

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

NSPS for Metallic Mineral Processing Plants (40 CFR part 60, subpart LL) (Renewal)

**1. Identification of the Information Collection**

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

NSPS for Metallic Mineral Processing Plants (40 CFR part 60, subpart LL) (Renewal),  
EPA ICR Number 0982.09, OMB Control Number 2060-0016

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

The New Source Performance Standards (NSPS) for the regulations published at 40 CFR part 60, subpart LL, Metallic Mineral Processing Plants, were proposed on August 24, 1982 and promulgated on February 21, 1984. These regulations apply to the following facilities at metallic mineral processing plants: each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading and unloading station at the mill or concentrator, commencing construction, modification or reconstruction after the date of proposal. The NSPS does not apply to facilities located in underground mines, or to facilities performing the beneficiation of uranium ore at uranium ore processing plants, commencing construction, modification or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart LL.

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

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

Approximately 20 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.<sup>1</sup> However, we estimate that one (1) existing source per year will reconstruct or make a physical or operational change such that they will be required to submit initial notifications and conduct an initial performance test to demonstrate compliance with this standard. The total industry

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<sup>1</sup> The estimated number of existing sources is based on data obtained from the United States Geological Survey (USGS) *Mineral Industry Surveys* (<http://minerals.usgs.gov/minerals>).

burden hours associated with this subpart is estimated to be 2,306. The industry cost associated with this subpart is estimated to be \$186,140.

OMB approved the currently active ICR without any “Terms of Clearance.”

The burden to the “Affected Public” may be found in Table 1: Annual Burden of Reporting and Recordkeeping Requirements (Renewal). The burden to the “Federal Government” is attributed entirely to work performed by federal employees or government contractors, and may be found in Table 2: Average Annual EPA Resource Requirement (Renewal).

## **2. Need for and Use of the Collection**

### **2(a) Need/Authority for the Collection**

The Clean Air Act (Act) provides authority to the Agency to establish standards to control air pollution and to ensure compliance with promulgated regulations through adequate recordkeeping and reporting by the affected industries (i.e., respondents). The regulations include the New Source Performance Standards (NSPS) under section 111 of the Act, the National Emission Standards for Hazardous Air Pollutants (NESHAP) which includes the original NESHAP standards and the more recent Maximum Achievable Control Technology (MACT) or NESHAP-MACT standards under section 112 of the Act, and emission guidelines for the designated types incinerators under section 129 of the Act.

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

The recordkeeping and reporting requirements in the standard(s) are used by regulatory agencies, the public and the regulated community for a variety of reasons including the determination of the respondent’s compliance status, analytical studies to demonstrate compliance trends, and evaluations regarding the efficacy of the promulgated regulations.

The required recordkeeping and reporting are also used to: 1) certify compliance with the regulations; 2) determine the respondent’s compliance with the designated emission limitation(s); 3) notify regulatory agencies when a standard is violated; 4) evaluate continuous compliance through the use of emission or operational parameter monitors; and 5) ensure that plant personnel are following the required procedures and are periodically trained, as indicated.

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

### **3(a) Non-duplication**

The standards do not require the duplication in the collection and reporting of information. If the subject standards have not been delegated, the information is sent directly to the appropriate Environmental Protection Agency (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.

### **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 (73 FR 31088) on May 30, 2008. No comments were received on the burden published in the Federal Register.

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

Upon review of the standard, information available and the data, the Agency has determined the recordkeeping and reporting requirements in the “Active” ICR is fully supported and necessary to fulfill the requirements of the Clean Air Act (CAA). Any pertinent comments received since the last ICR renewal, including those submitted in response to the first federal register notice announcing the renewal of this ICR, have been reviewed, and it has been determined that no further consultations with industry are necessary to calculate the burden for this renewal. It should be noted that the respondents, the industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with the standard as it was being developed.

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**

The effect of less frequent collection would be a decrease in the margin of assurance that facilities are achieving the emission reductions mandated by the CAA through the promulgation of the applicable regulations. In addition, the likelihood of detecting the poor operation and maintenance of control equipment decreases and the detection of noncompliance becomes problematic.

### **3(e) General Guidelines**

Neither the reporting nor recordkeeping requirements violate the regulations established by Office of Management and Budget (OMB) at 5 CFR part 1320, Section 1320.5. However, most NESHAP standards and a few NSPS standards require records to be kept more than three years. In general, these standards require the respondents to maintain all records, including reports and notifications, for five years. The five-year record retention requirement is consistent with the permit program at 40 CFR part 70, and the five-year statute of limitations on which the

permit program is based.

The retention of records for five years allows EPA to establish the compliance history of the respondent for purposes of determining the appropriate level of enforcement action. Historically, EPA notes that the most flagrant violations have extended beyond a five-year period. If records are retained for less than five years, EPA would be deterred from pursuing the most flagrant violations due to the destruction of records documenting non-compliance.

### **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**

The recordkeeping and reporting requirements do not contain sensitive questions.

## **4. The Respondents and the Information Requested**

### **4(a) Respondents/SIC Codes**

The Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) for the respondents are listed below.

<b>Regulation</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
40 CFR part 60, subpart LL	1001	21221
	1021	212234
	1031	212231
	1041	212221
	1044	212222
	1061	212234, 212299
	1099	212299

This table is not meant to be exhaustive, but rather provides a guide for readers regarding the entities likely to be regulated by this standard. To determine whether the standard applies to a particular entity, review the applicability provisions in the standard.

## 4(b) Information Requested

### (i) Data Items

All data in this ICR that is recorded and/or reported is required by 40 CFR part 60, subpart LL.

A source must make the following reports:

<b>Reports for 40 CFR Part 60, Subpart LL</b>	
Construction/reconstruction	60.7(a)(1)
Actual startup	60.7(a)(3)
Initial performance test results	60.8 (a)
Initial performance test	60.8(d)
Demonstration of continuous monitoring system	60.7(a)(5)
Physical or operational change	60.7(a)(4)

A source must maintain the following records:

<b>Recordkeeping for 40 CFR part 60, subpart LL</b>	
Startups, shutdowns, malfunctions, periods where the continuous monitoring system is inoperative.	60.7(b)
Measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.	60.385(b)
Records are required to be retained for two years.	60.7(f)

### Electronic Reporting

At the present, many respondents to CAA standards use monitoring equipment that automatically records parameter data. 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.

Also regulatory agencies, in cooperation with the respondents, continue to create reporting systems to transmit data electronically. However, electronic reporting systems are still not widely used. At this time, it is estimated that approximately 10 percent of the respondents

use electronic reporting.

**(ii) Respondent Activities**

Respondent Activities
Read instructions.
Install, calibrate, maintain, and operate CMS for opacity, or for pressure drop and liquid supply pressure for wet scrubber.
Perform initial performance test, Reference Method 9 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 one or more of the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

Agency Activities
Observe initial performance tests and repeat performance tests if necessary.
Review notifications and reports, including performance test reports, and excess emissions

Agency Activities
reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the AIRS (Aerometric Information Retrieval System) Facility Subsystem (AFS) database.

### **5(b) Collection Methodology and Management**

The required data and reports can be evaluated on-site by conducting a partial compliance evaluation, full compliance evaluation or inspection, or through an off-site review of compliance monitoring records and reports. Evaluation reports and inspection results are maintained by the Agency or delegated authority.

The results of these evaluations are entered into the Air Facility Subsystem (AFS) which is operated and maintained by EPA's Office of Compliance. AFS is EPA's database for the collection, maintenance, and retrieval of compliance 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 delegated authorities can retrieve and analyze the data.

### **5(c) Small Entity Flexibility**

There are no small businesses affected by this regulation.

### **5(d) Collection Schedule**

The specific frequency for each information collection activity within this request is shown in Table 1: Annual Burden of Reporting (for) NSPS for Metallic Mineral Processing Plants (40 CFR Part 60, Subpart LL) (Renewal), attached.

## **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. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

### **6(a) Estimating Respondent Burden**

The respondent burden is shown in Table 1. The labor hours in Table 1 are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the standard, 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	\$97.46	(\$45.91 + 110%)
Technical	\$83.71	(\$39.40 + 110%)
Clerical	\$42.55	(\$20.12 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2005, “Table 1. Civilian Workers, 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 type of industry costs associated with the information collection activity in the regulations are the continuous monitoring devices associated with the wet scrubber. The capital/startup costs are one-time costs when a facility becomes subject to the regulation. The annual operation and maintenance costs are the ongoing costs to maintain the monitor and other costs such as photocopying and postage.

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

<b>Capital/Startup vs. Operation and Maintenance (O&amp;M) Costs</b>						
(A) Continuous Monitoring Device	(B) Capital/Startup Cost for One Respondent	(C) Number of New Respondents	(D) Total Capital/Startup Costs, (B X C)	(E) Annual O&M Cost for One Respondent	(F) Number of Respondents with O&M	(G) Total O&M Costs, (E X F)
Wet Scrubber	n/a	0	0	\$650 <sup>1</sup>	20	\$13,000

<sup>1</sup>The annual O&M costs are estimated to be the same as the previous ICR due to the assumption that inflation will be minimal over the next three years.

The total capital/startup cost for this ICR are \$0. This is the total of column D in the above table. The total operation and maintenance (O&M) costs for this ICR are \$13,000. This is the total of column G. The average annual costs for capital/startup and operation and



maintenance costs to industry over the next three years of the ICR is estimated to be \$13,000.

**6(c) Estimating Agency Burden and Costs**

The only costs to the Agency are those 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 and the publication and distribution of collected information.

The average annual Agency cost during the three years of the ICR is shown in Table 2, attached.

This cost is based on the average hourly labor rate as follows:

Managerial	\$56.02	(GS-13, Step 5, \$35.01 x 1.6)
Technical	\$41.57	(GS-12, Step 1, \$25.98 x 1.6)
Clerical	\$22.50	(GS-6, Step 3, \$14.06 x 1.6)

These rates are from the Office of Personnel Management (OPM) "2005 General Schedule" which excludes locality rates of pay.

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

Number of respondents is calculated using the following table that 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 <sup>1</sup>	(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	1	20	0	1	20
2	1	20	0	1	20
3	1	20	0	1	20
Average	1	20	0	1	20

<sup>1</sup> New respondents include sources with constructed, reconstructed and modified affected facilities. We estimate that one (1) existing facility per year will undergo a reconstruction or a physical/operational change such that the source will be required to submit notifications and conduct an initial performance test.

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

<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 Reconstruction/Operational change	1	1	0	1
Notification of Startup	1	1	0	1
Notification of the Demonstration of the Continuous Monitoring System	1	1	0	1
Submission of Performance Test Results	1	1	0	1
Semiannual reports of scrubber pressure and liquid flow rate	20	2	0	40
<b>TOTAL</b>				<b>44</b>

The number of Total Annual Responses is 44. The total annual labor cost is \$186,140. Details regarding these estimates may be found in Table 1: Annual Burden of Reporting and Recordkeeping Requirements New Source Performance Standard (NSPS) Subpart LL – Metallic Mineral Processing Plants (Renewal).

The total annual capital/startup and O&M costs to the regulated entities are \$13,000. The cost calculations are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

The average annual Agency burden and cost over next three years is estimated to be 230 labor hours at a cost of \$9,338. See Table 2: Average Annual EPA Resource Requirement New Source Performance Standard (NSPS) Subpart LL – Metallic Mineral Processing Plants (Renewal).

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

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

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

The Total Hours Requested is 2,306. The total annual labor cost is \$186,140. Details regarding these estimates may be found in Table 1: Annual Burden of Reporting and Record-keeping Requirements New Source Performance Standard (NSPS) Subpart LL – Metallic Mineral Processing Plants (Renewal). Furthermore, the annual public reporting and record-keeping burden for this collection of information is estimated to average 52 hours per response.

The total annual capital/startup and O&M costs to the regulated entities are \$13,000. 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 hours and cost over next three years is estimated to be 230 labor hours at a cost of \$9,338. See Table 2: Average Annual EPA Resource Requirement New Source Performance Standard (NSPS) Subpart LL – Metallic Mineral Processing Plants (Renewal).

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

There is no change in the labor hours or cost to the respondents 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 respondents is very low, negative, or non-existent. Therefore, the labor hours and cost figures in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR.

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

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 52 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to 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; to adjust the existing ways to comply with any previously applicable instructions and requirements; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to 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-2008-0370. 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-2008-0370 and OMB Control Number 2060-0016 in any correspondence.

### **Part B of the Supporting Statement**

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