

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

NSPS for Nonmetallic Mineral Processing

1. Identification of the Information Collection

1(a) Title of the Information Collection

NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO) (Renewal)

1(b) Short Characterization/Abstract

The New Source Performance Standards (NSPS) for the regulations published at 40 CFR part 60, subpart OOO were proposed on August 31, 1983, and promulgated on August 1, 1985. These regulations apply to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck, or railcar loading station, which commenced construction, modification or reconstruction after August 31, 1983. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of the subpart. The provisions of this subpart do not apply to the following operations: facilities located in underground mines; and stand-alone screening operations at plants without crushers or grinding mills. An affected facility that is subject to the provisions of subparts F or I or that follows in the process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this part. In addition, the following plants are not subject to this subpart: fixed sand and gravel plants and crushed stone plants with capacities of 23 megagrams per hour (25 tons per hour) or less; portable sand and gravel plants and crushed stone plants with capacities of 136 megagrams per hour (150 tons per hour) or less; common clay plants and pumice plants with capacities of 9 megagrams per hour (10 tons per hour) or less. This information is being collected to assure compliance with 40 CFR part 60, subpart OOO.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

Approximately 3,785 sources are currently subject to the regulation, and it is estimated that an additional 580 sources per year will become subject to the regulation in the next three years. Of these 580 sources, 560 will be existing sources that have made physical or operational changes and 20 will be newly constructed or reconstructed sources.

Terms of Clearance

The Office of Management and Budget (OMB) approved the currently active Information Collection Request (ICR) without any Terms of Clearance.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The EPA is charged under section 111 of the Clean Air Act (CAA), as amended, to establish standards of performance for new stationary sources that reflect:

. . . application of the best technological system of continuous emissions reduction which (taking into consideration the cost of achieving such emissions reduction, or any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. Section 111(a) (1).

The Agency refers to this charge as selecting the best demonstrated technology (BDT). Section 111 also requires that the Administrator review and, if appropriate, revise such standards every four years.

In addition, section 114(a) states that the Administrator may require any owner or operator subject to any requirement of this Act to:

(A) Establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods; (D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Administrator shall prescribe); (E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (F) submit compliance certifications in accordance with section 114(a)(3); and (G) provide such other information as the Administrator may reasonably require.

In the Administrator's judgment, particulate emissions from nonmetallic mineral processing plants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NSPS were promulgated for this source category at 40 CFR part 60, subpart OOO.

2(b) Practical Utility/Users of the Data

The control of emissions of particulates from nonmetallic mineral processing plants requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Emissions of particulates from nonmetallic mineral processing plants are the result of operation of the affected facilities. The subject standards are achieved by the capture of pollutant emissions using fabric filters or wet scrubbers. The notifications required in the applicable regulations are used to inform the Agency or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and the regulations are being met. Performance test reports are needed as these are the Agency's record of a source's initial capability to comply with the emission standards, and serve as a record of the operating conditions under which compliance was achieved. The information generated by the monitoring, recordkeeping and reporting requirements described in this ICR is used by the Agency to ensure that facilities affected by the NSPS continue to operate the control equipment and achieve compliance with the regulation. Adequate monitoring, recordkeeping, and reporting are necessary to ensure compliance with the applicable regulations, as required by the Clean Air Act. The information collected from recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

3. Nonduplication, Consultations, and Other Collection Criteria

The requested recordkeeping and reporting are required under 40 CFR part 60, subpart OOO.

3(a) Nonduplication

If the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to the delegated state or local agency. If a state or local agency has adopted their own similar standards to implement the Federal standards, a copy of the report submitted to the state or local agency can be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, no duplication exists.

3(b) Public Notice Required Prior to ICR Submission to OMB

An announcement of a public comment period for the renewal of this ICR was published in the Federal Register (71FR 37652) on June 21, 2006. No comments were received on the burden published in the Federal Register.

3(c) Consultations

Consultations were made with the National Stone, Sand, and Gravel Association (NSSGA) to estimate the number of existing and new facilities that would be subject to the standard over the next three years.

3(d) Effects of Less Frequent Collection

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the likelihood of detecting poor operation and maintenance of control equipment and noncompliance would decrease.

3(e) General Guidelines

None of these reporting or recordkeeping requirements violate any of the regulations established by the Office of Management and Budget (OMB) at 5 CFR 1320.5.

3(f) Confidentiality

The required information has been determined not to be confidential. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B - Confidentiality of Business Information (CBI) (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

3(g) Sensitive Questions

None of the reporting or recordkeeping requirements contain sensitive questions.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

The Standard Industrial Code (SIC) codes for respondents affected by the standards are listed in the following table along with their corresponding North American Industrial Classification System (NAICS) codes.

Regulation	SIC Codes	NAICS Codes
40 CFR part 60, subpart OOO	1411	212311
	1422	212312
	1423	212313
	1429	212319
	1442	212321
	1446	212322
	1455	212324
	1459	212325
	1474	212391
	1481	213115
	1499	212319, 212399

4(b) Information Requested

(i) Data Items

All data in this ICR that is recorded and/or reported is required by NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO).

A source must make the following reports:

Reports for 40 CFR part 60, subpart OOO	
Construction/reconstruction	60.7(a)(1)
Actual startup	60.7(a)(3)
Initial performance test results	60.8(a)
Initial performance test	60.8(d)
Physical or operational change	60.7(a)(4)

A source must maintain the following records:

Recordkeeping for 40 CFR part 60, subpart OOO	
Startups, shutdowns, malfunctions, periods where the continuous monitoring system is inoperative.	60.7(b)

Recordkeeping for 40 CFR part 60, subpart OOO	
Records are required to be retained for two (2) years.	60.7(f)

(ii) Respondent Activities

Respondent Activities
Read instructions.
Perform initial performance test, Reference Methods 5 or 9, and repeat performance tests if necessary.
Write the notifications and reports listed above.
Enter information required to be recorded above.
Submit the required reports developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for the purpose of 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.
Transmit, or otherwise disclose the information.

5. The Information Collected: Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

Agency Activities
Observe initial performance tests and repeat performance tests if necessary.
Review notifications and reports, including performance test reports, and excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the AIRS Facility Subsystem (AFS) database.

5(b) Collection Methodology and Management

Following notification of startup, the reviewing authority might inspect the source to determine whether the pollution control devices are properly installed and operated. Performance test reports are used by the

Agency to discern a source's initial capability to comply with the emission standard. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs.

Information contained in the reports is entered into the AIRS Facility Subsystem (AFS) which is operated and maintained by EPA's Office of Compliance. AFS is EPA's database for the collection, maintenance, and retrieval of compliance and annual emission inventory data for over 100,000 industrial and government-owned facilities. EPA uses the AFS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

The records required by this regulation must be retained by the owner or operator for two years.

5(c) Small Entity Flexibility

A majority of the affected facilities are large entities (e.g., large businesses). However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation. Due to technical considerations involving the process operations and the types of control equipment employed, the recordkeeping and reporting requirements are the same for both small and large entities. The Agency considers these requirements the minimum needed to ensure compliance and, therefore, cannot reduce them further for small entities. To the extent that larger businesses can use economies of scale to reduce their burden, the overall burden will be reduced.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown in Table 1: Annual Burden of Reporting and Recordkeeping Requirements, NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO).

6. Estimating the Burden and Cost of the Collection

Table 1 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry for the subpart included in this ICR. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The 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.

6(a) Estimating Respondent Burden

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 31,026 (Total Labor Hours from Table 1: Annual Burden of Reporting and Recordkeeping Requirements, NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO)). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NSPS program, the previously approved ICR, and any comments received.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses a Technical Labor Rate of \$57.12 per hour. This rate is from the United States Department of Labor, Bureau of Labor Statistics, September 2002, "Table 10. Private industry, by occupational and industry group." The rates are from column 1, "Total compensation." The rate is increased by 110 percent to account for the benefit packages available to those employed by private industry. This subpart is older and more simplistic such that only technical labor is needed to satisfy the reporting and recordkeeping requirements.

(ii) Estimating Capital/Startup and Operation and Maintenance Costs

The only costs to the regulated industry resulting from information collection activities required by the subject standard(s) are labor costs. There are no capital/startup or operation and maintenance costs.

(iii) Capital/Startup vs. Operation and Maintenance (O&M) Costs

The only type of industry costs associated with the information collection activity in the regulations are labor costs. There are no capital/startup or operation and maintenance costs.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. Publication and distribution of the information are part of the AFS program. Examination of records to be maintained by the respondents will occur as part of the periodic inspection of sources, which is part of EPA's overall compliance and enforcement program.

The average annual Agency cost during the three years of the ICR is estimated to be \$592,982. This cost is based on the average hourly labor rate at a GS-12, Step 1, times a 1.6 benefits multiplication factor to account for government overhead expenses for a total of \$39.49. These rates are from the Office of Personnel Management (OPM) "2003 General Schedule" which excludes locality rates of pay. Details upon which this estimate is based appear in Table 2: Average Annual EPA Resource Requirement, NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO).

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

Approximately 3,785 sources are currently subject to the regulation, and it is estimated that an additional 580 sources per year will become subject to the regulation in each of the next three years. Of these 560 are current sources that will in the succeeding year fold back into the existing group while another 560 from that group make modifications and thus become subject to the requirement for reports in the first year. The other 20 are newly constructed sources that increase the average number of existing sources by 20 per year.

Respondent Universe and Number of Responses Per Year						
Regulation:40 CFR part 60, subpart OOO	(A) Average Number of New Respondents per Year	(B) Number of Reports for New Sources	(C) Number of Existing Respondents	(D) Number of Reports for Existing Sources	(E) Number of Respondents that keep records but do not submit reports	(F) Total Annual Responses = (AxB)+(CxD) +E
Existing/Physical Change	560	4	3,825	0	3,265 ¹	5,585

¹ The number of respondents that keep records but do not submit reports is equal to the average number of existing respondents (3,825) minus the number of sources reporting physical or operational changes (560).

Respondent Universe and Number of Responses Per Year						
Regulation:40 CFR part 60, subpart OOO	(A) Average Number of New Respondents per Year	(B) Number of Reports for New Sources	(C) Number of Existing Respondents	(D) Number of Reports for Existing Sources	(E) Number of Respondents that keep records but do not submit reports	(F) Total Annual Responses = (AxB)+(CxD) +E
New	20	4				

The average number of existing¹ respondents over 3 years is 3,825. This number is the sum of column A and column E of the Respondent Universe and Number of Responses Per Year table. This represents the number of existing sources plus the number of new sources averaged over the three-year period (i.e., the total of the number of new respondents over the three-year period divided by three years).

The average number of Total Annual Responses is 5,585. This is the number in column F of the Respondent Universe and Number of Responses Per Year table above.

The total annual labor costs are \$1,772,177. Details upon which this estimate is based appear in Table 1: Annual Burden of Reporting and Recordkeeping Requirements, NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO). Note that there are no annual capital and O&M costs to the regulated entity.

6(e) Bottom Line Burden Hours Burden Hours and Cost Tables

The bottom line burden hours and cost tables for both the Agency and the respondents appear are attached. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5.6 hours per response.

6(f) Reasons for Change in Burden

There is no change in the labor hours or cost in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the industry is very low, negative or nonexistent, so there is no significant change in the overall burden.

Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor hours and cost figures in the previous ICR are used in this ICR and there is no change in burden to industry.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5.6 hours per response. 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 valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed at 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-OECA-2006-0427. An electronic version of the public docket is available at <http://www.regulations.gov/> which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW, Washington, DC. 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 docket center is (202) 566-1752. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number OECA-2006-0427 and OMB Control Number 2060-0050 in any correspondence.

NOTE: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation by people who wish to visit the Public Reading Room to view documents. Consult EPA's Federal Register notice at 71 FR 38147 (July 15, 2006) or the EPA website at [www.epa.gov/epahome/dockets .htm](http://www.epa.gov/epahome/dockets.htm) for current information on docket status; locations and telephone numbers.

Part B of the Supporting Statement

This part is not applicable because no statistical methods were used in collecting this information.

TABLE

1

**ANNUAL BURDEN OF REPORTING AND RECORDKEEPING REQUIREMENTS
NSPS FOR NONMETALLIC MINERAL PROCESSING (40 CFR Part 60, Subpart OOO)**

REPORTING/RECORDKEEPING REQUIREMENT	Hours/Occurrence (A)	Occurrences/Year (B)	Hours/Year (C=A*B) (C)
1. APPLICATIONS	N/A	N/A	N/A
2. SURVEY AND STUDIES	N/A	N/A	N/A
3. REPORTING REQUIREMENTS			
a. Read Instructions	1	1	1
b. Required Activities			
Initial Performance Tests	30.5	1	30.5
Repeat of Performance Tests	30.5	0.2	6.1
c. Create Information		-----Included in 3b-----	
d. Gather Existing Information		-----Included in 3b-----	
e. Write Report			
Notification of Construction/Reconstruction	2	1	2
Notification of Actual Startup	2	1	2
Notification of Initial Performance Test	2	1	2
Report of Performance Test		-----Included in 3b-----	
Notif. of Physical or Operational Change	2	1	2
4. RECORDKEEPING REQUIREMENTS			
a. Read Instructions		-----Included in 3a-----	
b. Plan Activities		-----Included in 3b-----	
c. Implement Activities		-----Included in 3b-----	

d. Develop Record System	N/A	N/A	N/A
e. Time to Enter Information*			
Records of startups, shutdowns, malfunctions, etc.	1.5	1	1.5
f. Train Personnel	N/A	N/A	N/A
g. Audits	N/A	N/A	N/A
TOTAL ANNUAL BURDEN			

Assumptions	
Number of affected facilities	3,785
Time required to read instructions (hours)	1
Time required to complete performance test (hours)**	30.5
Rate of failed performance tests	20%
Time required to complete Method 9 (hours)	4
Time required to record operating parameters (hours)	0.25
Number of days operating per year	250
Number of existing plants with physical or operational changes (per year)	560
Number of new plants (per year)	20
Time required to record startups, shutdowns, malfunctions etc. (hours)	0.25
Number of startups, shutdowns, malfunctions, etc. (per year)	1
Time Required for notification preparation (hours)	2
Technical labor rate	\$57.12

* We are assuming that the number of respondents per year required to enter information will be equal to the number of existing facilities

plus the average number of new facilities over the three-year timeframe for this ICR. Therefore, the number of respondents per year is equal to 3,805 (3,785 + 20).

**Performance tests include 8 hours to develop a performance test report. Performance test is a weighted average of the time required to test new facilities (20) as well as existing facilities (560). The average time to conduct a performance test for a new facility is estimated to be about 150 hours. The average time to conduct a performance test for an existing facility is estimated to be about 18 hours. The time required to conduct Method 5 and Method 9 tests is also included in this estimate.

**TABLE 2 AVERAGE ANNUAL EPA RESOURCE REQUIREMENT
NSPS FOR NONMETALLIC MINERAL PROCESSING (40 CFR Part 60, Subpart OOO)**

REPORTING/RECORDKEEPING REQUIREMENT	EPA Hours/Occurrence (A)	Occurrences/Plant/Year (B)	EPA Hours/Year (C=A*B) (C)	Plants/Year (D)	EPA Hours/Year (E=C*D) (E)
REPORT REVIEW					
New or Modified Facility					
Notification of Construction	2	1	2	20	40
Notification of Modification	2	1	2	560	1,120
Notification of Actual Startup	1	1	1	580	290
Notification of Initial Test	1	1	1	580	348
Review Test Results	8	1	10	580	5,568
Review of Startup, Shutdown, and Malfunction	4	1	2	3,825	7,650

TOTAL ANNUAL HOURS					15,016
TOTAL ANNUAL BURDEN	\$592,982				

<u>Assumptions</u>	
Number of new plants	20
Number of existing plants with physical or operational changes (per year)	560
Rate of failed performance tests	20%
Time required to participate with performance test (per plant)	38
Time require to review construction notification (hours)	2
Time required to review startup and initial test notifications (hours)	0.5
Time required to review performance test results (hours)	8
Time required to review notification of demonstration of CMS (hours)	0.5
Time required to review existing plant emission reports (hours)	4
EPA labor rate	\$39.49