**SUPPORTING STATEMENT**
**ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal)**

## 1. Identification of the Information Collection

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

NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal), EPA ICR Number 1807.05, OMB Control Number 2060-0370

### 1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredient Production were proposed on November 10, 1997 (62 FR 60579), promulgated on June 23, 1999 (64 FR 33550), and amended on August 20, 2002. This standard applies to all owners and operators of new and existing facilities engaged in the production of pesticide active ingredients that emit hazardous air pollutants (HAPs).

Owners or operators of a pesticide active ingredient (PAI) production facility to which this regulation applies, must choose one of the compliance options described in the rule or install and monitor a specific control system that reduces HAP emissions to the compliance level. The respondents are subject to sections of subpart A of 40 CFR part 63 relating to NESHAP. These requirements include: those associated with the applicability determination; the notification that the facility is subject to the rule; the notification of testing (control device performance test and continuous monitoring system (CMS) performance evaluation); the results of performance testing and CMS performance evaluations; startup, shutdown, and malfunction reports; semiannual or quarterly summary reports and/or excess emissions; and CMS performance reports. In addition to the requirements of subpart A, many respondents are required to submit a pre-compliance plan and leak detention and repair (LDAR) reports; and plants that wish to implement emissions averaging provisions must submit an emission-averaging plan.

Respondents electing to comply with the emission limit or emission reduction requirement for process vents, storage tanks, or wastewater must record the values of equipment operating parameters as specified in section 63.1367 of the rule. Owners or operators are required to install, operate, and maintain a continuous monitoring system.

Any owner or operator subject to the provisions of this part will maintain a file of these measurements, and retain the file for at least three 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 regional office.

If the owner or operator identifies any deviation resulting from a known cause for which

no federally approved or promulgated exemption from an emission limitation or standard applies, the compliance report will also include all records that the source is required to maintain that pertain to the periods during which such deviation occurred, as well as the following: the magnitude of each deviation; the reason for each deviation; a description of the corrective action taken for each deviation, including action taken to minimize each deviation and action taken to prevent recurrence; and a copy of all quality assurance activities performed on any element of the monitoring protocol.

Owners or operators of pesticide active ingredient (PAI) production facilities subject to the rule must maintain a copy of all monitored equipment operating parameter values that demonstrate compliance with the standards. Those records must be maintained for a minimum of five years. 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. The information is used to determine whether or not all sources subject to the NESHAP are achieving the standards.

Approximately 15 sources are currently subject to the regulation, and it is estimated that no additional respondents per year will become subject to the regulation in the next three years.

There are approximately 15 pesticide active ingredient production facilities in the United States, which are owned and operated by the pesticide active ingredient production industry. None of the 15 facilities in the United States are owned by state, local, tribal or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. You can find the burden to the "Affected Public" listed below in Table 1: Annual Respondent Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal). The Federal government burden does not include work performed by Federal employees. The burden refers only to work performed by contractors, which could be found listed below in Table 2: Average Annual EPA Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal).

In the development of the ICR, we addressed the Office of Management and Budget (OMB) "Terms of Clearance (TOC)" on the active ICR. The TOC are as follows:

> When this ICR is renewed, EPA should review the respondent burden universe, labor rates, and capital costs and ensure these estimates have been updated.

EPA has addressed each item of concern in the TOC. The respondent burden, universe, labor rates, and capital cost, have been thoroughly checked and all estimates updated.

## 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, as amended, to establish standards of performance for each category or subcategory of major sources and area sources of

hazardous air pollutants (HAP). These standards are applicable to new or existing sources of HAP and shall require the maximum degree of emission reduction. In addition, section 114(a) states that the Administrator may require any owner or operator subject to any requirement of this Act to:

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

In the Administrator's judgment, HAP emissions from PAI cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NESHAP was promulgated for this source category at 40 CFR part 63, subpart MMM.

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

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations which where 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 standard. Continuous emission monitors are used to ensure compliance with the standard at all times. During the performance tests, 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 notifications required in the standard are used to inform the Agency or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to ensure that the pollution control devices are properly installed and operated, that leaks are being detected and repaired, and that the standards are being met. The performance test may also be observed.

The information generated by the monitoring, recordkeeping, and reporting requirements described in this ICR is used by the agency to ensure that facilities affected by the NESHAP continue to operate the control equipment in compliance with the regulation.

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

The requested recordkeeping and reporting are required under 40 CFR part 63, subpart

MMM.

**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 their 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 (76 FR 26900) on May 9, 2011. 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 internal data sources and projections of industry growth over the next three years have been considered. The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in the standard, is the Online Tracking Information System (OTIS) which is operated and maintained by the EPA Office of Compliance. OTIS is the EPA database for the collection, maintenance, and retrieval of all compliance data. The growth rate for the industry is based on our consultations with the Agency's internal industry experts.

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. In developing this ICR, we contacted the American Chemistry Council (ACC) at (202) 249-7000, and the Society of Chemical Manufacturers and Affiliates (SOCMA) at (202) 721-4100.

It is our policy to respond after a thorough review of comments received since the last ICR renewal as well as those submitted in response to the first Federal Register notice.

**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**

None of these reporting or recordkeeping requirements violate any of the regulations

established by OMB at 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 with 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 the 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

None of the reporting or recordkeeping requirements contain sensitive questions.

## 4. The Respondents and the Information Requested

### 4(a) Respondents/SIC Codes

The respondents to the recordkeeping and reporting requirements are pesticide active ingredient production facilities. The United States Standard Industrial Classification (SIC) codes for the respondents affected by the standards, which corresponds to The North American Industry Classification System (NAICS) codes, are listed below for source category description.

| Standard (40 CFR Part 63, Subpart MMM) | SIC Codes | NAICS Codes |
|---|---|---|
| Petrochemical Manufacturing | 2869 | 325110 |
| All Other Basic Inorganic Chemical Manufacturing | 2869 | 325188 |
| Cyclic Crude and Intermediate Manufacturing | 2869 | 325192 |
| Ethyl Alcohol Manufacturing | 2869 | 325193 |
| All Other Basic Organic Chemical Manufacturing | 2869 | 325199 |
| Industrial Gas Manufacturing | 2869 | 325120 |
| All Other Miscellaneous Chemical Production and Preparation Manufacturing | 2869 | 325998 |
| Pesticide and Other Agricultural Chemical Manufacturing | 2879 | 325320 |

### 4(b) Information Requested

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB at 5 CFR part 1320, section 1320.5.

#### (i) Data Items

In this ICR, all the data recorded or reported is required by National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM).

A source must make the following reports:

| **Notification Reports** | |
|---|---|
| Notification and application of construction and reconstruction | 63.5(d), 63.1368(c) |
| Initial notification | 63.9, 63.1368(b) |
| Notification of CMS performance evaluation | 63.8(e)(2), 63.1368(d) |
| Notification of performance test and test plan | 63.7(c), 63.1368(m) |
| Request for extension of compliance | 63.1364(a)(2), 63.1368(n) |
| Pre-compliance report | 63.1368(e) |
| Request for approval to use alternative monitoring parameters | 63.8(f), 63.1366(b)(4), 63.1368(e)(1) |
| Notification of compliance status report | 63.9(h), 63.1368(f) |
| Periodic reports of excess emissions and noncompliance | 63.10(e)(3), 63.1368(g) |
| Notification of process change | 63.1368(h) |
| Notification Reports | Standard Citation by Section |
| Notification and application of construction and reconstruction | 63.5(d), 63.1368(c) |

| **Reports** | |
|---|---|
| Startup, shutdown, and malfunction reports | 63.10(d)(5), 63.1368(i) |
| Equipment leaks reports | 63.1363(h), 63.1368(j) |
| Emissions averaging reports | 63.1368(k) |
| Heat exchange system reports | 63.1368(l) |

A source must keep the following records:

| Recordkeeping | |
|---|---|
| Control device operating parameters to monitor and record | 63.1366(b)(1), 63.1367(b)(1), 63.1367(b)(5) |
| Monitoring and records for process vent annual emission limits standard | 63.10(c), 63.1366(b)(5), 63.1367(a)(4), 63.1367(b)(3) |
| Monitoring and records for process vent annual emission limits standard | 63.1366(c), 63.1367(b)(4) |
| Monitor and record for equipment leaks | 63.1366(d), 63.1367(c) |
| Monitoring and records for heat exchanger systems | 63.1362(f), 63.1366(e), 63.1367(e) |
| Monitoring and records for pollution prevention | 63.1366(f) ,6363.1367(b)(2) |
| Monitoring and records for emissions averaging | 63.1366(g), 63.1367(d) |
| Records of process operating parameters | 63.1367(b)(6), 63.1367(b)(7) |
| Applicability determinations | 63.10(b)(3), 63.1367(a)(2) |
| Startup, shutdown, and malfunction plan | 63.6(e)(3), 63.1367(a)(3) |
| Application for approval of construction or reconstruction | 63.5(d), 63.1367(a)(5) |
| Records for vapor collection systems and closed-vent systems | 63.1367(f) |

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.

| Respondent Activities |
|---|
| Read instructions. |
| Install, calibrate, maintain, and operate CMS |
| Perform initial performance test, Reference Method 18, 25A, 301, and 1818 test, and repeat performance tests if necessary. |
| Write the notification 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. |

| Respondent Activities |
|---|
| Develop, acquire, install, and utilize technology and systems for the purpose of disclosing and providing information. |
| Adjust the existing ways to comply with any previously applicable instructions and requirements. |
| Train personnel to be able to respond to a collection of information. |
| Transmit, or otherwise disclose the information. |

Currently, sources are using monitoring equipment that provides parameter data in an automated way, e.g. continuous parameter monitoring system. Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping.

## 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, excess emissions reports, required to be submitted by industry. |
| Audit facility records. |
| Input, analyze, and maintain data in the Online Tracking Information System (OTIS). |

### 5(b) Collection Methodology and Management

Following notification of startup, the reviewing authority might inspect the source to determine whether the pollution control devices are properly installed and operational. Performance test reports are used by the Agency to discern a source's initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs.

Information contained in the reports is entered into OTIS which is operated and maintained by the EPA Office of Compliance. OTIS is the EPA database for the collection, maintenance, and retrieval of compliance data for approximately 125,000 industrial and government-owned facilities. EPA uses OTIS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices, and EPA headquarters. EPA delegated Authorities can edit, store, retrieve and analyze the data.

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

### 5(c) Small Entity Flexibility

The 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. Due to technical considerations involving the process operations and the types of control equipment employed, the recordkeeping and reporting requirements are the same for both small and large entities. The Agency considers these to be the minimum requirements needed to ensure compliance and, therefore, cannot reduce them further for small entities. To the extent that larger businesses can use economies of scale to reduce their burden, the overall burden will be reduced.

### 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 NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (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. Wherever 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 3,666 (Total Labor Hours from Table 1). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NESHAP program, the previously approved ICR, and any comments received.

### 6(b) Estimating Respondent Costs

This ICR uses the following labor rates:

Managerial $118.92 ($56.63 + 110%)

| | |
|---|---|
| Technical | $97.78 ($46.56 + 110%) |
| Clerical | $48.76 ($23.22 + 110%) |

These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2010, "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

The type of industry costs associated with the information collection activities in the subject standard 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 monitor and other costs such as photocopying and postage.

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

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

| (A) Continuous Monitoring Device | (B) Capital/Startup Cost for One Respondent | (C) Number of New Respondents | (D) Total Capital/Startup Cost, (B X C) | (E) Annual O&M Costs for One Respondent | (F) Number of Respondents with O&M | (G) Total O&M, (E X F) |
|---|---|---|---|---|---|---|
| Performance tests | $52,200[1] | 0 | $0 | $1,325 | 15 | $19,875 |
| Wastewater CMS | $10,690 | 0 | $0 | | | |
| CMS cost for process vents | $15,920 | 0 | $0 | | | |
| Total | | | $0 | | | $19,875 |

[1] Owners and operators are required to run two tests to complete the process vent performance test for each facility. Each run will cost $26,100 for a total of $52,200 per test.

The total capital/startup costs for this ICR are $0. This is the total of column D in the above table.

The total operation and maintenance (O&M) costs which consist of photocopying and postage are $19,875. This is the total of column G.

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 $19,875.

### 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 $6,012.

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) "2011 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: Average Annual EPA Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (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 15 respondents will be subject to the standard. It is estimated that no additional new sources will become subject to the rule. The overall average number of respondents, as shown in the table below, is 15 per year.

The number of respondents is calculated using the following table which addresses the three years covered by this ICR.

| Number of Respondents | | | | | |
|---|---|---|---|---|---|
| Year | (A) Number of New Respondents [1] | (B) Number of Existing Respondents | (C) Number of Existing Respondents That Keep Records But Do Not Submit Reports | (D) Number of Existing Respondents That Are Also New Respondents | (E) Number of Respondents (E=A+B+C-D) |
| 1 | 0 | 15 | 0 | 0 | 15 |
| 2 | 0 | 15 | 0 | 0 | 15 |
| 3 | 0 | 15 | 0 | 0 | 15 |
| Average | 0 | 15 | 0 | 0 | 15 |

[1] New respondent include sources with constructed, reconstructed, and modified affected facilities.

To avoid double-counting respondents, column D is subtracted. As shown above, the average Number of Respondents over the three-year period of this ICR is 15.

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 |
| Notification of construction/reconstruction | 0 | 1 | N/A | 0 |
| Notification of process changes | 1 | 1 | N/A | 1 |
| Notification of anticipated startup | 0 | 1 | N/A | 0 |
| Notification of actual startup | 0 | 1 | N/A | 0 |
| Notification of initial performance test | 0 | 1 | N/A | 0 |
| Notification of initial CMS performance evaluation | 0 | 1 | N/A | 0 |
| Quarterly reporting | 1 | 4 | N/A | 4 |
| Semiannual reporting | 14 | 2 | N/A | 28 |
| Leak detention and repair (LDAR) report | 15 | 2 | N/A | 30 |
| Emissions averaging plan | 1 | 1 | N/A | 1 |
| | | | Total | 64 |

The number of Total Annual Responses is 64.

The total annual labor costs are $346,223. Details regarding these estimates may be found below in Table 1: Annual Industry Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (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 $346,223. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal).

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 57 hours per response.

The total annual capital/startup and operation and maintenance (O&M) costs to the

regulated entity are $19,875.

**(ii) The Agency Tally**

The average annual Agency burden and cost over next three years is estimated to be 133 labor hours at a cost of $6,012. See below Table 2: Average Annual EPA Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal).

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

The adjustment decrease in burden from the most recently approved ICR is due to a more accurate estimate of existing and anticipated new sources. After consulting with the Office of Air Quality Planning and Standards (OAQPS) and a number of trade associations, our data indicates that there are approximately fifteen sources subject to the rule, as compared with the active ICR that shows eighty-eight sources. There are no new facilities expected to be constructed over the next three years of this ICR. The decline in the number of sources is partially due to: 1) plant closures: the cost to retrofit aging facilities increased due to the down turn in the economy; 2) corporate mergers; and 3) foreign competition. Therefore, there is a net decrease in the burden to industry.

Because there are no new sources with reporting requirements, no capital/startup costs are incurred. The only cost that is incurred is for the operation and maintenance (O&M) of the monitoring equipment.

**6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 57 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-2011-0207. 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 content of the docket, and to access those documents in the public docket that are available electronically. When in the system, select "search" than 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, 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 Enforcement and Compliance Docket and Information Center Docket 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, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2011-0207 and OMB Control Number 2060-0370 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 – NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal)**

| Burden item | (A) Person hours per occurrence | (B) No. of occurrences per respondent per year | (C) Person hours per respondent per year (C=AxB) | (D) Respondents per year [a] | (E) Technical person-hours per year (E=CxD) | (F) Management person hours per year (Ex0.05) | (G) Clerical person hours per year (Ex0.1) | (H) Cost, $ [b] |
|---|---|---|---|---|---|---|---|---|
| 1. Applications | N/A | | | | | | | |
| 2. Survey and Studies | N/A | | | | | | | |
| 3. Reporting requirements | | | | | | | | |
| A. Read instructions [c] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| B. Required activities | | | | | | | | |
| Performance evaluation test (certification of CMS) [c, d] | 13 | 6 | 78 | 0 | 0 | 0 | 0 | $0 |
| C. Create information | See 3B | | | | | | | |
| D. Gather existing information | See 3E, | | | | | | | |
| E. Write Report | | | | | | | | |
| Notification of construction/ reconstruction [c, d] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of process changes [e] | 8 | 1 | 8 | 1 | 8 | 0.4 | 0.8 | $868.82 |
| Notification of anticipated startup [c, d] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of actual startup [c, d] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of applicability of the Standard | | | | | | | | |
| - Existing source [f] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| - New source [c, d] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Pre-compliance plan [c, g] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| Notification of initial performance test [c, h] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of initial CMS performance evaluation [c] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| - With performance test [i] | 80 | 1 | 80 | 0 | 0 | 0 | 0 | $0 |
| - Without performance test [j] | 120 | 1 | 120 | 0 | 0 | 0 | 0 | $0 |
| F. Write periodic report | | | | | | | | |
| - Quarterly reporting [k] | 24 | 4 | 96 | 1 | 96 | 4.8 | 9.6 | $10,425.80 |
| - Semiannual reporting [l] | 8 | 2 | 16 | 14 | 224 | 11.2 | 22.4 | $24,326.84 |

| Burden item | (A) Person hours per occurrence | (B) No. of occurrences per respondent per year | (C) Person hours per respondent per year (C=AxB) | (D) Respondents per year [a] | (E) Technical person-hours per year (E=CxD) | (F) Management person hours per year (Ex0.05) | (G) Clerical person hours per year (Ex0.1) | (H) Cost, $ [b] |
|---|---|---|---|---|---|---|---|---|
| - LDAR reporting [m] | 94 | 2 | 188 | 15 | 2,820 | 141 | 282 | $306,257.64 |
| - Emissions averaging plan [n] | 40 | 1 | 40 | 1 | 40 | 2 | 4 | $4,344.08 |
| Subtotal for Reporting Requirements | | | | | | 3,666.2 | | |
| 4. Recordkeeping requirements | | | | | | | | |
| A. Read instructions | See 3A | | | | | | | |
| B. Plan activities | N/A | | | | | | | |
| C. Implement Activities | N/A | | | | | | | |
| D. Develop record system [o] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| E. Develop startup, shutdown, and malfunction plans [p] | 100 | 1 | 100 | 0 | 0 | 0 | 0 | $0 |
| F. Develop QA/QC plan for CMS [q] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| G. Time to enter information | | | | | | | | |
| - Records of startup, shutdown, and malfunction [r] | 1.5 | 52 | 78 | 0 | 0 | 0 | 0 | $0 |
| Records of CMS data | | | | | | | | |
| - Record continuously monitored parameters [s] | 1 | 320 | 320 | 0 | 0 | 0 | 0 | $0 |
| - Enter/verify information for semiannual report [t] | 16 | 2 | 32 | 0 | 0 | 0 | 0 | $0 |
| H. Calibration of CMS [u] | 48 | 1 | 48 | 0 | 0 | 0 | 0 | $0 |
| I. Time to train personnel [v] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| J. Time for audits | N/A | | | | | | | |
| Subtotal for Recordkeeping Requirements | | | | | | 0 | | |
| Subtotals Labor Burden and cost | | | | | 3,188 | 159.4 | 318.8 | $346,223.18 |
| **TOTAL LABOR BURDEN AND COST (rounded)** | | | | | 3,666.2<br>3,666 (rounded) | | | $346,223 |

**Assumptions:**

[a] We have assumed that the average number of existing sources subject to the rule will be 15. There will be no additional new sources per year that will become subject to the rule over the three-year period of this ICR.

[b] This ICR uses the following labor rates: $118.92 per hour for Executive, Administrative, and Managerial labor; $97.78 per hour for Technical labor, and $48.76 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, December, 2010, Table 2. Civilian Workers, by

Occupational and Industry groups. 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.

[c] We have assumed that there will be no new facilities that will be constructed over the three-year period of this ICR.

[d] We have assumed that only new sources are required to report the performance evaluation test (continuous monitoring system certification).

[e] We have assumed that 10 percent of existing facilities will implement process changes.

[f] We have assumed that the rule only applies to new and reconstructed facilities.

[g] We have assumed that 50 percent of new and reconstructed facilities will submit a pre-compliance report with their notification of construction/reconstruction.

[h] We have assumed that 90 percent of new and reconstructed facilities will conduct a performance test.

[i] We assume that 90 percent of facilities will conduct a performance test. The notification of compliance status includes the report of the performance test and the continuous monitoring system (CMS) performance evaluation.

[j] We assume that 10 percent of facilities will comply by submitting engineering calculations, designing calculations, and reporting of the CMS performance evaluation.

[k] We assume that 10 percent of facilities will have exceedances and periods of noncompliance and will submit periodic report on a quarterly basis.

[l] We assume that 90 percent of facilities will have no exceedances and will submit periodic report on a semiannual basis.

[m] We have assumed that each respondent will take ninety-four hours two times per year to write a leak detention and repair (LDAR) report.

[n] We have assumed that 10 percent of existing facilities will comply with emissions averaging requirements. New sources are not allowed to use emissions averaging.

[o] We have assumed that it will take forty hours for each new respondent to develop a record system for recording parameter monitoring information.

[p] We have assumed that each new respondent would require 80 hours to draft the startup, shutdown, and malfunction plan, and another twenty hours to review/revisions for a total of 100 hours.

[q] We have assumed that each respondent will take 40 hours to develop the Quality Assurance(QA) / Quality Control (QC) plan for CMS.

[r] We have assumed that it will take 1.5 hours once per week for each new respondent to enter records of startup, shutdown, and malfunction information.

[s] We have assumed that it will take one hour 320 times per year to record continuously monitored parameters data.

[t] We have assumed that it will take sixteen hours for each new respondent to enter/verify information for semiannual report.

[u] We have assumed that it will take 48 hours for each new respondents to complete the calibration of the CMS.

[v] We have assumed that it will take 40 hours once per year for each new respondent to train personnel.

**Table 2: Average Annual EPA Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR Part 63, Subpart MMM) (Renewal)**

| Activity | (A) EPA person-hours per occurrence | (B) No. of occurrences per plant per year | (C) EPA person hours per plant per year (C=AxB) | (D) Plants per year [b] | (E) Technical person-hours per year (E=CxD) | (F) Management person-hours per year (Ex0.05) | (G) Clerical person-hours per year (Ex0.1) | (H) Cost, $ [a] |
|---|---|---|---|---|---|---|---|---|
| Activity | | | | | | | | |
| Initial performance test | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| Repeat performance test [c] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| Performance evaluation test (certification of CMS) [d] | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Report review | | | | | | | | |
| Notification of applicability | 2 | 2 | 4 | 0 | 0 | 0 | 0 | $0 |
| Notification of construction/reconstruction | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of anticipated startup | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of actual startup | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Notification of process changes [e] | 8 | 1 | 8 | 1 | 8 | 0.4 | 0.8 | $414.60 |
| Review of pre-compliance report [f] | 4 | 1 | 4 | 0 | 0 | 0 | 0 | 40 |
| Notification of performance test | 2 | 1 | 2 | 0 | 0 | 0 | 0 | 40 |
| Notification of CMS performance evaluation | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| Review of notification of compliance status | | | | | | | | |
| - With performance test [g] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| - Without performance test [h] | 40 | 1 | 40 | 0 | 0 | 0 | 0 | $0 |
| Review of emission averaging plan [i] | 20 | 1 | 20 | 1 | 20 | 1 | 2 | $1,036.49 |
| Review of semiannual report [j] | 2 | 2 | 4 | 14 | 56 | 2.8 | 5.6 | $2,902.18 |
| Review of quarterly reports [k] | 8 | 4 | 32 | 1 | 32 | 1.6 | 3.2 | $1,658.38 |
| Review of NESHAP waiver application | N/A | | | | | | | |
| Subtotals Labor Burden and cost | | | | | 116 | 5.8 | 11.6 | $6,011.65 |
| **TOTAL ANNUAL BURDEN AND COST (rounded)** | | | | | 133 | | | $6,012 |

**Assumptions:**

[a] This cost is based on the following labor rates which incorporate a 1.6 benefits multiplication factor to account for government overhead expenses: $62.27

Managerial rate (GS-13, Step 5, $38.92 x 1.6), $46.21 Technical rate (GS-12, Step 1, $28.99 x 1.6), and $25.01 Clerical rate (GS-6, Step 3, $15.63 x 1.6). These rates are

from the Office of Personnel Management (OPM) 2011 General Schedule which excludes locality rates of pay.

[b] We have assumed that the average number of existing sources subject to the rule will be 15. There will be no additional new sources per year that will become subject to the rule over the three-year period of this ICR

[c] We have assumed that 5 percent of new facilities will repeat performance test.

[d] We have assumed that EPA personnel will attend 10 percent of these performance evaluation tests.

[e] We have assumed that 10 percent of existing facilities will take two hours each once per year to review process changes report.

[f] We have assumed that 50 percent of new facilities will take four hours once per year to review the pre-compliance report.

[g] We have assumed that 90 percent of all new sources will conduct a performance test that covers the reviewing of compliance status report.

[h] We have assumed that 10 percent of facilities will comply by submitting engineering calculations, designing calculations, and reporting of the CMS performance evaluation.

[i] We have assumed that 10 percent of existing facilities will each take 20 hours once per year to review emission-averaging plan.

[j] We have assumed that 90 percent of existing facilities will each take two hours twice per year to review the semiannual report.

[k] We have assumed that 10 percent of existing facilities will each take eight hours four times per year to review the quarterly reports.