

## SUPPORTING STATEMENT

### NESHAP FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS (40 CFR PART 63, SUBPART N) (PROPOSED RULE)

#### PART A

##### 1.0 Identification of the Information Collection

(a) *Title and Number of the Information Collection.*

“NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (40 CFR part 63, subpart N).” This is a new information collection request (ICR), and the EPA tracking number is 1611.08.

(b) *Short Characterization.*

This ICR covers information collection requirements in the proposed amendments to the Chromium Electroplating NESHAP (40 CFR part 63, subpart N).

The potential respondents are owners or operators of any existing or new chromium electroplating or chromium anodizing tanks. There are an estimated 1,770 facilities subject to the Chromium Electroplating NESHAP. Of these, there are an estimated 790 hard chromium electroplating facilities, 740 decorative chromium electroplating facilities, and 240 chromium anodizing facilities. The affected source is any tank that is used for chromium electroplating or chromium anodizing.

The proposed amendments would prohibit the use of certain types of chemical fume suppressants in affected chromium electroplating or anodizing tanks; require additional housekeeping procedures to minimize fugitive emissions of chromium compounds; specify procedures for checking and maintaining instruments used for measuring surface tension; add flexibility in testing; and revise the reporting requirements. These amendments are explained further in the following paragraphs.

Many chromium electroplating and anodizing sources comply with the NESHAP through the use of chemical fume suppressants to maintain the surface tension in tank baths below certain levels. The proposed amendments would prohibit the use of such fume suppressants that contain perfluorooctyl sulfonates (PFOS). The proposed housekeeping procedures would specify

requirements for storing hexavalent chromium chemicals, installing guards and trays to minimize spills of electroplating and anodizing tank solution, prompt cleanup of chromium chemical spills, installing barriers between certain types of operations and chromium electroplating and anodizing tanks, and disposing of chromium chemical wastes. The proposed amendments would require checking stalagmometers used for measuring surface tension, and cleaning the instrument, if necessary. The proposed amendments would allow testing by either Method 306 or Method 306A for multiple sources controlled by a common add-on air pollution control device. Finally, the proposed amendments would correct a discrepancy between the NESHAP the General Provisions to part 63 by requiring owners or operators of affected sources to submit a semiannual report if the duration of excess emissions exceeds 1 percent of source operating time or the duration of air pollution control device malfunctions exceeds 5 percent of source operating time. For the proposed amendments, the only requirements associated with additional reporting and recordkeeping costs are the costs associated with reading the proposed amendments, revising Operation and Maintenance Plans, and checking and recalibrating certain types of instruments used to measure surface tension.

The information collection requirements associated with the proposed amendments to the NESHAP are listed in Attachment 1.

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

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

Section 112 of the Clean Air Act (CAA) requires EPA to establish NESHAP for both major and area sources of HAP that are listed for regulation under CAA section 112(c). A major source is a stationary source that emits or has the potential to emit more than 10 tons per year (tpy) of any single HAP or more than 25 tpy of any combination of HAP. An area source is a stationary source that is not a major source (i.e., an area source does not emit and does not have the potential to emit more than 10 tpy of any single HAP and more than 25 tpy of any combination of HAP). For major sources, these technology-based standards must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts) and are commonly referred to as maximum achievable control technology (MACT) standards. Section 112(d)(6) requires EPA to review these technology-based standards and to revise them “as necessary (taking into

account developments in practices, processes, and control technologies)” no less frequently than every 8 years. In addition, section 112(f) of the CAA requires EPA to determine for source categories subject to certain CAA section 112(d) standards whether the emissions limitations provide an ample margin of safety to protect public health. For MACT standards for HAP “classified as a known, probable, or possible human carcinogen” that “do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than 1-in-1 million,” EPA must promulgate residual risk standards for the source category (or subcategory) as necessary to provide an ample margin of safety to protect public health. In doing so, EPA may adopt standards equal to existing MACT standards, if EPA determines that the existing standards are sufficiently protective. EPA must also adopt more stringent standards, if necessary, to prevent an adverse environmental effect, but must consider cost, energy, safety, and other relevant factors in doing so.

Certain records and reports are necessary for the Administrator to confirm the compliance status of sources subject to NESHAP, 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. The recordkeeping and reporting requirements for title V permits are contained in 40 CFR 70.6 and 40 CFR 71.6. Under parts 63 and 70 or 71, 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 standards 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 facilities, records, or processes may need inspection.

**3. Nonduplication, Consultations, and Other Collection Criteria**

*(a) Nonduplication.*

A computer search of EPA’s ongoing ICRs revealed no duplication of information-

gathering efforts.

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

Public notice of this ICR was provided in the associated proposed rule.

(c) *Consultations.*

The proposed amendments were developed in consultation with individual companies, State agencies, 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

<b>Contact</b>	<b>Organization</b>	<b>Telephone No.</b>
Jeff Hannapel	The Policy Group/National Association for Surface Finishing	(202) 457-0630
Christian Richter	The Policy Group/National Association for Surface Finishing	(202) 457-0630

(d) *Effects of Less Frequent Collection.*

If the relevant information were collected less frequently, the delegated permitting authority (State or EPA) will not be reasonably assured that a facility 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 N are owners or operators of any existing or new facility engaged in one or more of the following operations: hard chromium electroplating, decorative chromium electroplating, and chromium anodizing. Chromium electroplating and anodizing facilities are primarily classified under NAICS code 332813. However, chromium electroplating and anodizing operations are also collocated at many facilities that are classified under other NAICS codes. Examples include NAICS 33251, Hardware Manufacturing; 323111, Commercial Gravure Printing; 332116, Metal Stamping; 332722, Bolt, Nut, Screw, Rivet, and Washer Manufacturing; 332811, Metal Heat Treating; 332812, Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers; 332913, Plumbing Fixture Fitting and Trim Manufacturing; Other Metal Valve and Pipe Fitting Manufacturing; 332999, All Other Miscellaneous Fabricated Metal Product Manufacturing; and 336412, Aircraft Engine and Engine Parts Manufacturing.

There are an estimated 1,770 facilities that would be subject to the proposed amendments to the NESHAP, including about 790 hard chromium electroplating plants, 740 decorative chromium electroplating plants, and 240 chromium anodizing plants. No new chromium electroplating or anodizing sources are expected during the 3year period of this ICR.

*(b) Information Requested.*

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

*(ii) Respondent Activities.* The respondent activities that will be required by the proposed amendments to the Chromium Electroplating NESHAP 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 associated with the proposed amendments to the Chromium Electroplating NESHAP 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 permitting authority. EPA is the permitting authority until the State agency is delegated authority to implement the final amendments to the rule. Therefore, information contained in any report 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.*

The Small Business Administration defines a small entity for the chromium electroplating and anodizing industry as a firm having no more than 500 to 1,000 employees (depending on the size definition for the affected NAICS code). The proposed amendments would not result in any adverse impacts on any small entities in the Chromium Electroplating Source Category. The proposed amendments would not create any new requirements or burdens for existing sources other than minimal notification requirements, recordkeeping, and reporting requirements.

*(d) Collection Schedule.*

The specific frequency for each information collection activity within this request is shown in Table 2 for the Chromium Electroplating Source Category.

## **6. Estimating the Burden and Cost of the Collection**

*(a) Estimating Respondent Burden.*

The annual burden estimates for the proposed amendments to the Chromium Electroplating 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 no new facilities are expected to become affected sources during the 3-year period of this ICR.

*(b) Estimating Respondent Costs.*

The information collection activities for the proposed amendments to the Chromium Electroplating NESHAP are presented in Table 2. Because the data are already collected by respondents as part of normal operations, no respondent development costs are associated with the information collection activities.

(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 were taken from the United States Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wages, May 2009 available at [http://www.bls.gov/oes/current/naics4\\_332800.htm#51-0000](http://www.bls.gov/oes/current/naics4_332800.htm#51-0000). Wages for technical labor are based on "51-4193 Plating and Coating Machine Setters, Operators, and Tenders, Metal and Plastic," with a total compensation of \$14.57/hour. Wages for management labor are taken from "51-1011 First-Line Supervisors/Managers of Production and Operating Workers," with a total compensation of \$26.51/hour. Wages for clerical labor are based on "43-9061 Office Clerks, General," with a total compensation of \$13.32/hour. 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 \$30.60/hour, management at \$55.67/hour, and clerical at \$27.97/hour.

(ii) *Estimating Capital and Operations and Maintenance (O&M) Costs.* No capital costs are associated with the information collection requirements of the proposed amendments to the Chromium Electroplating NESHAP. The proposed amendments would not require affected facilities to purchase new monitoring systems or conduct new performance testing. The O&M costs associated with the proposed amendments to the Chromium Electroplating NESHAP consist of new requirements to check and clean, when necessary, instruments used to measure surface tension of the electroplating and anodizing solutions. These costs are estimated to be \$533,600 per year.

(iii) *Annualizing Capital Costs.* No capital costs associated with the information collection requirements of the proposed amendments to the Chromium Electroplating NESHAP.

(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 operating permits rules in 40 CFR part 70 or part 71 and the part 63 NESHAP General Provisions, no operational costs will 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/gs\\_h.pdf](http://www.opm.gov/oca/10tables/pdf/gs_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/hour; technical at \$46.21/hour, and management at \$62.27/hour.

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

There are an estimated 1,770 existing facilities that are subject to the Chromium Electroplating NESHAP. No new sources are expected during the next 3 years. Consequently, the average number of chromium electroplating respondents during the 3-year period of this ICR is 590.

For the proposed amendments to the Chromium Electroplating NESHAP, the components of the total annual burden attributable to this ICR include reading the amendments to the NESHAP and revising the Operation and Maintenance Plan; all other recordkeeping and reporting activities are already accounted for in the ICR for the NESHAP.

The proposed amendments to subpart N would not require any additional reporting. Therefore, the number of annual responses is 0.

(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 recordkeeping and reporting requirements in the proposed amendments to subpart N for the 1,770 existing facilities that are subject to the Chromium Electroplating NESHAP is 5,428 person-hours, with an annual average cost of \$170,772. No capital costs would be expected, but operation and maintenance costs would total \$553,600 per year.

(ii) *The Agency tally.* The average annual Federal Government cost is \$14,200 for 315 hours for the proposed amendments to subpart N. 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.*

This ICR covers information collection requirements in the proposed amendments to the Chromium Electroplating NESHAP (40 CFR part 63, subpart N).

(g) *Burden Statement*

The average annual respondent burden for the proposed amendments to the Chromium Electroplating NESHAP is estimated at 5,428 hours.

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.

To comment on the Agency's need for this information the accuracy of the provided burden estimates, and any suggestions for minimizing respondent burden, including through the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2010-0600, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation 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 Air Docket is (202) 566-1742. An electronic version of the public docket is available at <http://www.regulations.gov>. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in one of the Docket ID Numbers identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17<sup>th</sup> Street, NW, Washington, DC 20503, Attention Desk Officer for EPA. Please include Docket ID Number EPA-HQ-OAR-2010-0600 and OMB Control Number 2060-0327 in any correspondence.

## **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 COST--AMENDMENTS TO CHROMIUM ELECTROPLATING NESHAP**

<b>Burden item</b>	<b>(A) Person- hours per occurrence</b>	<b>(B) No. of occurrence s per respondent</b>	<b>(C) Person-hours per respondent (C=A*B)</b>	<b>(D) Respondent s per year</b>	<b>(E) Technical person-hours per year (E=C*D)</b>	<b>(F) Management person-hours per year (E*0.05)</b>	<b>(G) Clerical person- hours per year (E*0.1)</b>	<b>(H) Cost<sup>a</sup>, \$</b>
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 <sup>b</sup>	4	1	4	590	2,360	118	236	\$85,386
B. Required activities	N/A							
C. Create information	N/A							
D. Gather existing information	N/A							
E. Write report								
Revise Operation and Maintenance Plan	4	1	4	590	2,360	118	236	\$85,386
5. Recordkeeping Requirements								
A. Read instructions	See 4A							
B. Plan activities	N/A							
C. Implement activities	N/A							
D. Develop record system	N/A							
E. Time to enter information	N/A							
F. Time to train personnel	N/A							
G. Time to adjust existing ways to comply with previously applicable requirements	N/A							
H. Time to transmit or disclose information	N/A							
I. Time for audits	N/A							
<b>TOTAL LABOR BURDEN AND COST (SALARY)</b>					4,720	236	472	\$170,772
TOTAL NUMBER OF ANNUAL RESPONSES <sup>1</sup>	0							
ANNUAL CAPITAL COSTS								
OPERATION & MAINTENANCE COSTS								
<b>TOTAL ANNUALIZED COSTS</b>	<b>\$533,634</b>							

N/A = not applicable.

<sup>a</sup> This ICR uses the following labor rates: \$55.67 for managerial labor, \$30.60 for technical labor, and \$29.97 for clerical labor. These rates are based on the U.S. Department of Labor, Bureau of Labor Statistics, Occupational Employment and Wages, May 2009.

<sup>b</sup> There are an estimated 1,770 existing facilities; no new facilities are expected; the average number expected to read the rule during the 3-yr clearance period is 1,770/3 = 590.

<sup>c</sup> Operation & Maintenance Plan would have to be revised to incorporate proposed housekeeping requirements.

<sup>d</sup> Proposed amendments would not require additional recordkeeping.

<sup>e</sup> There would be no capital costs associated with the reporting and recordkeeping requirements of the proposed amendments.

<sup>f</sup> Consists of labor required to check stalagmometer calibration and clean stalagmometer when needed.

### 3. ANNUAL BURDEN AND COST TO THE AGENCY----AMENDMENTS TO CHROMIUM ELECTROPLATING NESHAP

Burden item	(A) Person-hours per occurrence	(B) Occurrences per respondent	(C) EPA person- hours/year (C=A*B)	(D) Facilities per year	(E) Technical person-hours/yea r (D=A*B*C)	(F) Management person-hours/year (E=0.05*D)	(G) Clerical person- hours/year (F=0.1*D)	(H) Cost <sup>a</sup> , \$
Report Review:								
Operation & Maintenance Plan <sup>b</sup>	2	1	2	89	178	8.9	18	\$9,225
Plant records of fume suppressant use <sup>c</sup>	2	1	2	48	96	4.8	10	\$4,975
<b>TOTAL BURDEN AND COST</b>								<b>\$14,200</b>

<sup>a</sup> This ICR uses the following average hourly labor rates: \$62.27 for managerial (GS-13, Step 5), \$46.21 (GS-12, Step 1) for technical, and \$25.01 (GS-6, Step 3) for clerical. These rates are from the Office of Personnel Management (OPM) 2010 General Schedule, which excludes locality rates of pay.

<sup>b</sup> Assumes Agency will review 5% of revised O&M Plans (1,770 x 0.05 = 89).

<sup>c</sup> Assumes Agency will review records of 5% of the 969 plants that use fume suppressants (969 x 0.05 = 48) to confirm that non-PFOS fume suppressants are being used.

**ATTACHMENT 1. INFORMATION REQUIREMENTS---AMENDMENTS TO CHROMIUM ELECTROPLATING NESHAP**

<b>Requirement</b>	<b>Citation for existing sources</b>	<b>Citation for new sources</b>	<b>General Provisions citation</b>
<b>Monitoring</b>	§ 63.343(c)(5)	§ 63.343(c)(5)	N/A
<b>Notifications</b>	N/A	N/A	N/A
<b>Plans</b>			
Operation and Maintenance Plan	§ 63.342(f)(3)	§ 63.342(f)(3)	N/A
<b>Records</b>			
Monitoring/inspection information	§ 63.346(b)	§ 63.346(b)	40 CFR 63.10
<b>Reports</b>	N/A	N/A	N/A