

**OMB ROCIS TEMPLATE
SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Off-Site Waste and Recovery Operations (40 CFR Part 63, Subpart DD)
(Renewal)**

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Off-Site Waste and Recovery Operations (40 CFR Part 63, Subpart DD)
(Renewal)

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) were proposed on October 13, 1994, and promulgated on July 1, 1996. These standards apply to hazardous air pollutants (HAPs) emissions from selected facilities involved in waste management and recovery operations that are not subject to federal air standards under other subparts in part 63, and commencing construction, modification or reconstruction after the date of proposal if the facility is a **Amajor source@** of HAP emissions, as defined in general provisions to 40 CFR part 63. In addition, subpart DD cross-references control requirements to be applied to specific types of affected sources: tanks-level 1, containers, surface impoundments, individual drain systems, oil-water separators and organic water separators, loading, transfer, and storage systems. This information is being collected to assure compliance with 40 CFR part 63, subpart DD. Organic HAP emissions are the pollutants regulated under this subpart.

Owners or operators of the affected facilities described must make one-time-only notifications. 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. Semiannual reports of excess emissions, or reports certifying that no exceedances have occurred, are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to the NESHAP.

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 five 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.

There is an annual average of 236 respondents that will be subject to the regulations. Due to the nature of the industry, it is estimated that no additional sources will become subject to the standard over the next three years. This information is based on discussions with EPA personnel knowledgeable about the off-site waste and recovery operations. The average annual

cost to industry over the next three years of this Information Collection Request (ICR) is estimated to be \$9,923,473.

The Office of Management and Budget (OMB) approved the currently active 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 112 of the Clean Air Act, as amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants (HAPs). These standards are applicable to new or existing sources of HAPs and shall require the maximum degree of emission reduction. 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, HAP emissions from off-site waste and recovery operations cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NESHAP was promulgated for this source category at 40 CFR part 63, subpart DD.

2(b) Practical Utility/Users of the Data

The control of emissions of pollutants from off-site waste and recovery operations requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Emissions of organic HAP from off-site waste and recovery operations are the result of operation of the affected facilities. The subject standards are achieved by the reduction of organic HAP emissions using control technology and/or leak detection and repair procedures.

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, that leaks are being detected and repaired, and that the regulations are being met. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

The information generated by the monitoring, recordkeeping and reporting requirement described in this ICR is used by the Agency to ensure that facilities affected by the NESHAP continue to operate the control equipment in 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 63, subpart DD.

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 (71 FR 58853) on October 5, 2006. No comments were received on the burden published in the Federal Register.

3(c) Consultations

Over the next three years, an average of 236 facilities per year will be subject to the standard, with no additional sources per year becoming subject to the standard. We have also determined that approximately 33 percent of the respondents are reporting electronically. In estimating the affected number of sources and the growth rate of off-site waste and recovery operations facilities subject to this standard, we contacted the Solid Waste Association of North America (SWANA) Ms. Shannon Crawford, at (800) 467-9262, and Chartwell Information, Mr. Grant Ferrier, (619) 295-7685. We referenced the most recent ICR, and used other resources to obtain the most recent data available. We reviewed information available from the Online Tracking Information System (OTIS) which is the primary source of information regarding the number of existing sources. OTIS data was used in conjunction with industry consultation to verify the number of sources and the industry growth rate.

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 OMB at 5 CFR part 1320, section 1320.5.

These standards require affected facilities to maintain all records, including reports and notifications for at least five years. This is consistent with the General Provisions as applied to the standards. EPA believes that the five-year records retention requirement is consistent with the part 70 permit program and the five-year statute of limitations on which the permit program is based. Also, the retention of records for five years would allow EPA to establish the compliance history of a source and any pattern of compliance for purposes of determining the appropriate level of enforcement action. Historically, EPA has found that the most flagrant violators frequently have violations extending beyond the five years. EPA would be prevented from pursuing the worst violators due to the destruction or nonexistence of records if records were retained for less than five years.

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 (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 respondents to the recordkeeping and reporting requirements are off-site waste and recovery operations that store, treat, recycle, reprocess, or dispose of wastes containing organic chemical compounds. The United States Standard Industrial Classification (SIC) codes, which

correspond to the North American Industry Classification System (NAICS) codes, could be found in the following table:

Off-site Waste and Recovery Operations (40 CFR part 63, subpart DD)	SIC Codes	NAICS Codes
Petrochemical Manufacturing	2869	325110
All Other Basic Inorganic Chemical Manufacturing	2869	325188
Cyclic Crude and Intermediate Manufacturing	2689	325192
Ethyl Alcohol Manufacturing	2689	325193
All Other Basic Organic Chemical Manufacturing	2689	325199
Industrial Gas Manufacturing	2689	325120
All Other Miscellaneous Chemical Product and Preparation Manufacturing	2689	325998
Plastic Materials and Resin Manufacturing	2821	325211
Explosives Manufacturing	2892	325920
Carbon Black Manufacturing	2816	325182
Inorganic Dye and Pigment Manufacturing	2816	325131
Semiconductor and Related Device Manufacturing	3674	334413
Petroleum Refineries	2911	324110
Aircraft Manufacturing	3721	336411
Aircraft (research and development not producing prototypes)	3721	541710
Other General Government Support	9199	921190
All Other Petroleum and Coal Products Manufacturing	3312	324199
Iron and Steel Mills	3312	331111
Rolled Steel Shape Manufacturing	3312	331221

4(b) Information Requested

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB at 5 CFR part 1320, section 1320.5.

(i) Data Items

All data in this ICR that is recorded and/or reported is required by National Emission Standards for Hazardous Air Pollutants for Off-Site Waste and Recovery Operations (40 CFR part 63, subpart DD).

A source must make the following reports:

Reports for 40 CFR part 63, subpart DD	
Notification and application of construction/reconstruction	63.5(d)
Notification of initial startup	63.9(b)
Notification of initial performance test	63.7(b) and 63.9(e)
Rescheduled initial performance test	63.7(b)(2)
Demonstration of continuous monitoring system	63.9(g)
Compliance status	63.9(h)
Physical and operational change	63.10
Notification of performance tests	63.7(b), and 63.697(b)(1)
Performance test results	63.8(e)(5), and 63.697(b)(2)
Startup, shutdown, malfunction reports	63.697(b)(3)
Notification of tank floating roof inspection	63.686(b)(3)
Notification of oil/water separator floating roof inspection	63.687(d)(6)
Notification to tank refill	63.697(d)(1)
Notification of seal gap measurements	63.697(d)(2)

Reports	
Initial performance test results	63.10(d)(2)
Opacity or visible emissions	63.10(d)(3)
Periodic startup, shutdown, malfunction reports	63.10(d)(5)(I)
Source status report	63.10(e)(3)
Excess emission reports	63.695(e)
Semiannual summary report	63.697(b)(4)

A source must keep the following records:

Recordkeeping for 40 CFR part 63, subpart DD	
Startup, shutdown, malfunctions, periods where the continuous monitoring system is inoperative.	63.10(b)(2)
All reports and notifications.	63.10(b)
Record of applicability.	63.10(b)(3)
Records of sources with continuous monitoring systems.	63.10(c)
Records of startup, shutdown, and malfunctions, and pollution control system maintenance.	63.696(b)(1)
Records of applicability determinations.	63.696(b)(3)

Recordkeeping for 40 CFR part 63, subpart DD	
Documentation of extension of tank emptying schedule.	63.696(c)
Records of results of seal gap measurements and description of repairs.	63.686(d)(3)
Record of sampling plan for determining volatile organic hazardous air pollutant (VOHAP) concentration at point of treatment	63.694(c)
Record of sampling plan for determining maximum HAP vapor pressure in tanks.	63.694(j)(2)(1)
Record of maximum HAP vapor pressure determinations for covered tanks	63.686(c)(5)
Records should be retained for 5 years.	63.10(b)(1)

Electronic Reporting

Currently, sources are using monitoring equipment that provides parameter data in an automated way, e.g., leaks and spills of mercury. Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping. In addition, some regulatory agencies are setting up electronic reporting systems to allow sources to report electronically which is reducing the reporting burden. However, electronic reporting systems are still not widely used by the regulatory agencies. It is estimated that approximately 33 percent of the respondents use electronic reporting.

(ii) Respondent Activities

Respondent Activities
Determine the VOHAP concentration for off-site material at the point-of-delivery and for the treated off-site material streams at the point-of-treatment.
Determine the required HAP mass removal rate, actual HAP mass removal, HAP reduction efficiency and HAP bio-degradation efficiency.
Determine the maximum organic HAP vapor pressure of the off-site material in tanks and the process vent stream flow rate and total HAP concentration.
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.
Train personnel to be able to respond to a collection of information.
Adjust existing ways to comply with any previously applicable instructions and requirements.

Respondent Activities
Transmit, or otherwise disclose the information.

Currently, sources are using monitoring equipment that provides parameter data in an automated way, e.g., HAP vapor pressure. Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping.

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, excess emissions reports, startup, shutdown, malfunction plan, and quality control plan for CMS required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Air Facility System (AFS).

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 operational. Performance test reports are used by the Agency to discern a source's initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

Information contained in the reports is entered into the 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 more than 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 five

years.

5(c) Small Entity Flexibility

A majority of the affected facilities are primarily small entities (e.g., small businesses). However, the impact on small entities was taken into consideration during the development of the regulation. Due to technical considerations involving the process operations and the type 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.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown in Table 1: Annual Industry Burden for NESHAP for Off-Site Waste and Recovery Operations (40 CFR part 63, subpart DD).

6. Estimating the Burden and Cost of the Collection

Table 1 document 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. Wherever 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 154,306 (Total Labor Hours from Table 1). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NESHAP program, the previously approved ICR, and any comments received.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates: \$93.09 per hour for Executive, Administrative and Managerial labor; \$64.13 per hour for Technical labor, and \$39.65 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, June 2003, ATable 10. Private industry, by occupational and industry group.© The rates are from column 1, ATotal compensation.© The rate has been increased by 110 percent to account

for the benefit packages available to those employed by private industry.

Managerial	\$93.09	(\$44.33 + 110%)
Technical	\$64.13	(\$30.54 + 110%)
Clerical	\$39.65	(\$18.88 + 110%)

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

The capital/startup costs are one-time cost when a facility becomes subject to the standard. Since this is based on no new sources over the next three years, capital costs associated with this ICR during this period will be zero. In addition, there is no significant operation and maintenance costs associated with this ICR since sources are not required to install continuous monitoring systems. The only operational cost that sources will incur is associated with photocopying and postage which would be minimal based on a rate of \$7.57 per response. There are approximately 708 responses per year (708 responses x \$7.57 = \$5,359.56), for a total annual operation and maintenance (O&M) cost of \$5,360.

The average annual cost for capital/startup and operation and maintenance cost to industry over the next three years of the ICR is estimated to be \$5,000 (rounded).

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. EPA's overall compliance and enforcement program includes activities such as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual Agency cost during the three years of the ICR is estimated to be \$93,196. 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. This rate is 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: NESHAP for Off-Site Waste and Recovery Operations (40 CFR part 63, subpart DD).

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

Based on our research for this ICR, there are approximately 236 existing sources currently subject to the standard. It is estimated that no additional sources per year will become subject to the regulation in the next three years.

Number of respondents is calculated using the following table which addresses the three years covered by this ICR.

Number of Respondents					
Year	(A) Number of New Respondents	(B) Number of Existing Respondents	(C) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	236	0	0	236
2	0	236	0	0	236
3	0	236	0	0	236
Average	0	236	0	0	236

To avoid double-counting respondents, column D is subtracted. As shown above, the average Number of Respondents over the three-year period of this ICR is 236.

The total number of annual responses per year is calculated using the following table:

Respondent Universe and Number of Responses Per Year						
Regulation Citation	(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	(F) Number of Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses = (AxB)+(CxD) +F
40 CFR part 63, subpart DD	0	0	236	3	0	708

The number of total respondents is 236. 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 number of Total Annual Responses is 708. This is the number in column E of the Respondent Universe and Number of Responses per Year table above.

The total annual labor costs are \$9,923,473. Details regarding these estimates may be found in Table 1. Annual Industry Burden for NESHAP for Off-Site Waste and Recovery Operations (40 CFR part 63, subpart DD).

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 are attached. The annual public reporting and recordkeeping burden for this collection of

information are estimated to average 218 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 non-existent, 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 218 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-2006-0720, which is available for online viewing at www.regulations.gov, or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., N.W., 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 Enforcement and Compliance Docket and Information Center Docket is (202) 566-1927. An electronic version of the public docket is available online 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, N.W., Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2006-0720 and OMB Control Number 2060-0313 in any correspondence.

Part B of the Supporting Statement

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