

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal)

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal), EPA ICR Number 1963.04, OMB Control Number 2060-0539

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) were proposed on April 2, 2002, and promulgated on February 3, 2004. These regulations apply to the collection of activities and equipment at new and existing facilities used to distribute organic liquids into, out of, or within a major source plant site. New facilities include those that commenced construction or reconstruction after the date of proposal. Organic liquids distribution includes, but is not limited to, activities such as storage, transfer, blending, compounding, and packaging. Organic liquid means any non-crude oil liquid or liquid mixture that contains 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart, as determined using the procedures specified in Section 63.2354(c) and/or any crude oils downstream of the first point of custody transfer. Organic liquids, for purposes of this subpart, do not include the following liquids: gasoline (including aviation gasoline); kerosene (No. 1 distillate oil); diesel (No. 2 distillate oil); asphalt: heavier distillate and fuel oils; any fuel consumed or dispensed on the plant site directly to users (such as fuels for fleet refueling or for refueling marine vessels that support the operation of the plant; hazardous waste; wastewater; ballast water: or any non-crude oil liquid with an annual average true vapor pressure (TVP) less than 0.7 kilopascals (0.1 psia). This information is being collected to assure compliance with 40 CFR part 63, subpart EEEE.

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 (SSM) 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.

There is one affected facility at each plant site and each plant site has only one respondent (i.e., the owner/operator of the plant site).

Over the next three years, an average of 381 respondents per year will be subject to the standard, and 12 additional respondents per year will become subject to the standard. The same numbers of facilities close or are no longer subject to the standard each year, so the total number of respondents does not change from year to year.

The Office of Management and Budget (OMB) approved the current Information Collection Request (ICR) without any “Terms of Clearance.”

The burden to the “Affected Public” may be found below in Table 1: Annual Respondent Burden and Costs for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal). The burden to the “Federal government” is attributed entirely to work performed by Federal employees or government contractors; this burden may be found below in Table 2: Annual Federal Government Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal).

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 (CAA), 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, hazardous air pollutant emissions from the distribution of organic liquids cause or contribute to air pollution that may reasonably be anticipated to

endanger public health or welfare. Therefore, NESHAP were promulgated for this source category at 40 CFR part 63, subpart EEEE.

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 are required in order to determine an affected facility's initial capability to comply with the emission standards. Continuous emission monitors (CEMS) are used to ensure compliance with the standards at all times. Alternatively, 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 initial 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 Notification of Compliance Status Report is used to determine how the facility is complying with the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and/or leaks are being detected and repaired and the standards are being met. The performance test may also be observed.

The required semiannual 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 EEEE.

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 (74 FR 38006) on July 30, 2009. 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 Technical Support Document for the proposed rule has been evaluated. As established in that document, the published data for the industry segments with organic liquid distribution (OLD) functions (chemical manufacturing, petroleum refining, etc.) typically are not specific to activities that qualify as distribution, which is the source category affected by this ICR. Therefore, the information necessary to extract the OLD emissions sources from the general industry data is not readily available. For example, the storage capabilities, throughputs and other data available for the chemical production and refining industries apply to all production and storage for the liquids processed at the facilities, not just those which meet the applicability of the OLD rule.

For the purposes of this ICR, the Agency relied on the same data specific to the OLD activities which were received by EPA in response to a survey that was sent to 167 companies in April 1998. The same data were used as the basis for establishing the floor and preparing the original ICR, and for the reasons outlined above, are the only pertinent information currently available to the Agency which are specific to the emission sources encompassed by the OLD industry.

The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in the standard, is the Air Facility System (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.

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.

Additionally, consultations with industry representatives (i.e., respondents) were conducted to determine if there is anyway for EPA to reduce the recordkeeping and reporting burden or improve the language in the standard to make it easier to comply. Liane Platt of the Dow Chemical Company (979-238-5418) and Paul Jann of the DuPont Company (302-774-8043) were contacted and asked to provide comment on the assumptions made in the ICR renewal. No comments were received which required any changes be made to the ICR renewal.

It is our policy to carefully review any comments received since the last ICR renewal including those submitted in response to the first Federal Register notice and respond appropriately. 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 the Part 70 permit program 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 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 owner and operators of plant sites at which the distribution of organic liquids into, out of or within a major source plant site. The North American Industry Classification System (NAICS) and the corresponding Standard Industrial Classification (SIC) code for the respondents affected by the standards are listed in the following table:

Industry Segment	NAICS Codes	SIC Codes
Chemical Production	325211, 325192, 325188	2821, 2865, 2869
Petroleum Refineries	32411	2911
Liquid Terminals	49311, 49319	4226
Crude oil pipeline stations	48611	4612
Petroleum terminals	42269, 42271	5169, 5171

4(b) Information Requested

(i) Data Items

In this ICR, all the data that is recorded or reported is required by the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR part 63, subpart EEEE) (Renewal)

A source must make the following reports:

REQUIREMENTS	REGULATION REFERENCE
Maintain copies of all submitted reports and notifications for five years	63.10(b) and 63.2394(b)
Initial notifications (including construction/reconstruction)	63.5, 63.9(b), and 63.2382(b)
Notification of actual date of startup	63.9(b)(4)(v)
Notification of performance test, test plan, and emission profile	63.7(b)-(c)(2), 63.9(e), 63.999(a)(1) and 63.2382(c)
Notification of CEMS performance evaluation	63.8(e)(2) and 63.9(g)
Notification of continuous parameter monitoring system (CPMS) performance evaluation	63.8(e)(2) and 63.9(g)
Request for Extension of Compliance, if necessary and required progress reports	63.9(c), 63.10(d)(4)
Request to use alternative recordkeeping	63.998(b)(5)
Request for alternative monitoring	63.998(d)
Notification of compliance status (including performance test results)	63.9(h), 63.10(d)(2), 63.999(a)(2), 63.999(b) and 63.2382(d)
First Compliance Report	63.10(e)(3), 63.999(c), 63.2386(a), (b)(1), (c), and (e)
Semi-annual compliance report	63.10(e)(3), 63.999(c) and 63.2386(a), (b)(2), (d), and (e)
SSM Reports, periodic and immediate	63.10(d)(5) and 63.2386(a)

A source must keep the following records:

REQUIREMENTS	REGULATION REFERENCE
Record retention	63.10(b)(1) and 63.2394(b)
Documentation supporting initial notifications and notifications of compliance status	63.10(b)(2)(xiv) and 63.2525(a)(1)
Records relating to emissions points which are part of the affected source but which do not require control	63.2390(b)
Startup, shutdown, and malfunction plan	63.6(e)(3)
Records related to startup, shutdown, and malfunction	63.6(e)(3)(iii)-(iv), 63.10(b)(2)(i)-(ii), (iv)-(v) and 63.2390(b)(1)
Records of performance tests and CEMS performance evaluations and conditions of performance tests and CEMS performance evaluations	63.10(b)(2)(viii) and (ix) and 63.2390(b)(1)
Records of performance tests and CPMS performance evaluations and conditions of performance tests and CPMS performance evaluations	63.998(a) and 63.2390(b)(1)
Records for equipment leaks	63.1038(b)-(c) and 63.2525(a)(4)
Records for applicability determinations	63.10(b)(3)
Results of each CEMS calibration, validation check, and inspection and maintenance	63.10(b)(2)(x) and (xi), 63.2390(b)(1)
Results of each CPMS calibration, validation check, and inspection and maintenance	63.2390(b)(1)
Records for each CEMS	63.8(d)(3), 63.8(f)(6)(i), 63.10(b)(2)(vi)-(ix), and 63.2390(b)(1)
Records for each CPMS	63.2390(b)(1)

(ii) Respondent Activities

RESPONDENT ACTIVITIES
Install, calibrate, maintain, and operate CPMS for the appropriate control device
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.
Train personnel to be able to respond to a collection of information.
Transmit, or otherwise disclose the information.

Electronic Reporting

Some of the respondents are using monitoring equipment that automatically records parameter data. Although personnel at the affected facility must still evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at a 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 20 percent of the respondents use electronic reporting.

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 could 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 and to note the operating conditions under which compliance was achieved. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

Information contained in the reports is entered into the AFS which is operated and maintained by 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

A majority of the respondents are large entities (i.e., large businesses). However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation. The exact number of small entities potentially affected could not be determined based on review of available information, including the Final Rule (73 FR 40977). 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. Even though the recordkeeping requirements are the same for small and large businesses, the Agency considers these requirements the minimum needed to ensure compliance and, therefore, cannot reduce them further for small businesses. Construction, modification, and reconstruction reports are filed only once. Equipment leak monitoring and storage tank inspection records are brief, and cargo tank vapor tightness documentation will be supplied primarily by independent cargo tank operators and kept at the OLD facility for each tank truck and railcar that is to be loaded with regulated liquids at the facility.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, we nonetheless have tried to minimize the impact of this rule on small entities in several ways. First, we chose to set the control requirements at the MACT floor control level and not at a control level more stringent. Thus, the control level specified in the proposed OLD rule is the least stringent allowed by the CAA. Second, we have set facility size, transfer rack throughput, and tank size cutoffs in the rule to minimize the effects on small

businesses. Third, we have identified a list of 69 HAP from the list of 188 in the CAA to be considered for regulation. Regulated liquids are organic liquids that contain at least 5 percent by weight of the 69 HAP listed. In addition, we worked with various trade associations during the development of the proposed rule. These actions have reduced the economic impact on small entities from this rule.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown below in Table 1: Annual Respondent Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR part 63, subpart EEEE) (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, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

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

6(a) Estimating Respondent Burden

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 85,503 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	\$114.49 (\$54.52 + 110%)
Technical	\$98.20 (\$46.76 + 110%)
Clerical	\$48.53 (\$23.11 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 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 percent to

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

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

This section covers the costs associated with all types of continuous monitoring equipment (e.g., CEMS and continuous parameter monitors). The type of industry costs associated with the information collection activities in the subject standards are both labor costs which are addressed elsewhere in this ICR and the costs associated with continuous monitoring. 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 monitors.

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

The capital costs associated with monitoring equipment for storage tanks and transfer racks include the monitoring equipment, installation, ancillary costs (planning and selection), and a data acquisition system (DAS) (data logger, computer, logging and reporting software, and printer). The capital costs for the monitoring equipment were estimated based on the following assumptions: (1) the monitoring equipment cost per facility with transfer racks is \$12,150, which includes the cost for thermocouple, wire, and DAS; (2) the monitoring equipment cost for each facility with storage tanks with separate emission controls is \$780, which includes the cost for thermocouple and wire to connect to the DAS for transfer racks; and (3) the monitoring equipment has a 5-year expected life and is not capitalized, so no discount rate applies. The annual average capital cost for monitoring equipment for transfer racks per facility is \$12,500 divided by 5, or \$2500 per year. The annual average capital cost for monitoring equipment for storage tanks per facility is \$780 divided by 5, or \$156 per year year. It is estimated that two new facilities will purchase transfer rack equipment and that two additional new facilities will purchase storage tank equipment in each of the three years covered by this ICR.

The capital costs associated with monitoring equipment for leak detection and repair (LDAR) include the cost of the purchase of a organic volatile analyzer (OVA). The estimated average cost of an OVA is \$7,000 with a five-year expected life. The equipment is not capitalized, so no discount rate applies. The average annual cost is \$7,000 divided by 5 years or \$1,400 per year. It is estimated that 6 new facilities will conduct LDAR monitoring. It is estimated that 50 percent of the sources with LDAR programs will purchase a monitor for use in-house, and the rest will contract out the practice. Those facilities which contract out (3 facilities) will purchase 1 unit as backup; the remaining facilities performing LDAR in-house (3 facilities) will purchase 5 units to support the program, for a total of 18 units purchased.

Capital/Startup vs. Operation and Maintenance Costs							
(A) Continuous Monitoring Device	(B) Annualized Capital / Startup Cost for One Respondent	(C) Number of New Respondents	(D) Number of Existing Respondents	(E) Total Annualized Capital / Startup Cost, (C+D) x B	(F) Annual O&M Costs for One Respon- dent	(G) Number of Respondents with O&M	(H) Total O&M, (E X F)
Transfer rack –thermo- couple, DAS, wire	2,500	2	317	797,500	15,875	319	5,064,125
Storage Tank thermocouple, wire	156	2	317	49,764	5,825	319	1,858,175
LDAR	1,400	18	546 ^a	789,600	N/A	91	0
Total				\$1,636,864			\$6,922,300

^a 181 existing sources will have LDAR programs. Fifty percent of the sources with LDAR programs will purchase a monitor for use in-house, and the rest will contract out the practice. Those facilities which contract out (91 facilities, rounded up) will purchase one unit as backup; the remaining facilities performing LDAR in-house (91 facilities, rounded up) will purchase 5 units to support the program, for a total of 546 units purchased.

Operation and maintenance (O&M) costs include those costs associated with the general upkeep of capital equipment, such as monitoring equipment. The O&M cost associated with the monitoring equipment is \$15,875 for transfer racks and \$5,825 for storage tanks, per respondent. For LDAR monitoring, the operation of the monitors is included in the monitoring costs. Maintenance costs on these units are incidental; therefore, no maintenance or operation costs incur.

The total average annualized capital/startup costs for this ICR are \$1,636,864. This is the total of Average Annual cost for column E in the above tables.

The total operation and maintenance (O&M) costs for this ICR are \$6,922,300. This is the total of column H, above.

The average annual cost for capital/startup and operation and maintenance costs to industry over the next three years of the ICR is estimated to be \$8,559,164.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. The EPA 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 \$474,091.

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

Managerial	\$62.27 (GS-13, Step 5, \$38.92 + 60%)
Technical	\$46.21 (GS-12, Step 1, \$28.88 + 60%)
Clerical	\$25.01 (GS-6, Step 3, \$15.63 + 60%)

These rates are from the Office of Personnel Management (OPM), 2010 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. Details upon which this estimate is based appear below in Table 2: Annual Federal Government Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal).

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

Based on our research for this ICR, on average over the next three years, approximately 381 existing respondents will be subject to the standard. It is estimated that an additional 12 respondents per year will become subject, but the same number of respondents will also cease to be subject. Therefore, the overall average number of respondents remains constant at 381. However, 64 of these sources will only incur minimal recordkeeping and no reporting, because they are subject to the standard but have no control requirements and no on-going requirements beyond an initial notification. A total of one hour of burden was assigned for these 64 sources in the ICR for the initial notification.

The total number of 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 Notification	12	1	N/A	12
Notification of Performance Test	3	1	N/A	3
Notification of Compliance Status	12	1	N/A	12
Semiannual Report	317	2	64	698
Notification of Construction/Reconstruction	12	1	N/A	12
Notification of Actual Startup	12	1	N/A	12
			Total	749

The number of Total Annual Responses is 749.

The total annual labor costs are \$8,087,607. Details regarding these estimates may be

found below in Table 1: Annual Respondent Burden and Cost for NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal).

The total annual capital/startup and O&M costs to the regulated entities are \$8,559,164. 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 10,520 labor hours at a cost of \$474,091. See below Table 2: Annual Federal Government Burden and Cost for NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal).

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 \$8,087,607. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost for NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR Part 63, Subpart EEEE) (Renewal). Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 114 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are \$8,559,164. 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 10,520 labor hours at a cost of \$474,091. See below Table 2: Annual Federal Government Burden and Cost for NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities (40 CFR part 63, subpart EEEE) (Renewal).

6(f) Reasons for Change in Burden

There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) the regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an apparent increase of two hours in the total Agency hours for this ICR. Total Agency hours for this ICR is 10,520 rather than 10,518 in the previous ICR, because the previous ICR did not retain decimal

places in intermediate calculations.

There is an increase in both respondent and Agency labor burden costs resulting from labor rate increases from 2003 to the most recently available rates. The increase in cost to respondents and the Agency is due to labor rate adjustments to reflect the most recent available estimates.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 114 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-2009-0543. 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, N.W., Washington, D.C. 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) 566-1752. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2009-0543 and OMB Control Number 2060-0539 in any correspondence.

Part B of the Supporting Statement

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

Table 1: Annual Respondent Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Technical Hrs per Occurrence	Number of Occurrences per Respondent per Year	Technical Hours per Respondent (C=AxB)	Number of Respondents per Year	Technical Hours per Year @ \$98.20/hr	Manag. Hours per Year (5% of Technical) @ \$114.49/hr	Clerical hours (10% of Technical) @ \$48.53/hr	Total Hours per Year	Total Labor Cost per Year (\$) ^k
1. Applications	N/A								
2. Surveys and Studies	N/A								
3. Reporting Requirements									
A. Read and Understand Rule Requirements ^{a,b}	40	1	40	12	480	24	48	552	\$52,213
B. Required Activities:									
3.1 Organic Liquids									
(a). Provide true vapor pressure and percent Table 1 HAP of all organic liquids transferred into/out of facility.	10	1	10	317	3,170	158.5	317	3645.5	\$344,825
(b). Determine and provide Table 1 HAP percentages in organic liquids using Method 311. ^h	1	15	15	83	1,245	62.25	124.5	1431.75	\$135,428
3.2 Storage Tanks									
(a). Provide a list of all tanks in OLD operation including their capacity, HAP vapor pressure for tanks less than 50,000 gallons, roof type, primary and secondary seal types, and fittings. ^{a,b}	20	1	20	12	240	12	24	276	\$26,107
(b). Provide results of the required inspections for storage tanks. ^b	15	1	15	317	4,755	237.75	475.5	5468.25	\$517,237
3.3 Transfer Operations									
(a). Provide documentation of the facility-wide volume of affected liquids transferred through loading racks and the HAP percentage of affected liquids transferred through each rack. ^b	20	2	40	188	7,520	376	752	8648	\$818,007

Table 1: Annual Respondent Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Technical Hrs per Occurrence	Number of Occurrences per Respondent per Year	Technical Hours per Respondent (C=AxB)	Number of Respondents per Year	Technical Hours per Year @ \$98.20/hr	Manag. Hours per Year (5% of Technical) @ \$114.49/hr	Clerical hours (10% of Technical) @ \$48.53/hr	Total Hours per Year	Total Labor Cost per Year (\$) ^k
(b). Provide documentation that cargo tanks subject to Method 27 vapor tightness testing loading at affected loading positions have current vapor tightness certification. ^b	15	1	15	188	2,820	141	282	3243	\$306,753
3.4 Equipment Leaks									
(a). Provide a list of all equipment in OLD service. ^{a, b}	20	1	20	6	120	6	12	138	\$13,053
(b). Provide documentation detailing equipment found leaking using Method 21 was repaired in time required. ^c	10	4	40	302	12,080	604	1,208	13892	\$1,314,032
3.5 Control Devices									
(a). Provide records of control devices in OLD service and the emission sources which they control. ^{a, d}	10	1	10	3	30	1.5	3	34.5	\$3,263
(b). Provide records detailing deviations in the proper operating conditions of the control devices in OLD service. ^d	5	1	5	96	480	24	48	552	\$52,213
(c). Provide records of all performance tests required for the control devices. ^{a, d, e}	24	1	24	3	72	3.6	7.2	82.8	\$7,832
(d). Performance test of control devices, Method 25A. ^{a, d, e}	24	1	24	3	72	3.6	7.2	82.8	\$7,832
3.6 Repeat of Performance Test Method 18--Measurement of Gaseous Organic Compound Emissions by Gas Chromatography ^e	5	1	5	0	0	0	0	0	\$0

Table 1: Annual Respondent Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Technical Hrs per Occurrence	Number of Occurrences per Respondent per Year	Technical Hours per Respondent (C=AxB)	Number of Respondents per Year	Technical Hours per Year @ \$98.20/hr	Manag. Hours per Year (5% of Technical) @ \$114.49/hr	Clerical hours (10% of Technical) @ \$48.53/hr	Total Hours per Year	Total Labor Cost per Year (\$) ^k
(a). Maintain records of all storage tanks in OLD service, their dimensions, roof types, seal types, and fittings.		Incl. in 3.2(a)							
(b). Maintain records of organic liquids and their respective volumes stored in individual storage tanks.		Incl. in 3.2(a)							
(c). Maintain records of storage tank inspections and repairs.		Incl. in 3.2(b)							
4.3 Liquid Transfers									
(a). Maintain records of the organic liquids and their respective volumes transferred through each loading arm.		Incl. in 3.3(a)							
(b). Maintain records of cargo tanks and their vapor tightness certification.		Incl. in 3.3(b)							
4.4 Equipment Leaks									
(a). Maintain records of equipment associated with organic liquids distribution.		Incl. in 3.4(a)							
(b). Maintain records of periodic Method 21 inspections, including leaking equipment found, and time required to repair leaking equipment.		Incl. in 3.4(b)							
4.5 Control Devices									
(a). Maintain records describing the control devices used to comply with the NESHAP, and what emission sources they control.		Incl. in 3.5(a)							

Table 1: Annual Respondent Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Technical Hrs per Occurrence	Number of Occurrences per Respondent per Year	Technical Hours per Respondent (C=AxB)	Number of Respondents per Year	Technical Hours per Year @ \$98.20/hr	Manag. Hours per Year (5% of Technical) @ \$114.49/hr	Clerical hours (10% of Technical) @ \$48.53/hr	Total Hours per Year	Total Labor Cost per Year (\$) ^k
(b). Maintain records of performance tests.	Incl. in 3.5(b)								
(c) Record startups, shutdowns, and malfunctions (deviations). ^b	4	12	48	317	15,216	760.8	1,522	17,499	\$1,655,158
G. Personnel Training	N/A								
<i>Subtotal Recordkeeping</i>								17,499	\$1,655,158
Totals:								85,503	\$8,087,607

Assumptions:

^a One time activity for new sources only. Growth rate assumed to be 3 percent.

^b Required of all affected facilities. Of the 381 facilities, 64 have minimal tasks to do and are assigned a burden of 1 hour total, so that the annualized number of respondents per year actively engaged in the detection and correction of pollution problems is effectively (381 - 64 = 317). All 317 of the affected facilities have storage tanks. 188 of the affected facilities have transfer racks. 181 of the affected facilities have LDAR programs.

^c Estimates do not include facilities that already operate an LDAR program.

^d Only includes facilities installing a new control device as a result of OLD NESHAP (25 percent of sources).

^e Estimate includes test plan, test report, and parametric monitoring setup. Assumes no facilities will use methods 18 or 25A.

^f Assumes that 15% of all performance tests need to be repeated.

^g Assumes that this method will only be used to determine the percent of HAP in organic liquids.

^h Assumes that only for-hire terminals and bulk gasoline terminals will require Method 18 testing of organic liquids.

ⁱ Assumes that 12 facilities per year would be subject to construction/reconstruction/actual startup provision.

^j Assumes that 1/2 percent of the approximately 15,000 tank trucks carrying organic liquids would undergo Method 27 testing on an annual basis.

^k Assume a technical labor rate of \$98.20, managerial rate \$114.49, and clerical rate of \$48.53 from the United States Department of Labor, Bureau of Labor Statistics, September 2009, "Table 2. Civilian Workers, by Occupational and Industry group." The rates are from column 1: Total compensation. The wage rate obtained from the table has been increased by 110 percent.

Table 2: Annual Federal Government Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Number of Activities per Year	EPA Hours per Activity	Technical Hours per Year @ \$46.21/hr	Management Hours per Year @ \$62.27/hr	Clerical Hours per Year @ \$25.01/hr	Total Hours per Year	EPA Cost per Year (\$/yr) ^f
1. Applications	N/A						
2. Surveys and Studies	N/A						
3. Reporting Requirements							
A. Read and Understand Rule Requirements	1	40	40	2	4	46	\$2,073
B. Required Activities							
3.1 Organic Liquids							
(a). Review documentation of organic liquids, their vapor pressure, and percent of regulated HAP. ^a	317	6	1,902	95.1	190.2	2,187	\$98,570
3.2 Storage Tanks							
(a). Review documentation of storage tanks, their roof types, etc. ^a	12	8	96	4.8	9.6	110.4	\$4,975
(b). Review documentation of the required storage tank inspections. ^a	317	4	1,268	63.4	126.8	1,458	\$65,713
3.3 Transfer Operations							
(a). Review documentation of the organic liquids transferred, their volumes, TVP, and HAP percentages. ^b	188	4	752	37.6	75.2	864.8	\$38,972
(b). Review documentation of vapor tightness testing on cargo tanks. ^{d, b}	188	4	752	37.6	75.2	864.8	\$38,972
3.4 Equipment Leaks							
(a). Review report of equipment leak program. ^c	181	8	1,448	72.4	144.8	1,665	\$75,042
(b). Review report of equipment leak repairs. ^c	181	4	724	36.2	72.4	832.6	\$37,521
(c). Review Method 21 documentation. ^c	181	4	724	36.2	72.4	832.6	\$37,521
3.5 Control Devices			0	0	0	0	\$0
(a). Review control devices in OLD service. ^a	3	4	12	0.6	1.2	13.8	\$622
(b). Review records of deviations. ^d	Included in 3.E.						

Table 2: Annual Federal Government Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Number of Activities per Year	EPA Hours per Activity	Technical Hours per Year @ \$46.21/hr	Management Hours per Year @ \$62.27/hr	Clerical Hours per Year @ \$25.01/hr	Total Hours per Year	EPA Cost per Year (\$/yr) ^f
(c). Review control device performance test results. ^d	3	4	12	0.6	1.2	13.8	\$622
C. Create Information	N/A						
D. Gather Information	N/A						
E. Report Preparation	N/A						
Review Initial Notification Report. ^a	12	4	48	2.4	4.8	55.2	\$2,488
Review Initial Compliance Report. ^a	12	4	48	2.4	4.8	55.2	\$2,488
Review Semi-annual Compliance Report. ^a	634	2	1,268	63.4	126.8	1,458	\$65,713
Review Notification of Performance Test. ^a	3	2	6	0.3	0.6	6.9	\$311
Review Notification of Construction/Reconstruction. ^e	12	2	24	1.2	2.4	27.6	\$1,244
Review Notification of Actual Startup. ^e	12	2	24	1.2	2.4	27.6	\$1,244
<i>Subtotal Reporting</i>						10,520	\$474,091
4. Recordkeeping Requirements							
A. Read Instructions	N/A						
B. Plan Activities	N/A						
C. Implement Activities	N/A						
D. Develop Record System	N/A						
E. Record Information	N/A						
F. Personnel Training	N/A						
G. Time for Auditors	N/A						
H. Litigation	N/A						
<i>Subtotal Recordkeeping</i>						N/A	N/A
Totals:						10,520	\$474,091

Assumptions:

^a Estimate includes all affected facilities.

^b Estimate does not include crude oil pipeline breakout stations.

Table 2: Annual Federal Government Burden and Cost for the NESHAP for Organic Liquids Distribution (Non-Gasoline) Facilities(40 CFR Part 63, Subpart EEEE) (Renewal)

Burden Item	Number of Activities per Year	EPA Hours per Activity	Technical Hours per Year @ \$46.21/hr	Management Hours per Year @ \$62.27/hr	Clerical Hours per Year @ \$25.01/hr	Total Hours per Year	EPA Cost per Year (\$/yr) ^f
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^c Estimate does not include facilities that already operate an LDAR program.

^d Only includes facilities incurring costs for a new control device as a result of the OLD NESHAP.

^e Estimate that only 12 facilities will undergo construction/reconstruction, anticipated startup, and actual startup.

^f Assume a technical labor rate of \$46.21, managerial rate \$62.27, and clerical rate of \$25.01. These rates are from the Office of Personnel Management (OPM), 2010 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. These rates can be obtained from the OPM web site, <http://www.opm.gov/oca/payrates/index/htm>.