

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese
(40 CFR Part 63, Subpart XXX) (Renewal)**

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal), EPA ICR Number 1831.04, OMB Control Number 2060-0391

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at regulatory citation were proposed on August 4, 1998, promulgated on May 20, 1999, and amended most recently on March 22, 2001. The promulgated rule applies to new and existing ferroalloy production facilities that manufacture ferromanganese and silicomanganese, and that are either major sources of hazardous air pollutants (HAPs) emissions or are co-located at major sources of HAPs. The following affected facilities at ferroalloy production plants are subject to this NESHAP rule: submerged arc furnaces; the metal oxygen refining process; crushing and screening operations; and fugitive dust sources. New sources 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 XXX.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They 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 affected facilities subject to NESHAP.

Any owner/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.

Over the next three years, an average of one respondent per year will be subject to the standard, and no additional respondents per year will become subject to the standard. Based on our consultations with industry representatives, there is one affected facility at each plant site and that each plant site has only one respondent (i.e., the owner/operator of the plant site). The facility subject to this rule has the ability to comply with the reporting requirements electronically.

The OMB approved the currently active Information Collection Request (ICR) without any “Terms of Clearance.”

There are approximately 16 facilities listed in the EPA database systems that are potentially subject to this regulation. However, we have determined that there is only one ferroalloy production plant in the United States that is a major source facility, which subject to the rule and is, therefore, a respondent to this ICR. This facility is publicly owned and operated by Eramet Corporation. There is no other facility that is respondent to this ICR that could be owned by either state, local and tribal agencies, or the Federal government. The estimates and assumptions are based on recent information gathered from industry by the Office of Air Quality Planning and Standards (OAQPS); the EPA Air Facility System (AFS) database through the Online Tracking Information System (OTIS); review of information available on the active ICR; and consultation with the Ohio Environmental Protection Agency. The burden to respondents is calculated in Table 1: Annual Respondent Burden and Cost, for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX), attached. Since this regulation only affects the refinery industry, the burden to the “Federal Government” 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: for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX), 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/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 matter and metallic HAP emissions from

ferroalloy production facilities 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 XXX.

2(b) Practical Utility/Users of the Data

The recordkeeping and reporting requirements in the standards ensure compliance with the applicable regulations which were promulgated in accordance with the Clean Air Act. The collected information is also used for targeting inspections and as evidence in legal proceedings.

Performance tests for air pollution devices are required in order to determine an affected facility's initial capability to comply with the emission standards. Continuous emission monitors are used to ensure that the control equipment is operating properly and therefore, ensure compliance with the standards at all times. During the performance test, a record of the operating parameters under which compliance was achieved may be recorded and used to determine compliance in place of a continuous emission monitor.

The notifications required in the standards 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 ensure that the pollution control devices are properly installed and operated; that leaks are being detected and repaired; and that the standards are being met. The performance test may also be observed.

The required semiannual compliance status reports and quarterly excess emissions reports are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures and for compliance determinations.

3. Non-duplication, Consultations, and Other Collection Criteria

The requested recordkeeping and reporting are required under 40 CFR part 63, subpart XXX.

3(a) Non-duplication

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.

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 Agency's industry experts have been consulted, and the Agency's internal data sources and projections of industry growth over the next three years have been considered. The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in the standard, is the AFS which is operated and maintained by the EPA Office of Compliance. AFS is the EPA database for the collection, maintenance, and retrieval of all compliance data. The growth rate for the industry is based on our consultations with the Agency's internal industry experts. Approximately one respondent will be subject to the standard over the three-year period covered by this ICR.

Industry trade associations and other interested parties were provided an opportunity to comment on the burden associated with the standard as it was being developed and the standard has been previously reviewed to determine the minimum information needed for compliance purposes.

It is our policy to respond after a thorough review of comments received 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 proper operation and maintenance of control equipment and the possibility of detecting violations would be less likely.

3(e) General Guidelines

These reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR part 1320, section 1320.5.

These standards require the 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 with the part 70 permit program and the five-year statute of limitations upon which the permit program is based.

The retention of records for five years allows EPA to establish the compliance history of a source, any pattern of non-compliance and to determine the appropriate level of enforcement action. EPA has found that the most flagrant violators have violations extending beyond five years. In addition, EPA would be prevented from pursuing the violators due to the destruction

or nonexistence of essential records.

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 (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

The reporting or recordkeeping requirements in the standard do not include sensitive questions.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

The respondents to the recordkeeping and reporting requirements are the owners or operators of all new and existing ferroalloys production facilities that are major sources or are co-located at major sources. The affected facilities produce either ferromanganese or silicomanganese. The United States Standard Industrial Classification (SIC) code for the respondents affected by the standards is 3313, "Electrometallurgical Products, Except Steel" which corresponds to The North American Industry Classification System (NAICS) code 331112, "Electrometallurgical Ferroalloy Product Manufacturing".

4(b) Information Requested

i) Data Items

In this ICR, all the data that is recorded or reported is required by the NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR part 63, subpart XXX) (Renewal).

A source must submit the following reports:

Notification Reports	
Notification of applicability if an area source becomes subject to the rule	63.9 (b)(1)(ii); 63.1658(a)
Notification/application for approval of construction/reconstruction	63.5(a, b, d and e); 63.9(b)(1)(iii); 63.1658(a)
Request for an extension of compliance status	63(d); 63.1658(b)

Notification Reports	
Notification that source is subject to special compliance requirements	63.10(d); 63.1658(c)
Notification of performance test	63.9(e); 63.1658(d)
Notification of opacity and visible emission observations	63.1658(e)
Reschedule of initial performance test	63.7(b)(2)
Notification of compliance status	63.9(h); 63.1658(f)

Reports	
Results of performance tests	63.10(d)(2); 63.1659(a)(2)
Results of opacity or visible emission observations	63.10(d)(3)
Progress reports if source has received an extension for compliance	63.10(d)(4)
Immediate and periodic startup, shutdown, malfunction reports	63.10(d)(5)(i-ii); 63.1659(a)(4)
Continuous monitoring systems (CMS) performance evaluations reports	63.10(e)(2)
Quarterly excess emissions reports and CMS performance report, unless a semiannual frequency has been approved	63.10(e)(3)(i); 63.1659(b)(6)
Request to reduce frequency of reporting to semiannual	63.10(e)(3)(ii)
Waiver of recordkeeping and reporting	63.10(f)

A source must keep the following records:

Recordkeeping	
Maintain records of all information necessary to demonstrate compliance with standard including the occurrence and duration of startup, shutdown, or malfunction of operations	63.10(a-c); 63.1660(a)(2)
Specific requirements include maintaining records of process or control device (e.g., capture system and venturi scrubbers) parameters; bag leak detention systems; certification that monitoring devices are accurate; and records of the implementation and corrective actions associated with the startup, and shutdown and malfunction plan	63.1660(b)
Maintain records for a total of five years with the most recent two years being kept on site	63.10(b)(2); 63.1660(a)(2)

Electronic Reporting

Currently, one respondent is using monitoring equipment that automatically records parameter data, e.g., pressure drop across the venturi scrubber, monitoring parameter data for the capture systems, and bag leak detection systems alarms. Although personnel at the affected facility must evaluate the data, this internal automation has significantly reduced the burden associated with monitoring and recordkeeping at the plant site. In addition, the respondent is

able to meet the reporting requirements of the rule by transmitting data including reports electronically to the regulatory agencies.

(ii) Respondent Activities

Respondent Activities
Read instructions.
Monitor shop opacity through one of the monitoring options including: 1) monitor control system fan motor amperes and capture system damper positions once per shift; 2) install, calibrate, maintain, and operate CMS for volumetric flow rate through each separately ducted hood; and 3) install, calibrate, maintain, and operate for volumetric flow rate at the inlet of the air pollution control device and capture system damper positions once per shift.
Monitor baghouse operations on a regular basis, for example, observe on a daily basis for the presence of visible emissions at baghouses, bag leak detection system, and conduct periodic visual inspections to ensure it is working properly.
Monitor pressure drop and liquid supply pressure across the venturi scrubber.
Perform initial performance test, Reference Method 9 of 40 CFR part 60 for opacity observations, Reference Method 5 to determine particulate matter concentration and volumetric flow rate for baghouses without stack, 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.

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. The quarterly excess emissions 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 the EPA Office of Compliance. AFS is the EPA database for the collection, maintenance, and retrieval of compliance data for approximately 125,000 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/operator for five years.

5(c) Small Entity Flexibility

The NESHAP for ferroalloys production facilities is applicable to only major sources. There are no small businesses affected by this regulation at this time. In addition, during the rule development process, the EPA closely reviewed the existing permit conditions at each of the two existing facilities, where feasible, incorporated similar, if not identical, requirements in the final rule. One of the existing facilities at the time of rule development is no longer subject to the rule during the period of this ICR. The Agency considers the final rule requirements the minimum needed to ensure compliance with the standards.

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 Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal).

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

The Agency may neither conduct nor 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 584 (Total Labor Hours from Table 1). The recordkeeping hours shown in Table 1 are 502 hours (rounded). The reporting requirement hours shown in Table 1 are 82 hours (rounded). 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	\$95.32	(\$45.39 + 110%)
Technical	\$64.60	(\$30.76 + 110%)
Clerical	\$40.09	(\$19.09 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2003, "Table 10. Private industry, by occupational and industry group." The rates are from Column 1, "Total 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 and startup costs for this ICR since we have assumed that the only source subject to this regulation has already purchased the necessary equipment to comply with this rule. In addition, we have assumed that there are no operational and maintenance (O&M) costs for use of continuous monitoring systems since the monitors required by the rule are typically used by the source as part its normal operations to ensure that the control devices are functioning properly. We have assumed that other costs associated with photocopying and postage are negligible.

(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 or startup costs, and operation and maintenance costs for this ICR.

Therefore, there are no average annual costs for capital/startup and operation and maintenance to the regulated industry over the next three years of the ICR is zero.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. The overall compliance and enforcement program of EPA 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 \$1,638. This cost is based on the average hourly labor rate as follows:

Managerial	\$54.66	(GS-13, Step 5, \$34.16 x 1.6)
Technical	\$40.56	(GS-12, Step 1, \$25.35 x 1.6)
Clerical	\$21.95	(GS-6, Step 3, \$13.72 x 1.6)

These rates are from the Office of Personnel Management (OPM) “2004 General Schedule” which excludes locality rates of pay. Details upon which this estimate is based appear in Table 2: Annual Burden and Cost for The Federal Government: NESHP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal), attached.

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

Based on our research for this ICR, only one existing ferroalloy production facility is currently subject to the standard, and no new or existing facility is expected to become subject to this regulation in the next three years.

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

* New respondents include sources with constructed, reconstructed and modified affected facilities

To avoid double-counting respondents column D is subtracted. As shown above, there is an average of one respondent over the three-year period of this ICR.

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

Total Annual Responses				
(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 *	0	5	N/A	0
Notification of Performance Test	0	1	N/A	0
Notification of Compliance Status	1	1	N/A	1
Quarterly Reports	1	4	N/A	4
Semiannual Reports	1	2	N/A	2
			Total	7

* Initial Notifications include: applicability; initial performance test, extension of compliance; the source is subject to special compliance requirements; and opacity and visible emission observations.

As shown in Column E of the above table, the number of Total Annual Responses is seven.

The total annual labor costs are \$37,129. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost: NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal), attached.

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

The average annual Agency burden and cost over next three years are estimated to be 41 labor hours at a cost of \$1,638. See Table 2. Annual Agency Burden and Cost: NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal), attached.

6(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 \$37,129. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost: NESHAP for Ferroalloys Production:

Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal), attached. Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 83 hours per response.

There are no annual capital/startup and O&M costs to the regulated entity subject to the NESHAP for Ferroalloys Production. 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 41 labor hours at a cost of \$1,638. See Table 2: Annual Agency Burden and Cost: NESHAP for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX) (Renewal), attached.

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 83 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 the EPA 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-2007-0128. 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 Ave., 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-2007-0128 and OMB Control Number 2060-0391 in any correspondence.

Part B of the Supporting Statement

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