

SUPPORTING STATEMENT

NESHAP for Marine Tank Vessel Loading Operations (40 CFR part 63, subpart Y) (Proposed Rule)

PART A

1.0 Identification of the Information Collection

(a) Title and Number of the Information Collection.

“NESHAP for Marine Tank Vessel Loading Operations (40 CFR part 63, subpart Y)” This is a new information collection request (ICR) and the EPA tracking number is 1679.08.

(b) Short Characterization.

This ICR covers information collection requirements in the proposed amendments to the NESHAP for marine tank vessel loading operations (MTVLO) (40 CFR Part 63, Subpart Y). Potential respondents are owners or operators of existing MVTLO that emit less than 10 tons per year of each individual HAP and less than 25 tons/year of all HAP combined, located at major sources of hazardous air pollutants (HAP) that load more than 1,000,000 barrels/yr (bbl/yr) of gasoline, as well as owners or operators of existing off-shore terminals that load gasoline. EPA is not aware of any existing off-shore terminals that load gasoline, so no impacts have been estimated for these sources. The owner or operator of an existing facility would be required to comply with this rule no later than 3 years after publication of the final rule in the Federal Register. The proposed amendments do not affect new sources since new sources are already required to control to these level under this NESHAP. Submerged fill would also be required by the proposed rule, but it is believed that owners or operators that would be subject to this proposed rule are already required to employ submerged fill under existing Coast Guard rules and therefore no reporting and recordkeeping associated with submerged fill is required under this proposed rule.

The owners or operators of existing MVTLO that emit less than 10 tons per year of each individual HAP and less than 25 tons/year of all HAP combined, located at major sources of hazardous air pollutants (HAP) that load more than 1,000,000 barrels/yr (bbl/yr) of gasoline would be required to meet VOC emission limits of 10 mg VOC per liter of gasoline loaded or 97% control of VOC emissions.

Testing requirements would be a 1- time performance test of VOC emissions from affected sources. Monitoring requirements would depend on the type of control device used. Sources would be required to monitor outlet VOC concentrations or an operating parameter (such as steam flow and bed temperature for steam regenerated carbon adsorbers, or baseline temperatures for condenser/refrigeration units).

The owner or operator of an existing affected source would be required to prepare and submit an initial notification of applicability and an initial notification of compliance status. Each owner or operator of an affected source would be required to keep records to document compliance with the VOC standard and also maintain records of all monitoring data. If a deviation from the rule requirements occurs, an affected source would be required to submit a compliance report for that semi-annual reporting period.

2. Need For and Use of the Collection

(a) Need/Authority for the Collection.

Section 112 of the CAA requires that EPA establish MACT standards for new or existing major or area sources according to the requirements in section 112(d). Certain records and reports are necessary for the Administrator to: (1) confirm the compliance status of major sources, identify any non-major sources not subject to the standards, and identify new or reconstructed sources subject to the standards; and (2) ensure that the MACT standards are being achieved on a continuous basis. These recordkeeping and reporting requirements are specifically authorized by section 114 of the Clean Air Act (42 U.S.C. 7414) and set out in the General Provisions for national emission standards for hazardous air pollutants (NESHAP) in 40 CFR part 63, subpart A.

The proposed standards include total organic compounds (TOC), as a surrogate for HAP are based on the performance of MACT because standards established under CAA section 112(d)(2) must reflect performance of MACT. The MACT-based regulation can be based on the emissions reductions achievable through application of measures, processes, methods, systems, or techniques including, but not limited to: (1) reducing the volume of, or eliminating emissions of, such pollutants through process changes, substitutions of materials, or other modifications; (2) enclosing systems or processes to eliminate emissions; (3) collecting, capturing, or treating such pollutants when released from a process, stack, storage or fugitive emission point; (4)

design, equipment, work practices, or operational standards as provided in section 112(h) of the CAA; or (5) a combination of the above.

Certain records and reports are necessary for the Administrator to confirm the compliance status of affected sources, identify any new or reconstructed sources subject to the standards, and confirm that the standards are being achieved on a continuous basis. These recordkeeping and reporting requirements are specifically authorized by section 114 of the Clean Air Act (42 U.S.C. 7414) and set out in the part 63 NESHAP General Provisions. Under part 63, the owner or operator must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(b) Use/Users of the Data.

The information will be used by the delegated authority (State agency or Regional Administrator if there is no delegated State agency) to ensure that the emissions limits and other requirements are being achieved. Based on review of the recorded information at the site and the reported information, the delegated permitting authority can identify facilities that may not be in compliance and decide which plants, records, or processes may need inspection.

3. Nonduplication, Consultations, and Other Collection Criteria

(a) Nonduplication.

A computer search of EPA's ongoing ICR's revealed no duplication of information-gathering efforts.

(b) Public Notice Required Prior to ICR Submission to OMB.

The preamble to the proposed rule will provide public notice of the ICR.

(c) Consultations.

The proposed rule was developed in consultation with individual terminal operators and trade associations. The non-EPA persons consulted on the information collection activities are identified in Table 1.

TABLE 1. PERSONS CONSULTED ON THE INFORMATION COLLECTION ACTIVITIES

Contact	Organization	Telephone Number
Matthew Todd	American Petroleum Institute	(202) 682-8319
Jim Griffin	American Chemistry Council	(703)741-5000
Peter Weaver	International Liquid Terminals Association	(202)842-9200

(d) Effects of Less Frequent Collection.

If the relevant information were collected less frequently, the delegated authority (State or EPA) would not be reasonably assured that a plant is in compliance with the standards.

(e) General Guidelines.

None of the guidelines in 5 CFR 1320.6 are being exceeded.

(f) Confidentiality.

All 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 39999, September 28, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

(g) Sensitive Questions.

This section is not applicable because this ICR does not involve matters of a sensitive nature.

4. The Respondents and the Information Requested

(a) Respondents/NAICS Codes.

Potential respondents under Subpart Y are owners or operators of marine vessel loading terminals. The North American Industry Classification System (NAICS) code is 4883 (Support Activities for Water Transportation). However MVTLO is not the primary business activity at most facilities, therefore the facilities list under different NAICS Codes for the chemical and petroleum industry. We estimate that 54 marine vessel loading terminal facilities would be subject to the requirements of the amended rule. New sources are already subject to the standards which are being proposed for existing sources.

(b) Information Requested.

(i) Data Items, Including Recordkeeping Requirements. Attachment 1, Source Data and Information Requirements, summarizes the data items, including recordkeeping and reporting requirements.

(ii) Respondent Activities. The respondent activities required by the final rule are identified in Table 2 and are introduced in section 6(a).

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

(a) Agency Activities.

The Agency activities are provided in Table 3 and are introduced in section 6(c).

(b) Collection Methodology and Management.

Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs of the delegated authority. The monitoring reports submitted to the delegated authority are used for problem identification, as a check on source operation and maintenance, and for compliance determinations. EPA is the delegated authority until the State agency is delegated authority to implement the final rule. Therefore, information contained in the reports submitted to the Regional Administrator will be entered into the Air Facility System (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 its delegated authorities can edit, store, retrieve and analyze the data.

(c) Small Entity Flexibility.

A small entity for this industry is defined as: (1) a small business whose parent company meets the Small Business Administration size standards for small businesses found at 13 CFR 121.201 (less than \$25.4 million/yr in sales for port and harbor operations and marine cargo handling, less than \$7.0 million/yr sales for navigational services to shipping and other support activities for water transportation) ; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and

(3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field. The Agency does not expect that any small MVTLO would be significantly affected by the standards.

EPA has tried to reduce the impact of this proposed rule on all of the affected sources. The standards include parametric monitoring requirements for VOC emission control devices that are common throughout the industry and in many cases are already required by State operating permits. The standards also require only the essential monitoring, recordkeeping, and reporting needed to verify compliance.

(d) Collection Schedule.

The specific frequency for each information collection activity within this request is shown in Tables 2 and 3.

6. Estimating the Burden and Cost of the Collection

(a) Estimating Respondent Burden.

The annual burden estimates for the proposed NESHAP are shown in Table 2. These numbers were derived from estimates based on EPA's experience with other standards. No burden estimates are provided for new sources because the proposed rule does not affect new sources.

(b) Estimating Respondent Costs.

The information collection activities for the proposed NESHAP are presented in Table 2.

(i) Estimating Labor Costs. Labor rates and associated costs are based on Bureau of Labor Statistics (BLS) data. Technical, management, and clerical average hourly rates for private industry workers in the mining industry (NAICS 212200) were taken from the United States Department of Labor, Bureau of Labor Statistics, May 2010 available at <http://www.bls.gov/> Wages for occupational groups are used as the basis for the labor rates with a total compensation of \$32.13/hour for technical (environmental engineer), \$50.15/hour for managerial, and \$17.28/hour for clerical. These rates represent salaries plus fringe benefits and do not include the cost of overhead. An overhead rate of 110 percent is used to account for these costs. The fully-burdened hourly wage rates used to represent respondent labor costs are: technical at \$67.47, management at \$105.32, and clerical at \$36.29.

(ii) *Estimating Capital and Operations and Maintenance (O&M) Costs.* The capital cost for reporting and recordkeeping systems are estimated at 27,000. The operating costs for submitting reports is estimated at \$108/yr.

(iii) *Capital/Startup vs. O&M Costs.* No startup costs would be incurred over the 3-year period of this ICR.

(iv) *Annualizing Capital Costs.* Table 2 shows an estimate of the annualized cost of capital to be \$3780 per year with a total annualized cost of \$3888 per year.

(c) *Estimating Agency Burden and Cost.*

Because the information collection requirements were developed as an incidental part of standards development, no costs can be attributed to the development of the information collection requirements. Because reporting and recordkeeping requirements on the part of the respondents are required under the part 63 NESHAP General Provisions, no operational costs would be incurred by the Federal Government. Publication and distribution of the information are part of the Compliance Data System, with the result that no Federal costs can be directly attributed to the ICR. Examination of records to be maintained by the respondents will occur incidentally as part of the periodic inspection of sources that is part of EPA's overall compliance and enforcement program, and, therefore, is not attributable to the ICR. The only costs that the Federal government will incur are user costs associated with the analysis of the reported information, as presented in Table 3.

The Agency labor rates are from the Office of Personnel Management (OPM) 2010 General Schedule which excludes locality rates of pay. These rates can be obtained from Salary Table 2010-GS available on the OPM website, http://www.opm.gov/oca/10tables/pdf/g_s_h.pdf. The government employee labor rates are \$15.63/hour for clerical (GS-6, Step 3), \$28.88 for technical (GS-12, Step 1), and \$38.92/hr for management (GS-13, Step 5). These rates were increased by 60 percent to include fringe benefits and overhead. The fully-burdened wage rates used to represent Agency labor costs are: clerical at \$25.01; technical at \$46.21, and management at \$62.27.

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

There are an estimated 54 existing marine vessel terminal loading facilities that would be subject to the rule requirements. Consequently, the average number of respondents during the 3 year period of this ICR is 18.

The components of the total annual responses attributable to this ICR are one-time notifications for each facility (applicability and compliance status). Marine terminal vessel loading facilities would be required to submit a notification of performance tests, prepare a test plan, and conduct a one time performance test of their control device. Each facility must monitoring for VOC exiting emission control devices or perform parametric monitoring of absorbers or carbon adsorbers. The number of total annual responses for Subpart Y is estimated as: (9 annual average respondents × 1 notification of applicability) + (9 annual average respondents x 1 performance test notification) + (9 annual average respondents x 1 test plan) + (9 annual average respondents x 1 test report) + (18 annual average respondents x 1 report of HAP control efficiency). Therefore, the number of total annual responses for Subpart Y is 54 responses / 54 respondents or 1 annual response per respondent.

(e) Bottom Line Burden Hours and Cost Tables.

(i) Respondent tally. The bottom line respondent burden hours and costs, presented in Table 2 are calculated by adding person-hours per year down each column for technical, managerial, and clerical staff, and by adding down the cost column.

The average annual burden for the monitoring, recordkeeping, and reporting requirements in Subpart Y is 2489 person hours with an annual average burden cost of \$169,186 with \$3780 in capital costs, \$108/year in O&M costs, and \$169,298/year in total annualized cost.

(ii) The Agency tally. The total annual Federal Government cost is for 406 total annual hours and \$26,294/year. The bottom line Agency burden hours and costs presented in Table 3 are calculated by adding person-hours per year down each column for technical, managerial, and clerical staff, and by adding down the cost column.

(iii) Variations in the annual bottom line. This section does not apply since no significant variation is anticipated.

(f) Reasons for Change in Burden.

The increase in burden results from proposed amendments to the existing rule. In review of the current rule we found it needs to be amended to meet the statute. Additional controls are being proposed, which will need reporting and recordkeeping to ensure compliance.

(g) Burden Statement

The average annual respondent burden for the proposed NESHAP for marine vessel terminal loading sources is estimated at 46 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 in 40 CFR part 63 are listed in 40 CFR part 9.

PART B

This section is not applicable because statistical methods are not used in data collection associated with the proposed rule.

Table 2. Annual Respondent Burden and Costs

Burden item	(A) Person-hours per occurrence	(B) No. of occurrences per respondent	(C) Person-hours per respondent (C=A*B)	(D) Respondents per year	(E) Technical person-hours per year (E=C*D)	(F) Management person-hours per year (E*0.05)	(G) Clerical person-hours per year (E*0.1)	(H) Cost ^a , \$
1. Applications	N/A							
2. Surveys and Studies	N/A							
3. Acquisition, Installation, and Utilization of Technology and Systems	N/A							
4. Reporting Requirements								
A. Read instructions	8	1	8	18	144	7.2	14.4	\$10,997
B. Required activities								
Performance test (Method 25A)	100	1	100	9	900	45	90	\$68,731
Repeat of performance test ^b	100	1	100	0.9	90	4.5	9	\$6,873
Leak check	16	1	16	9	144	7.2	14.4	\$10,997
Vapor tightness test	8	1	8	9	72	3.6	7.2	\$5,498
C. Create information	Included in 3B and 4E							
D. Gather existing information	Included in 3B and 4E							
E. Write report								
Initial notification of applicability	4	1	4	9	36	1.8	3.6	\$2,749
Notification of compliance status	Included in 3B							
Site-specific test plan	Included in 3B							
Notification of performance test	2	1	2	9	18	0.9	1.8	\$1,375
Report of HAP control Efficiency	8	1	8	18	144	7.2	14.4	\$10,997
5. Recordkeeping Requirements								
A. Read instructions	1	1	1	18	18	0.9	1.8	\$1,375
B. Plan activities	N/A							
C. Implement activities	16	1	16	18	288	14.4	28.8	\$21,994
D. Develop record system	16	1	16	18	288	14.4	28.8	\$21,994
E. Time to enter information	1	1	1	18	18	0.9	1.8	\$1,375
F. Time to transmit or disclose information	0.25	1	0.25	18	4.5	0.225	0.45	\$344
G. Time for audits	N/A							
TOTAL LABOR BURDEN AND COST							2489 hours	\$165,298
Annualized cost of capital ^c								\$3,780
Operation and maintenance (O&M) ^d								\$108
Total								\$169,186

a Cost per year for the first three years after promulgation. A total of 54 respondents of which 27 are required to conduct testing will be subject to one time reporting.

b Assumes 10% repeat performance tests.

c Assumes capital costs (representing filing equipment) of \$500/respondent for 54 respondents, amortized at 14% per year.

Table 3. Annual Burden and Cost to the Agency

Burden Item	(A) Person hours per occurrence	(B) Occurrences per respondent	(C) Plants per year	(D) Technical hours/year (D=A*B*C)	(E) Management hours/year (E=0.05*D)	(F) Clerical-hours/year (F=0.1*D)	(G) Cost ^a , \$
Attend performance test	40	1	5	200	10	20	10364.9
Review		1					
Initial notification of applicability	2	1	18	36	1.8	3.6	\$1,866
Notification of compliance status	2	1	18	36	1.8	3.6	\$1,866
Site-specific test plan	4	1	9	36	1.8	3.6	\$1,866
Notification of performance test	1	1	9	9	0.45	0.9	\$466
Report of HAP control Efficiency	2	1	18	36	1.8	3.6	\$1,866
Total				353	17.65	35.3	\$18,294
Travel expense for tests attended ^b							8,000
							\$26,294

a The fully-burdened wage rates used to represent Agency labor costs are: clerical at \$25.01; technical at \$46.21, and management at \$62.27.

b 2 people/trip: 10 round trips at \$500 + 20 days at \$150/day