

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Petroleum Refineries (40 CFR part 63, subpart CC)**

**1. Identification of the Information Collection**

**1(a) Title of the Information Collection**

NESHAP for Petroleum Refineries (40 CFR part 63, subpart CC)

**1(b) Short Characterization/Abstract**

The National Emission Standards for Hazardous Air Pollutants (NESHAP) From Petroleum Refineries, published at 40 CFR part 63, subpart CC, were proposed on July 15, 1994, and promulgated on August 18, 1995. These regulations apply to the following existing and new petroleum refining process units and emission points located at refineries that are major sources of hazardous air pollutants (HAPs) emissions, including: miscellaneous process vents, storage vessels, wastewater streams and treatment operations, equipment leaks, gasoline loading racks, and marine vessel loading operations. These regulations also apply to storage vessels and equipment leaks associated with bulk gasoline terminals or pipeline breakout stations that are related to an affected petroleum refinery. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart CC.

In general, all NESHAP 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 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. Once received by the authority, reports are reviewed and the data is entered, analyzed, and maintained in the Online Tracking Information System (OTIS). Information from these reports can be use by any regions, states, agencies and offices with access to OTIS and may be use in determining where inspections and enforcement actions may be necessary.

Approximately 134 sources are currently subject to the regulation, and it is estimated that no additional sources per year will become subject to the regulation in the next three years. Although no additional sources are expected to become subject to the regulation, some sources will construct new affected facilities or will reconstruct currently affected facilities in order to

increase their refining capacities. It is assumed that, on average, a refinery will reconstruct ten percent of the existing storage vessels, process units subject to equipment leak provisions, and process vents. The annual labor burden cost in this ICR is \$37,026,877 which is based on a labor burden of 411,889 hours. There are no capital/startup or operation and maintenance costs associated with this rule.

The OMB approved the currently active ICR without any A Terms of Clearance. @

The 134 major source facilities in the United States, which are respondents to this ICR, are publicly owned and operated by petroleum refinery plants. None of the facilities are owned by either state, local and tribal agencies or the Federal Government. The burden to respondents is calculated in Table 1: Annual Respondent Burden and Cost, NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart CC), attached. Since this regulation only affects the refinery industry, the burden to the "Federal Government" burden is attributed entirely to work performed by federal employees or government contractor. This burden is calculated in Table 2: Annual Burden and Cost to the Federal Government: NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart CC), attached.

## **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. These standards are applicable to new or existing sources of hazardous air pollutants 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 petroleum refineries cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NESHAP were promulgated for this source category at 40 CFR part 63, subpart CC.

## **2(b) Practical Utility/Users of the Data**

The control of emissions of HAP from petroleum refineries requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Emissions of HAP from petroleum refineries are the result of operation of the affected facilities. The subject standards are achieved by the capture of HAP emissions using control devices and the reduction of emissions through leak detection and repair procedures. Depending on the emission point being controlled, affected sources may use flares, carbon adsorbers, combustion devices (including incinerators, boilers and process heaters), or other control devices that meet minimum control requirements. 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, leaks are being detected and repaired, 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. In general, control devices other than flares must achieve HAP reductions of at least 95 percent by weight. Flares must be operated with no visible emissions and a flame must be present at all times. 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 requirements described in this ICR is used by the Agency to ensure that sources 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 CC.

### **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 its 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.

Some of the petroleum refinery plants subject to NESHAP subpart CC will also be subject to requirements under the following regulations: New Source Performance Standards (NSPS) subparts J, K, Ka, Kb, VV, and QQQ, NESHAP (part 61) subpart FF, and NESHAP (part 63) subparts G, H, J, R, and Y. The burden requested in this NESHAP does not duplicate

any of the industry burden accounted for under those regulations. Efforts were made before and after promulgation to streamline overlapping recordkeeping and reporting requirements of other rules affecting this industry. The applicability section of this NESHAP delineates requirements where there are overlapping rules.

This NESHAP does not require additional recordkeeping or reporting for marine vessel tank loading and unloading operations, bulk gasoline loading racks, and wastewater sources, provided that they are not included in emissions averaging. These sources would only be affected by those records and reports required already by other rules. Therefore, the recordkeeping and reporting cost for these sources was not included in the burden estimate for this rule.

### **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 (72 FR 10735) on March 9, 2007. No comments were received on the burden published in the Federal Register.

### **3(c) Consultations**

The assumptions made in the development of this ICR, including the estimate on the number of petroleum refineries subject to the standard, were reviewed and updated, if needed, by the Agency in consultation with David Friedman of the National Petrochemical and Refiners Association (NPRA), who consulted with some its committee members. He agreed with the assumptions in the ICR. In addition, we consulted the Agency's internal data sources including our own industry experts and the OTIS (Air Facility System), which is the EPA database for the collection, maintenance, and retrieval of all compliance data. The information in OTIS is reported by industry, in compliance with the recordkeeping and reporting provisions in the standard. OTIS is operated and maintained by the Office of Compliance at EPA. We have estimated that there are approximately 132 existing respondents subject to the standard and no new sources will become subject to the standard over the three-year period covered by this ICR.

The Agency also has the policy to respond after a thorough review of comments received from the public since the last ICR renewal as well as those submitted in response to the First Federal Register Notice. In this case, no comments were received.

### **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 1320.5.

These standards require respondents 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 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**

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 petroleum refineries that are major sources of HAP emissions. The SIC code for the respondents affected by the standards is SIC (United States Standard Industrial Classification) 2911, which corresponds to NAICS (North American Industry Classification System) 324110 for petroleum refineries.

### **4(b) Information Requested**

#### **(i) Data Items**

All data in this ICR that are recorded and/or reported are required by 40 CFR part 63, subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

A source must make the following reports:

<b>Notification Reports</b>	
Notification of Compliance, Status Report, Periodic Report for Emissions Averaging (optional)	63.653(a) & (c)
Notification of intent to construct/reconstruct.	63.9(b)(4), 63.654(d)(2)
Notification of date of construction/reconstruction.	63.9(b)(4), 63.654(d)(2)
Notification of date of actual startup.	63.9(b)(4), 63.654(d)(2)
Application for approval of construction/reconstruction.	63.5(d), 63.9(b)(5), 63.566(b), 63.640(k)(2)(i), 63.654(c), 63.654(h)(6)
Notification of intent to construct/reconstruct a control device.	63.5(b)(6), 63.5(d)(1)
Notification of Compliance Status.	63.182(c), 63.428(c)(2), 63.640(k)(2)(ii), 63.654(b), 63.654(d), 63.654(f), 63.654(h)(6)
Notification of performance test and site-specific test plan.	63.567(d), (f), 63.642(d)(2), 63.654(c),
Results of performance test.	63.567(d), 63.654(c), 63.654(d)
Request for extension of compliance.	63.9(c)
Notification of special compliance requirements.	63.9(d)
Engineering report of vapor collection system for marine tank vessel loading operations.	63.567(f), 63.654(c)
Notifications for wastewater streams.	61.357, 63.654(a)
Notifications of inspections of storage vessels.	63.654(h)(2)
Notification of determination of applicability to flexible process units.	63.654(h)(6)(i)
Notification of determination of applicability to variable storage vessels.	63.654(h)(6)(ii)
Notification of determination of applicability to variable distillation units.	63.654(h)(6)(iii)

<b>Reports</b>	
Submission of Implementation Plan for approval (optional)	63.652(b), 63.653(c) & (d)

<b>Reports</b>	
Periodic Report for Emissions Averaging (optional)	63.652(l)
Reports for wastewater streams.	61.357, 63.654(a)
Reports for gasoline loading racks.	63.428(b), (c), (g) (1), and (h)(1) through (h)(3), 63.654(b)
Annual reports of excess emissions and continuous monitoring system performance, or summary report, for marine tank vessel loading operations.	63.567(e), 63.654(c)
Reports for equipment leaks.	60.487 or 63.182, 63.654(d)
Semiannual (APeriodic@) and immediate reports, including startup, shutdown, and malfunction reports.	63.10(d)(5), 63.654(g), 63.654(h)(1)

A source must keep the following records:

<b>Recordkeeping</b>	
Records for Implementation Plan (optional)	63.653(a), (b), & (d)
Records for wastewater streams.	61.356, 63.654(a)
Records for gasoline loading racks.	63.428(c), 63.654(b)
Records for vapor collection system for marine tank vessel loading operations.	63.567(g), 63.654(c)
Records of vapor tightness for marine tank vessel loading operations.	63.567(h), 63.654(c)
Records of current vapor tightness test results for marine tank vessel loading operations.	63.567(i), 63.654(c)
Records for equipment leaks.	60.486 or 63.181, 63.654(d)
Records for storage vessels.	63.123, 63.654(i)(1)
Records of performance test results and test reports.	63.654(i)(2)
Records for monitoring of miscellaneous process vents.	63.654(i)(3)
Records of miscellaneous notifications and reports.	63.654(i)(4)
Records of startup, shutdown, and malfunction of processes.	63.10(b)(2)(i)
Records of malfunction of control equipment.	63.10(b)(2)(ii)
Records of corrective actions taken during periods of startup, shutdown, and malfunction.	63.10(b)(2)(iv)

<b>Recordkeeping</b>	
Records to demonstrate conformance with startup, shutdown, and malfunction plan.	63.10(b)(2)(v)
Records of calibration checks, adjustments and maintenance on CMS.	63.10(b)(x), (xi)

### Electronic Reporting

The majority of the recordkeeping requirements associated with this rule are related to visual inspections of affected facilities. Personnel at the affected source must perform these inspections and note the nature of the corrective actions taken. Because of the human labor involved with these requirements, there are few record keeping requirements that could be easily automated. As a result, automated record keeping appears to be rare among respondents. 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 believed that electronic reporting is not common among respondents, per discussions with the industry association.

### (ii) Respondent Activities

<b>Respondent Activities</b>
Read instructions.
Install, calibrate, maintain, and operate continuous temperature monitors or other monitoring devices for HAP control devices.
Perform initial performance test 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.

<b>Agency Activities</b>
Observe initial performance tests and observe 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 Online Tracking Information System (OTIS).

### 5(b) Collection Methodology and Management

Following notification of startup, the reviewing authority may inspect the source to check if the pollution control devices are properly installed and operated, leaks are being detected and repaired, 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. In general, control devices other than flares must achieve HAP reductions of at least 95 percent by weight. Flares must be operated with no visible emissions and a flame must be present at all times. 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 OTIS, which is operated and maintained by EPA's Office of Compliance. OTIS is EPA's database for the collection, maintenance, and retrieval of compliance data for approximately 125,000 industrial and government-owned facilities. EPA uses the OTIS 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 large entities (e.g., large businesses). However, the impact on 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 Respondent Burden and Cost: NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart CC).

## **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, we have identified the specific tasks and major assumptions in the burden calculations. Responses to this information collection are mandatory.

In the burden estimate for this ICR, we have continued to assume that none of the refineries subject to NESHAP subpart CC will use emissions averaging. Consequently, no hours are included in the estimated burden for recordkeeping and reporting activities associated with emissions averaging. In addition, we did not include burden for marine vessel tank loading and unloading operations, bulk gasoline loading racks, and wastewater sources since these sources would only be affected by those records and reports required already by other rules, as discussed in Section 3(a). This NESHAP does not have any additional recordkeeping or reporting requirements for these sources, provided that they are not included in emissions averaging.

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 401,719 hours. 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:

Managerial	\$107.63 (\$51.25 + 110%)
Technical	\$93.41 (\$44.48 + 110%)
Clerical	\$45.87 (\$21.84 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2007, ATable 10. Private Industry, by occupational and industry group. @ The rates are from column 1, ATotal compensation. @ The rates have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

### **(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 are labor costs. There are no capital/startup or operation and maintenance costs.

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

The NESHAP subpart CC incorporates requirements for parametric monitoring of control devices that are included in other rules to which petroleum refineries are already subject. No additional new monitoring equipment is required in order to comply with the recordkeeping and reporting requirements of this NESHAP. Therefore, we have determined that there are no annualized capital/startup costs and operation and maintenance costs associated with this rule.

### **6(c) Estimating Agency Burden and Cost**

The only costs to the Agency are those labor 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 \$133,040. This cost is based on the average hourly labor rate as follows:

Managerial	\$58.18	(GS-13, Step 5, \$36.36 + 60%)
Technical	\$43.17	(GS-12, Step 1, \$26.98+ 60%)
Clerical	\$23.36	(GS-6, Step 3, \$14.60 + 60%)

These rates are from the Office of Personnel Management (OPM) A2007 General Schedule @ which excludes locality rates of pay. Details upon which this estimate is based appear in Table 2: Annual Burden and Cost to the Federal/State Government: NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart CC), attached.

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

Based on our research for this ICR, approximately 134 existing sources are currently subject to the standard. It is estimated that no additional sources per year will become subject to the standard in the next three years. Although no additional sources are expected to become subject to the regulation, some sources will construct new affected facilities or will reconstruct currently affected facilities in order to increase their refining capacities. It is assumed that, on

average, a refinery will reconstruct ten percent of the existing storage vessels, process units subject to equipment leak provisions, and process vents.

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

<b>Number of Respondents</b>					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
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 <sup>1</sup>	(E) Number of Respondents (E=A+B+C-D)
1	13.4	134	0	13.4	134
2	13.4	134	0	13.4	134
3	13.4	134	0	13.4	134
Average	13.4	134	0	13.4	134

<sup>1</sup> New respondents include sources with constructed and reconstructed affected facilities. In this standard existing respondents submit initial notifications.

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 134.

The total number of annual responses per year is calculated using the following table. Note that this table does not account for responses that are required by other regulations to which petroleum refineries are already subject (i.e., requirements that are not attributable to the petroleum refineries NESHAP):

<b>Total Annual Responses</b>				
(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses	(D)Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Initial Notifications:				
Notification of reconstruction process vents	134	0.4	0	53.6
Notification of compliance status - storage vessel	134	0.9	0	120.6
Notification of compliance status - equipment leaks	134	1.1	0	147.4
Notification of compliance status- process vents	134	0.9	0	120.6

<b>Total Annual Responses</b>				
(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses	(D)Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Notification of performance test-process vent control device	134	0.4	0	53.6
Notification of storage vessel inspection	134	0.9	0	120.6
Periodic Reports:				
Review of startup, shutdown, malfunction reports	134	0	0	0.0
Semiannual parameter exceedance reports	134	2	0	268
Annual tank inspection failure reports	134	1	0	134
Semiannual compliance/LDAR reports	134	2	0	268
<b>TOTAL</b>				<b>1,286.4</b>

The number of Total Annual Responses is 1,286 (rounded), as calculated in the table above.

### **(e) Bottom Line Burden Hours Burden Hours and Cost Tables**

The detailed bottom line burden hours and cost calculations for the respondents and the Agency are shown in Tables 1 and 2, respectively, and summarized below.

#### **(i) Respondent Tally**

The total annual labor costs are \$37,026,877 (rounded). Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost, NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart CC), attached. Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 320 (rounded) hours per response.

There are no annual capital/startup costs and O&M costs to the regulated entity associated with this rule. The cost calculations are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

#### **(ii) The Agency Tally**

The average annual Agency burden and cost over next three years is estimated to be 5,640 labor hours at a cost of \$237,444 (rounded). See Table 2: Annual Burden and Cost to the Federal Government: NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart CC),

attached.

#### **6(f) Reasons for Change in Burden**

The increase of 797 hours in labor burden to industry compared to the most recently approved ICR is due to various revisions and refinements to the calculation of burden hours for ongoing recordkeeping and reporting as applied to the existing respondents.

The revisions and refinements made to the calculation of burden hours also caused an increased in labor burden cost to the regulatory agencies when compared to the figures in the most recently approved ICR.

#### **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 320 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-2007-0126. 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 3334, 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) 566-1927. 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 EPA-HQ-OECA-2007- 0126 and OMB Control Number 2060-0340 in any correspondence.

**Part B of the Supporting Statement**

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