560
Totals			101,907	\$4,687,722

6.3.3 Bottom Line Burden Hours and Costs

Since the approval of the 2007 ICR renewal, EPA has promulgated several rules which have affected the burden and cost of the part 70 program, the Flexible Air Permits and the GHG Tailoring rule. The Office of Management and Budget (OMB) approved ICR change requests for both of these rules, EPA tracking numbers 1587.10 and 1587.11, respectively; however, this is the first ICR renewal that will address the two provisions at the same time and update them to reflect current implementation experience.

The Flexible Air Permits (FAP) rule, promulgated during the term of the last ICR renewal, revised part 70 to provide for permits that allow for upfront approval for changes to processes, equipment, raw materials and end products at a facility, in such a way as to

avoid formal submittal and processing of significant permit modifications (SPM) and minor permit modifications (MPM) during the term of the permit. The FAP rule did not increase the number of sources subject to title V permitting and it only applies to a relatively small number of new and existing sources that would need to get a permit anyway. While there is typically an increased burden to put the flexible provisions in the permit, once added, they allow the source to avoid permit modifications on a recurring, open-ended basis, resulting in an overall decrease in burden over the long term.

The baseline permitting burden for all existing and new source for the 3-year period of this ICR is shown in tables 7-9, while tables 10-12 show the incremental burden increases for issuing new tier 2 permits and burden decreases for avoided modifications for all tier 1 and 2 permits expected by the end of the ICR period. For EPA, the additional incremental burden is for reviewing and consulting with permitting authorities on modifications that occur solely due to GHG (usually related to combustion sources).

The EPA estimated in the FAP ICR that 5 percent of the total number of existing sources subject to part 70 would obtain a comprehensive flexible permit (a “Tier 1” permit) and that an additional 10 percent of all existing sources and new sources subject to part 70 would seek simpler flexible permits (“Tier 2” permits). The FAP ICR assumed all existing part 70 sources would be issued Tier 1 and 2 permits during the period of that ICR, and that there would be no new Tier 1 permits needed after that period ended. Thus, for this ICR period, we assume that only new Tier 2 permits will be issued.

Table 10 lists the burden categories for respondent sources, the number of estimated occurrences for each item, and the expected costs for each, based on the burden estimations made in the previous OMB-approved ICR change worksheet for the Flexible Permits rule. Tables 11 and 12 present the same analysis for permitting authorities and EPA, respectively. Our assumptions for the mix of activities expected to occur under the FAP rule have changed compared to the OMB-approved change worksheet due to the normal evolution of the program (by May 2012, the beginning of the ICR period, all eligible existing permits have been changed to add Tier 1 and 2 flexibility and only new tier 2 permits will need to add such flexibility during the term of the ICR renewal). Also, the number of affected permits has changed because of different assumptions concerning the number of existing permits over the period.

**TABLE 10
THE INCREMENTAL BURDEN AND COST OF THE FLEXIBLE PERMITS RULE FOR SOURCE ACTIVITIES FOR THE
3-YEAR ICR PERIOD**

ACTIVITY	Burden Hours per permit	Rate per hour	Affected permits	Total Burden (Hours)	TOTAL COST (2007)
Tier 1 – 5 MPM Avoided per year	-40	\$39	797	-478,200	-\$18,649,800
Tier 1 - 1 SPM Avoided every 5 years	-80	\$39	797	-38,240	-\$1,491,360
Tier 2 – New Permit	60	\$148	119	7,140	\$1,056,720
Tier 2 – 1 MPM Avoided per year	-40	\$39	1594	-191,280	-\$7,459,920
TOTAL				-700,580	-\$26,544,360

**TABLE 11
THE INCREMENTAL BURDEN AND COST OF THE FLEXIBLE PERMITS RULE FOR PERMITTING AUTHORITY
ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

ACTIVITY	Burden Hours per permit	Rate per hour	Affected permits	Total Burden (Hours)	TOTAL COST (2007)
Tier 1 – 5 MPM Avoided per year	-30	\$46	797	-358,650	-\$16,497,900
Tier 1 - 1 SPM Avoided every 5 years	-90	\$46	797	-43,020	-\$1,978,920
Tier 2 – New FAP Permit issued	45	\$46	119	5,355	\$246,330
Tier 2 – 1 MPM Avoided per year	-30	\$46	1,594	-143,460	-\$6,599,160
TOTAL				-539,775	-\$24,829,650

**TABLE 12
THE INCREMENTAL BURDEN AND COST OF THE FLEXIBLE PERMITS RULE FOR EPA ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

ACTIVITY	Burden Hours per permit	Rate per hour	Affected permits	Total Burden (Hours)	TOTAL COST (2007)
Tier 1 – 5 MPM Avoided per year	-1	\$46	797	-11,955	-\$549,930
Tier 1 - 1 SPM Avoided every 5 years	-8	\$46	797	-3,824	-\$175,904
Tier 2 – New Permit	8	\$46	119	952	\$43,792
Tier 2 – 1 MPM Avoided per year	-1	\$46	1,594	-4,782	-\$219,972
TOTAL				-19,609	-\$902,014

The GHG Tailoring Rule, also promulgated during the term of the last ICR renewal, “tailors” the requirements of the Clean Air Act to limit the number of facilities that would otherwise be required to obtain title V permits solely due to their emissions of Greenhouse Gases (GHG). Prior to the Tailoring Rule there were no requirements for sources to consider GHG emissions in their title V permit applications or permits and there were no applicable requirements related to GHG to put into title V permits. We are currently in Step 2 of the implementation schedule of the Tailoring Rule and EPA assumes that there are about 552 GHG sources subject to part 70 solely due to GHG emissions during this implementation step and that all of these sources will be issued single source permits (non-general permits).

The baseline burden of permitting any source subject to title V is shown in tables 7, 8 and 9. This burden is based on the assumptions of the 2007 ICR renewal. The 552 additional GHG sources are included in those tables as well. The baseline burden tables, however, do not include the incremental burden for addressing GHG emissions in permits that applies to both GHG and non-GHG subject sources. The incremental GHG burden is shown in Tables 13, 14 and 15 below. Note that EPA assumes the burden for issuing new GHG permits is the same as non-GHG permits, so there is no incremental burden for new permit issuance included in the tables below (it is included in tables 7, 8 and 9 instead).

Specifically, included in the tables below is the incremental burden for sources and permitting authorities alike to address GHG in all new non-GHG permits (including backlog sources), the burden of permit modifications solely related to GHG (based on the

number of NSR actions involving GHG in the NSR ICR), the burden of addressing GHG in all existing non-GHG permits when they undergo minor permit or significant modification procedures, and the burden of addressing GHG in 80 percent of all permit renewals. For EPA, the additional incremental burden is for reviewing and consulting with permitting authorities on minor and significant modifications that occur solely due to GHG.¹⁰

Table 13 lists the burden categories for respondent sources, the number of estimated occurrences for each item, and the expected costs for each, based on the burden estimations made in the previous OMB-approved ICR change worksheet for the GHG Tailoring rule. Compared to the change worksheet for this rule, these tables have been updated to reflect the number of affected permits and the mix of activities expected to occur due to the maturity of the program. Tables 14 and 15 present the same analysis for permitting authorities and EPA, respectively

**TABLE 13
THE INCREMENTAL BURDEN AND COST OF THE GHG TAILORING RULE FOR SOURCE ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

ACTIVITY	Burden Hours per permit	Rate per hour	Affected permits	Total Burden (Hours)	TOTAL COST (2007)
Prepare Application (add GHG to non-GHG permit)	34	\$148	553	18,802	\$2,782,696
Modification due to GHG	43	\$39	2,745	118,035	\$4,603,365
Modification to address GHG to non-GHG permit	4	\$39	22,987	91,948	\$3,585,972
Address GHG at Renewal	20	\$39	8,934	178,688	\$6,968,832
TOTAL				407,473	\$17,940,865

**TABLE 14
THE INCREMENTAL BURDEN AND COST OF THE GHG TAILORING RULE FOR PERMITTING AUTHORITY ACTIVITIES FOR THE 3-YEAR ICR PERIOD**

ACTIVITY	Burden Hours per permit	Rate per hour	Affected permits	Total Burden (Hours)	TOTAL COST (2007)
Prepare Application (add GHG to non-GHG permit)	43	\$46	553	23,779	\$1,093,834
Modification due to GHG	40	\$46	2,745	109,800	\$5,050,800
Modification to address GHG in non-GHG permit	4	\$46	40,799	163,196	\$4,229,608
Address GHG at Renewal	9	\$46	8934	80,419	\$3,698,842
TOTAL				305,937	\$14,073,084

¹⁰ Note we did not include administrative permit modifications because there is no requirement for EPA review and they do not involve substantive changes.

TABLE 15
THE INCREMENTAL BURDEN AND COST OF THE GHG TAILORING RULE FOR EPA ACTIVITIES FOR THE 3-YEAR ICR PERIOD

ACTIVITY	Burden Hours per permit	Rate per hour	Affected permits	Total Burden (Hours)	TOTAL COST (2007)
Review Modification due to GHG	8	\$46	2,745	21,960	\$1,010,160
Consult on Modification due to GHG	8	\$46	686	5,490	\$252,540
TOTAL				27,450	\$1,262,700

Tables 2, 3, and 4 display the activities of the part 70 program for sources, permitting authorities, and Federal government (EPA), respectively. Table 5 explains the derivation of the hourly cost of in-house labor for sources, and Table 6 gives the derivation of hourly costs for permitting authorities and EPA. Tables 7, 8 and 9 summarize the expected baseline costs for the 3-year period (in 2007 dollars) for sources, permitting authorities and EPA. The baseline burden and costs, which are based on the methodology of the previous renewal ICR, do not account for changes to the approved burden from the Flexible Permits rule and the GHG Tailoring rule. The incremental burden and costs attributable to the Flexible Air Permits rule is shown in tables 10, 11 and 12, and that attributable to the GHG Tailoring rule is shown in Table 13, 14, and 15. In table 16 we show the calculation of the burden and in table 17 the calculation of the cost for the 3-year period of this renewal, adjusted for the Flexible Permits and GHG tailoring Rules. In table 18, we show the bottom line burden and cost for this renewal ICR.

TABLE 16
CALCULATION OF BOTTOM LINE TOTAL ICR (3-YEAR) BURDEN HOURS

Respondent	Baseline	Flexible Air Permit	GHG Tailoring	TOTAL
Sources	12,224,462	-700,580	407,473	11,931,365
Permitting Authorities	4,238,138	-539,775	305,937	4,004,299
Federal (EPA)	101,907	-19,609	27,450	109,748
TOTAL	16,564,507	-1,259,964	740,860	16,045,402

TABLE 17
CALCULATION OF BOTTOM LINE TOTAL ICR (3-YEAR) COST

Respondent	Baseline	Flexible Air Permit	GHG Tailoring	TOTAL
Sources	\$504,614,418	-\$26,544,360	\$17,940,865	\$496,010,923
Permitting Authorities	\$194,954,325	-\$24,829,650	\$14,073,084	\$184,197,759
Federal (EPA)	\$4,687,722	-\$902,014	\$1,262,700	\$5,048,408
TOTAL	\$704,256,465	-\$52,276,024	\$33,276,649	\$685,257,090

Table 18 below displays the expected burden and cost for sources, permitting authorities and the Federal government (EPA) for implementation of the part 70 Operating Permits Program between May 2012 and April 2015. Of the 16.0 million hours the Agency anticipates it will take to perform all the functions required by title V, about 3/4 of the burden applies to sources. However, the magnitude of the total expected burden can be misleading, due to the number of permitted sources. For the 15,940 sources included in this analysis, the average expected burden is relatively small – just over 6 weeks of a full time employee's time. Likewise, the cost associated with that burden is also small - about \$10,400.

**TABLE 18
BOTTOM LINE BURDEN AND COST (2012-2015)**

	Number of Affected Entities	Total ICR (3-Year) Burden Hour	Average Annual Burden Per Respondent	Average Annual Burden Per Source	Total ICR (3-Year) Cost (\$2006)	Average Annual Cost Per Respondent (\$2006)	Average Annual Cost Per Source
Sources	15,940	11,931,355	250	250	\$496,010,923	\$10,372	\$10,372
PAs	112	4,004,299	11,918	84	\$184,197,759	\$548,208	\$3,852
Federal	1	109,748	36,583	2	\$5,048,408	\$1,682,803	\$106
Total		16,045,402	NA	NA	\$685,257,090	NA	NA

Permitting authorities incur about 24 percent of the burden in Table 18, with the total burden spread between a significantly smaller number of entities than for sources. On average, the Agency estimates the PA burden associated with the part 70 Operating Permits Program will be about 11,900 hours per year. However, for some permitting authorities with relatively fewer sources (Connecticut, Wyoming, etc.), this average burden will exceed their actual burden; and, for permitting authorities with more than the average number of sources (Louisiana, Texas, etc.), the average burden will be too low. A better measure of the effect of title V regulations on permitting authorities would be to divide the total estimated hours by the number of operating permits. On average, each PA can expect to spend about 84 hours per year managing and overseeing each permit in its jurisdiction, at a cost of approximately \$3,900 per permit. However, this cost cannot be considered an Unfunded Mandate from the Federal government, because the net cost to permitting authorities for their management of an operating permits program must, by law, be passed on to sources in the form of permit fees of sufficient magnitude to fully offset all permit management costs. Therefore, the true annual cost to permitting authorities under title V is zero, and the true annual cost to sources is \$227 million, or approximately \$14,200 per permit.

6.4 Changes in the Burden

The part 70 program has been evolving since its inception, beginning with promulgation of the part 70 regulations in 1992. Early on, State and local permitting authorities developed their programs, submitted them to EPA for approval, and began issuing the initial permits. As of the beginning of this ICR, all initial permits have essentially been approved and permit issuance activities have shifted to processing permit renewals and permit implementation activities, such as operating gap-filling monitoring and preparing monitoring or compliances reports. The FAP rule was designed to reduce the number of permit modification procedures necessary for processing by sources and permitting authorities to reduce overall burden and cost. The GHG tailoring rule reduces the number of sources that would otherwise have to get permit under the statutory "major source" thresholds, so even though it modestly increases the number of source that have to get permits, it is beneficial to sources and permitting authorities because it prevents a much larger number of sources from having to get permits. Also, this ICR renewal reflects step 2 of the phase-in of the implementation of the tailoring rule and there are other rulemakings scheduled to possibly subject additional sources to permitting for their GHG emissions, however, it is too early to prejudge what the outcome of those rulemaking will be and any future rulemakings to expand the universe of sources will likely result in additional EPA submittals to OMB to revise the burden and cost for this program.

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

The approved burden level in the previous ICR was 4.2 million hours per year for sources, 1.3 million burden hours per year for permitting authorities, and 33 thousand hours for Federal oversight; for a total of 5.6 million hours. Table 19 compares the burden in the previous ICR with the burden in this ICR. The change in burden is a decrease from the previous ICR primarily due to burden reductions from fewer permit modifications being necessary due to implementation of the Flexible Permits (FAP) rule. During the period of the 207 ICR renewal, sources and permitting authorities were focused on revising existing permits (through significant modification procedures and renewals) to put flexibility provisions, authorized by the FAP, into existing title V permits, which partially offset the burden reductions that come from fewer permit modifications under the FAP. During the period of this ICR, we assume those FAP provisions have been established in the permits (except for a small number of new sources seeking Tier 2 FAP), and thus, sources and permitting authorities alike reap the recurring burden reductions that come from the

reduction in the number of significant and minor permit modifications that must be processed over the period of this renewal ICR (The FAP reduces about 701 thousand hours for sources and 540 thousand hours for permitting authorities over 3 years). The effects of the FAP is somewhat partially offset by the increased burden of the GHG Tailoring Rule (about 407 thousand hours for sources and 306 thousand hours for permitting authorities), but the FAP still provides a net reduction in benefits for sources and permitting authorities after taking the GHG Tailoring rule into account.

For permitting authorities, there is a slight decrease in burden during the 3-year period of this ICR compared to the 2007 renewal also primarily due to implementation of the Flexible Permit rule. Fewer source submittals related to permit modifications affects permitting authorities in much the same manner as sources.

**TABLE 19
BURDEN CHANGE FROM DECEMBER 2007 ICR TO CURRENT ICR**

	Average Annual Burden in November 2007 ICR	Average Annual Burden in ICR Renewal	Difference
Sources	4,176,069	3,977,118	-198,951
PAs	1,349,570	1,334,766	-14,804
Federal	33,389	36,583	3,194
TOTAL	5,559,028	5,348,476	-210,552

Also, affecting the calculation of burden in this renewal is a change in the source population and the number of permits issued to part 70 sources since the last ICR renewal. Recent data shows a decline of almost 900 sources and permits from the levels assumed in the 2007 renewal, possibly attributable to sources that have ceased operation due to the recent national economic decline. Several other factors have affected the calculation of burden in this ICR renewal, but to a lesser extent. We recalculated the wage rate for source and permitting authorities, adjusting them to a 2007 basis from the 2006 basis used in the last ICR update. Also, our assumption concerning the number of new source subject to permitting has changed – we assumed 50 new sources per year in the 2007 renewal, while this renewal assumes 100 new sources per year (based on recent data collected from permitting authorities).

6.5 Burden Statement

As previously noted, it is impractical to attempt to delineate burden by respondent and activity due to the large number of respondents, the variation in the circumstances for each respondent, and the varied nature of the activities of the program. Following in Table 20

is the apportioned burden for each type of respondent. This is derived from the total permitting authority hourly burden divided by the number of permitting authorities, and similarly for sources.

**TABLE 20
BURDEN STATEMENT**

	Number of Respondents	Total Annual Burden	Average Annual Burden per Respondent	Average Annual Burden per Source
Source	15,940	3,977,118	250	250
PAs	112	1,334,766	11,918	84
Federal	1	36,583	36,583	2

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2004-0015, which is available for online viewing at www.regulations.gov, 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-2004-0015 and OMB Control Number 2060-0243 in any correspondence.

ATTACHMENT 1
ASSUMPTIONS FOR PART 70 ICR RENEWAL

TIME PERIOD OF ICR

The time period covered by this ICR is May 1, 2012 to April 2015

SOURCE POPULATION

1. Total population of title V sources as of June 2011 = 14,998.
An additional 100 sources will be added to the program before the ICR period begins, so the source populations at the beginning of ICR period will be 15,088.
2. This ICR projects that 284 new sources will become subject to title V each year increasing the population as follows:
3. Source population at the end of ICR year 1 = 15,372
4. Source population at the end of ICR year 2 = 15,656
5. Source population at the end of ICR year 3 = 15,940

INITIAL PERMIT ISSUANCE BACKLOG

6. The total backlog of existing sources that had not received their initial permits was 338 sources as of June 2011.
7. We Assume 85 initial backlogged permits will be issued before the ICR period begins and that all backlogged initial permits will be issued by the end of the ICR period (85 each year).

GENERAL PERMITS

8. Assume 16% of existing permits at beginning of ICR period are general permits.
9. Assume no new general permits will be issued during period of ICR
10. Assume 16% of renewals will be for general permits.

INITIAL PERMITS ISSUANCE RATE

11. Single-source permits are non-general permits.
12. There will be 253 backlogged initial single-source permits that will be issued in equal amounts each year of the ICR.
13. Source with backlogged permits have already submitted permit applications.
14. There will be 852 new single-source permits issued during the ICR (284 per year).
15. 552 of the 852 new single-source permits will be for sources that become subject due to step 2 of the GHG tailoring rule, 300 of the 852 are subject for other reasons -- the GHG estimate is from the RIA for the Tailoring Rule.

16. Initial permits are composed of the new permits issued to new sources and new permits issued to reduce the backlog of sources that have submitted applications but are awaiting permit issuance (852 new + 253 backlog = 1,105 initial permits)

PERMIT APPLICATIONS

During the period of this ICR, it is assumed that only the new initial sources will submit applications for initial title V permits - backlogged initial source are assumed to have already prepared and submitted permit applications.

PERMIT REVISION RATES

- 17. Sources covered by general permits will not apply for permit revisions.
- 18. Permit revisions estimates for any year are based on the number of single-source permits in force at the beginning of the year.
- 19. Significant modifications occur for 10% of existing single source permits per year.
- 20. Minor permit modifications and administrative amendments occur for 50% of existing single source permits per year.

PERMIT RENEWAL

- 21. Both single source and general permits are renewed but we treat them separately because burdens differ greatly.
- 22. Data indicate permit renewal backlog of 3,335 single-source permits as of June 2011 (permits that are passed their deadline for renewal).
- 23. We assume that equal numbers of backlogged permits renewed each year.
- 24. An additional 3,320 single-source permits will come due for renewal each year on their normal schedule (approximately 1/5 of the universe of permits issued or renewed 5 years previously, due to 5-year permit term).
- 25. Assume 16% of all renewals are general permits and 84 % single source permits.

OPERATION OF GAP-FILING MONITORING

- 26. We assume operation of such monitoring in 50% of all permits.

MONITORING AND COMPLIANCE STATUS REPORTS

- 27. These reports are made based on all previously-issued permits (single-source and general), so the permit total at the beginning of each ICR year is used to calculate the number of reports occurring each year.

SYNTHETIC MINOR PERMITS

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

PERMITTING AUTHORITY ACTIVITIES

- 28. Program administration, general permits administration, and preparing the enforcement reports occur on a yearly basis.
- 29. All new initial single-source permits (new and backlog) are assumed to go through the activities of permit drafting, public notification, interaction with EPA, and issuance notifications.
- 30. The activities of public hearings and finalizing draft permits that have public comment is assumed for 2% of new permits.

EPA ACTIVITIES

- 31. EPA reviews 25% of all new initial permits and consults on 25% of issues on new single-source permits, significant modifications, and minor permit modification.
- 32. EPA reviews all significant and minor permit modifications to single-source permits.
- 33. EPA reviews 5% of all single-source permit renewals.
- 34. Program oversight and review of enforcement reports occurs on a yearly basis

FLEXIBLE AIR PERMITS

- 35. See the ICR for the Flexible Air Permits rule (the FAP ICR) for more on the assumptions used in this portion of this ICR.
- 36. All existing tier 1 and 2 FAP permits were issued prior to the beginning of this ICR.
- 37. Tier I FAPs are 5% of all title V existing permits (existing when the ICR period begins or 797 permits).
- 38. No new Tier 1 FAPs expected during ICR period because EPA assumes that new sources are built and permitted to handle anticipated growth.
- 39. Each Tier I FAP avoids 5 MPM per year and 1 SPM every 5 years.
- 40. Tier 2 FAPs are 10% of all title V existing permits or 1,574 existing permits and 10% of all new permits issued by the end of the ICR period or 119 permits.
- 41. Each Tier 2 FAP avoids 1 MPM per year.

GHG TAILORING RULE

- 42. The burden hour assumptions in this ICR are from the RIA and the ICR change worksheet for the GHG Tailoring Rule.
- 43. The RIA for the Tailoring rule estimated 552 new single-source permits due to GHG during step 2 of the tailoring rule – we assume all will be issued in equal amounts during each year of the ICR period.
- 44. We assume no residential or commercial sources (non-industrial sources) will be issued title V permits during step 2 – the tailoring rule RIA estimated less than 20 such permits would be issued and assumed the permit issuance burden would be one half that of industrial sources.

45. All modifications and all renewals for existing single-source permits (non-GHG) will experience a small burden increase to address GHG requirements.
46. We assume no general permits will be issued for new GHG sources during the period of this analysis.
47. Modifications due to GHG are new modifications to single-source permits that not already accounted for in the baseline analysis. The NSR RIA assumes 915 per year of these. See Appendix C, table 3.1.
48. We assume 80% of renewals that occur during this period will need to address GHG due to combustion-related activities.
49. The only additional burden for EPA is related to review (100%) and consultation (25%) of minor permit modifications (MPM) and significant permit modifications (SPM) due to GHG.

ATTACHMENT 2
TITLE V OF THE CLEAN AIR ACT, THE STATUTORY REQUIREMENTS FOR
THE RESPONDENT INFORMATION

SEC. 502. PERMIT PROGRAMS

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

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

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

(2) Monitoring and reporting requirements.

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

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

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

(iii) emissions and ambient monitoring,

(iv) preparing generally applicable regulations, or guidance,

(v) modeling, analyses, and demonstrations, and

(vi) preparing inventories and tracking emissions.

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

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

(ii) As used in this subparagraph, the term "regulated pollutant" shall mean (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

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

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

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

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

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

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

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

(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended,

subject to appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State, local, or interstate agency under this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph (A).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If a program meeting the requirements of this title has not been approved in whole for any State, the Administrator shall, 2 years after the date required for submission

of such a program under paragraph (1), promulgate, administer, and enforce a program under this title for that State.

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

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

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

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

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

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

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

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

(2) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, 18 months after the date of the notice under paragraph (1), the Administrator shall apply the sanctions under section 179(b) in the

same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 179(a).

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

(4) Whenever the Administrator has made a finding under paragraph (1) with respect to any State, unless the State has corrected such deficiency within 18 months after the date of such finding, the Administrator shall, 2 years after the date of such finding, promulgate, administer, and enforce a program under this title for that State. Nothing in this paragraph shall be construed to affect the validity of a program which has been approved under this title or the authority of any permitting authority acting under such program until such time as such program is promulgated by the Administrator under this paragraph. [42 U.S.C. 7661a]

SEC. 503. PERMIT APPLICATIONS.

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

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

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

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

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

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

procedures to prioritize such approval or disapproval actions in the case of applications for construction or modification under the applicable requirements of this Act.

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

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

SEC. 504. PERMIT REQUIREMENTS AND CONDITIONS.

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

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

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

§70.5(c) Standard applications form and required information. The State program under this part shall provide for a standard application form or forms. Information as described

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

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

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

(3) The following emission related information:

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

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

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

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

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

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

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

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

(4) The following air pollution control requirements:

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

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

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

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

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

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

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

(ii) A description as follows:

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

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

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

(iii) A compliance schedule as follows:

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT 3
ANALYSIS OF PART 70 STATE PROGRAM EVALUATIONS FOR ICR
RENEWAL PURPOSES (1587.07)

Background

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

- Significant permit revisions occur in 1/10 of issued single permits (does not include general permits) on an annual basis (30% over 3 years)
- Minor permit modifications occur in ½ of single permits each year (150% of permits over 3 years)
- Administrative amendments occurs in ½ of single permits each year (150% of permits over 3 years)
- Permit renewals occur roughly at the same rate as the initial permits expire and that any backlog of renewals is reduced over the 3-year period of the ICR.
- Applying for a permit renewal is about 1/2 the burden of applying for an initial permit, while for States, permit renewals are about 1/3 the burden of initial permits.
- 100% of compliance reports reviewed by States.

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

Results of Evaluations

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

State Summaries

New Jersey (410 Permits)

1. No General permits
2. “Perform Gap-filling exercise on every permit” (didn’t answer question directly)
3. Public comments on less than 2% of draft permits, all changed in response
4. Public hearing requested occasionally, public attendance low
5. Significant modifications: 1-2% (TOPS shows 46 over life of program)
6. Minor Modifications: 90% (TOPS only addresses significant modifications)

7. Admin Amendments: 10%
8. Review 100% of compliance reports
9. Renewals easier to process because applications focus on changes at sources since permit issued. Renewals not a high priority at this time

West Virginia (171 Permits)

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

Mississippi (317 Permits)

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

Alabama (251 Permits)

1. No general permits issued

2. Periodic monitoring added for “most units subject to a regulation that do not contain underlying monitoring requirements”
3. Public comments: Said they have not received many and that most were not relevant to title V
4. Did not state that any hearings had ever been held, only stated that they have procedures in place to hold hearings
5. TOPS says 54 significant revisions to date (no response to these questions in audit)
6. Renewals easier than initial issuance because of staff experience
7. Review 100% of compliance reports

Vermont (20 permits)

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

Wisconsin (148 Permits)

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

Illinois (728 Permits)

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

6. Minor Modifications: 40%
7. Admin Amendments: 45%
8. Renewals easier because most requirements already established in permits, requirements do not typically need to change, and renewal application much more complete than applications for initial permits
9. Review 100% of compliance reports

Ohio (755 Permits)

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

ATTACHMENT 4
Date FEDERAL REGISTER NOTICE

TO be added after first ICR notice issued for this renewal ICR, about December 2011.