

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**NSPS FOR SECONDARY LEAD SMELTERS
(40 CFR PART 60, SUBPART L)**

1. Identification of the Information Collection

1(a) Title of the Information Collection

NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L) (Renewal), EPA ICR Number 1128.09, OMB Control Number 2060-0080

1(b) Short Characterization/Abstract

The New Source Performance Standards (NSPS) for the regulations published at 40 CFR part 60, subpart L were proposed on June 11, 1973, and promulgated on March 8, 1974. These standards apply to the following facilities at secondary lead smelters: any pot furnace of more than 250 kg (550 lb.) charging capacity, blast (cupola) furnaces, and reverberatory furnaces, commencing construction, modification, or reconstruction after the date of proposal. The affected facilities may consist of various types of reverberatory furnaces, e.g., stationary, rotating, rocking and tilting, where as, for secondary lead smelter it stipulates that any facility producing lead from a lead bearing scrap material by smelting to the metallic form, and blast furnace means any furnace used to recover metal from slag. This information is being collected to assure compliance with 40 CFR part 60, subpart L.

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

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

Approximately 25 sources are currently subject to the regulation, and it is estimated that no new sources will become subject to the regulation over the next three years. These figures are based on estimates from the most recently approved Information Collection Request (ICR) renewal. The cost of this ICR will be \$3,538 dollars in labor costs.

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 111 of the Clean Air Act (CAA), as amended, to establish standards of performance for new stationary sources that reflect:

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

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

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

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

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

2(b) Practical Utility/Users of the Data

The control of emission of particulate matter from secondary lead smelters requires not only the installation of properly designed equipment, but also the maintenance of that equipment.

Emissions of lead and non-lead particulate matter from secondary lead smelters are the result of operation of pot furnaces, blast furnaces, and reverberatory furnaces. These standards rely on the capture and collection of particulate matter by particulate emission control devices such as an electrostatic precipitator or scrubber.

Performance test reports are required, since these are the Agency's records of a source's initial capability to comply with the emission standard, and serves as a record of the operating conditions under which compliance was achieved. Operating conditions include the particulate matter concentration in the gas stream during operation of a blast (cupola) or reverberatory furnace and opacity of gases from a pot furnace.

The notifications required in the standard 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, operational, and if standards are being met. The performance test may also be observed.

The information generated by the monitoring, recordkeeping, and reporting requirements described above is used by the Agency to ensure that facilities affected by the NSPS continue to operate and control equipment used to achieve compliance with the NSPS. Notification of construction and startup indicates to enforcement personnel when a new affected facility has been constructed and therefore, is subject to the standards. Under the standard, data collected by an affected facility is retained at the source for a minimum of two years and made available for inspection by the Administrator.

If the information required by the standards were not collected, the Agency would have no means of ensuring that compliance with the NSPS is achieved and maintained by new, modified, or reconstructed sources subject to the regulations. Adequate monitoring, recordkeeping, and reporting are necessary to ensure compliance with the applicable regulations, as required by the Clean Air Act. The information collected from recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

3. Nonduplication, Consultations, and Other Collection Criteria

The requested recordkeeping and reporting are required under (40 CFR part 60, subpart L).

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.

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 on July 8, 2009 (74 FR 32580). No comments were received on the burden published in the Federal Register.

3(c) Consultations

For this information collection, the previous ICR renewal was used to obtain burden estimates as there has been no change in the number of respondents or the estimated burden. All data and assumptions from the previous ICR renewal were used as the basis for estimating the hourly and cost burdens associated with this renewal.

Approximately 25 respondents will be subject to the standard over the three year period covered by this ICR. A previous ICR renewal used different resources to obtain the most recent data available for the secondary lead smelters source category. A review of information available from the Office of Compliance Sector Notebook "Profile of the Nonferrous Metals Industry" was conducted during a previous ICR renewal. EPA also used data available on the AIRS Facility Subsystem (AFS) database of the Aerometric Information Retrieval System (AIRS) maintained by the Office of Compliance (March 5, 2002). In addition, a number of companies were contacted.

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.

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

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

4. The Respondents and the Information Requested

4(a) Respondents/NAICS Codes

The respondents to the recordkeeping and reporting requirements are secondary lead smelters. The SIC (United States Standard Industrial Classification) code for the respondents affected by the standard is 3341 (Secondary Lead Smelters) which corresponds to the NAICS (The North American Industry Classification System) code 331492.

4(b) Information Requested

(i) Data Items

In this ICR, all data that is recorded and/or reported is required by NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L).

A source must make the following reports:

Reports for 40 CFR part 60, subpart L	
Notification of construction/reconstruction.	60.7(a)(1)
Notification of actual startup.	60.7(a)(3)
Initial performance test results	60.8(a)
Initial performance test	60.8(d)
Notification of demonstration of continuous monitoring system.	60.7(a)(5)
Notification of physical or operational change.	60.7(a)(4)

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

5(a) Agency Activities

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

Agency Activities
Observe initial performance tests and repeat performance tests, if necessary.
Review notifications and reports, including performance test reports, and excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the 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 operated. Performance test reports are used in 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.

Information contained in the reports is entered into AFS which is operated and maintained by the 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 AFS for tracking air pollution compliance and enforcement by local and State regulatory agencies, EPA Regional Offices, and EPA

Headquarters. EPA and its delegated Authorities can edit, store, retrieve, and analyze the data.

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

5(c) Small Entity Flexibility

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

The number of small entities potentially affected by this information collection request is estimated to be 48 percent of the respondent universe, or 12 sources. This estimate is based on the distribution of small entities in the industry, which was provided during the development of the NESHAP for Hazardous Air Pollutants at Secondary Lead Smelters. The distribution of small entities subject to the NESHAP is expected to be similar to the distribution at small entities subject to the NSPS.

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 - NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L).

6. Estimating the Burden and Cost of the Collection

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

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 38 (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 NSPS 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	\$115.40 (\$54.95 + 110%)
Technical	\$97.88 (\$46.61 + 110%)
Clerical	\$48.38 (\$23.04 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, June 2009, "Table 2. Civilian Workers, by occupational and industry group." The rates are from column 1, "Total compensation." The rates have been increased by 110% 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. The capital/startup costs are one time costs when a facility becomes subject to the regulation and there are no new sources expected in the next three years. 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

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

6(c) Estimating Agency Burden and Cost

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

The average annual Agency cost during the three years of the ICR is estimated to be \$0 (Table 2: Annual Agency Burden and Cost - NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L)).

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

Managerial	\$61.36 (GS-13, Step 5, \$38.35 + 60%)
Technical	\$45.52 (GS-12, Step 1, \$28.45 + 60%)
Clerical	\$24.64 (GS-6, Step 3, \$15.40 + 60%)

These rates are from the Office of Personnel Management (OPM), 2009 General Schedule, which excludes locality rates of pay. The rates have been increased by 60% to account for the benefit packages available to government employees. Details upon which this estimate is based appear in the attached Table 2: Annual Agency Burden and Cost - NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L).

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

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)+(Cx D)+ F
40 CFR part 60, subpart L	0	4	25	0	25	25

On average over the next three years, approximately 25 existing respondents will be subject to the standard. This number is the sum of column A and column C of the Respondent Universe and Number of Responses Per Year table. This represents the number of existing sources plus the number of new sources averaged over the three-year period (i.e., the total of the number of new respondents over the three-year period divided by three years). It is estimated that no additional respondents will become subject to the standard.

The number of Total Annual Responses is 25. This is the number in column E of the Respondent Universe and Number of Responses Per Year table.

The total annual labor costs are \$3,538. Details upon which this estimate is based appear in Table 1: Annual Respondent Burden and Cost - NSPS for Secondary Lead Smelters, (40 CFR part 60, subpart L).

The total annual capital and O&M costs to the regulated entity are \$0. These costs are detailed in section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

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 attached in Tables 1 and 2, respectively, and summarized below.

(i) Respondent Tally

The total annual labor hours are 38, with annual labor costs of \$3,538. Details regarding these estimates may be found in Table 1. Annual Respondent Burden and Cost - NSPS for Secondary Lead Smelters, (40 CFR part 60, subpart L) (attached). Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.5 hours per response. There are no annual capital/startup and O&M costs.

(ii) The Agency Tally

The average annual Agency burden and cost over next three years is estimated to be zero. See Table 2. Annual Agency Burden and Cost - NSPS for Secondary Lead Smelters (40 CFR part 60, subpart L).

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 the 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 1.5 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 currently 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-2009-0418. An electronic version of the public docket is available at <http://www.regulations.gov>. Use this site 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) 566-1742. 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-2009-0418 and OMB Control Number 2060-0080 in any correspondence.

Part B of the Supporting Statement

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