

SUPPORTING STATEMENT
FOR OMB REVIEW OF ICR NO. 1856.08/2060-0414

INFORMATION COLLECTION REQUEST

FOR

NESHAP FOR PRIMARY LEAD PROCESSING

40 CFR PART 63, SUBPART TTT

(FINAL RULE)

U.S. ENVIRONMENTAL PROTECTION AGENCY
SECTOR POLICIES AND PROGRAMS DIVISION
RESEARCH TRIANGLE PARK, NORTH CAROLINA 27711

PART A

1.0 Identification of the Information Collection

(a) Title and Number of the Information Collection.

“NESHAP for Primary Lead Processing (40 CFR part 63, subpart TTT).” This is a new information collection request (ICR), and the EPA ICR tracking number is 1856.08. The OMB Control Number is 2060-0414.

(b) Short Characterization.

This ICR covers information collection requirements in the final amendments to the Primary Lead Processing NESHAP (40 CFR part 63, subpart TTT) developed to address facilities in the Primary Lead Smelting source category.

The potential respondents are owners or operators of any existing or new affected source with primary lead processing operations. There is one facility subject to the Primary Lead Processing NESHAP. The NESHAP is applicable to any primary lead processing facility that is engaged in the production of lead metal from lead sulfide ore concentrate and the affected sources are those that meets the criteria established in §63.1541 of the Primary Lead Processing NESHAP.

The final amendments will result in the following changes:

- 1) Reduce the allowable main stack lead emission limit to 0.97 pound of lead per ton of lead produced to be effective 60 days from the promulgation date of the rule;
- 2) Add a lead emission cap of 1.2 TPY for the combined refining operation stacks and the furnace area stack; and
- 3) Add reporting requirements for malfunctions under the affirmative defense provisions to be effective upon promulgation of the rule.

These amendments are explained further in the following paragraphs.

The final amendments require stack testing for lead compounds on a quarterly basis for three (3) stacks: the main stack, the refining process stack (baghouse #8), and the combined stack for the furnace area stack baghouse #7 and the refining building baghouse #9. Stack testing for the main stack is required annually under the current standard. Recordkeeping for stack testing will be the same with the exception of frequency. The final amendments include the

addition of affirmative defense provisions which include reporting and recordkeeping requirements for malfunctions which are estimated to occur on an occasional basis.

The final rule amendments require continuous emissions monitoring systems (CEMS) for all stacks for new facilities; however, no new facilities are anticipated for this source category.

The information collection requirements associated with the final 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 the 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 the 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,” the 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, the EPA may adopt standards equal to existing MACT standards, if the EPA determines that the existing standards are sufficiently protective. The 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 the EPA's ongoing ICRs revealed no duplication of information-gathering efforts.

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

The preamble to the final rule will give public notice of this ICR.

(c) Consultations.

The final amendments were developed in consultation with The Doe Run Company and the State of Missouri. 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 No.
Aaron Miller	The Doe Run Company	636-933-3180
Steve Arnold	The Doe Run Company	573-626-3495
Rusty Keller	The Doe Run Company	636-933-3143
Louis Maruchau	The Doe Run Company	616-285-3963
Joe Winkelmann	Missouri Department of Natural Resources	573-526-1830

(d) Effects of Less Frequent Collection.

If the relevant information was collected less frequently, the delegated permitting authority (State or the 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 TTT are owners or operators of any existing or new facility engaged in primary lead processing. Primary lead processing facilities are primarily classified under NAICS codes 331419, Primary Lead Smelting and Refining.

There is one facility that will be subject to the final amendments to the NESHAP. No new primary lead processing facilities 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 Primary Lead source category.

(ii) Respondent Activities. The respondent activities that will be required by the final amendments to the Primary Lead Processing 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 final amendments to the Primary Lead Processing 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. The 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 the EPA's Office of Compliance. AFS is the EPA's database for the collection, maintenance, and retrieval of compliance data for approximately 125,000 industrial and government-owned facilities. The EPA uses the AFS for tracking air pollution compliance and enforcement by local and state regulatory agencies, the EPA regional offices and the EPA headquarters. The 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 engaging in primary lead processing operations as a firm having no more than 500 to 1,000 employees (depending on the size definition for the affected NAICS code). The sole facility subject to the final amendments for the Primary Lead Smelting source category does not meet the definition of a small entity; therefore, no small entities will be affected by these amendments. The final 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 Primary Lead Processing NESHAP.

6. Estimating the Burden and Cost of the Collection

(a) *Estimating Respondent Burden.*

The annual burden estimates for the final amendments to the Primary Lead Processing NESHAP are shown in Table 2. These numbers were derived from estimates based on the 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 3year period of this ICR.

(b) *Estimating Respondent Costs.*

The information collection activities for the final amendments to the Primary Lead Processing NESHAP are presented in Table 2. Generally, respondent costs are divided into four categories. These categories include labor costs, capital costs (includes startup costs), operations and maintenance costs, and annualized capital costs. However, for these final amendments, there are no capital costs and the annualized capital costs consist solely of O&M costs. Therefore, respondent will incur only labor and the annualized capital costs (i.e., O&M costs).

(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, 2010 available at http://www.bls.gov/news.release/archives/ecec_06102010.htm. Wages for technical labor are based on "Civilian workers – professional and related," with a total compensation of

\$46.29/hour. Wages for management labor are taken from "Civilian workers – management, business, and financial," with a total compensation of \$55.26/hour. Wages for clerical labor are based on "Civilian workers – office and administrative support," with a total compensation of \$23.27/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 \$97.21 /hour, management at \$116.05/hour, and clerical at \$48.87 /hour. The total labor burden is 207 person-hours at a cost of \$19,757 (see Table 2).

(ii) *Estimating Capital and Operations and Maintenance (O&M) Costs.* No capital costs will be incurred because it is assumed that tack testing will be contracted out to a testing firm. The cost for the additional lead stack testing will be \$13,000 per test. Based on 11 additional tests per year at three emission points, the total additional O&M cost for these amendments will be \$143,000 (\$13,000 x 11 additional tests) per year.

(iii) *Annualizing Capital Costs.* No capital costs are associated with the information collection requirements of the final amendments to the Primary Lead Processing 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 the 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 \$16.28/hour for clerical (GS-7, Step 1), \$34.34 for technical (GS-13, Step 1), and \$47.74/hr for management (GS-15, Step 1). 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 \$26.05/hour; technical at \$54.94/hour, and management at \$76.38/hour.

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

There is one existing facility that is subject to the final Primary Lead Processing NESHAP. No new facilities are expected to begin operation during the 2-year compliance period.

For the final amendments to the Primary Lead Processing NESHAP, the components of the total annual burden attributable to this ICR include reading the amendments to the NESHAP and conducting quarterly stack tests and calculating annual emissions.

(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. Based on one sole respondent and the 2-year compliance period, we have presented burden based on all respondent and agency costs being incurred in the second year.

The annual burden for the one existing facility that is subject to the Primary Lead Processing NESHAP for the recordkeeping and reporting requirements in the amendments to subpart TTT is 207 person-hours and \$19,757. The total annual cost for monitoring and testing (\$143,000) and total annual labor (\$19,757) for the final amendments to subpart TTT is \$162,757. No capital costs are expected for the final amendments.

(ii) The Agency tally. The average annual Federal Government cost is \$3,955 for 35.5 hours for the final amendments to subpart TTT. 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 final amendments to the Primary Lead Processing NESHAP (40 CFR part 63, subpart TTT) developed to address facilities in the Primary Lead Smelting source category.

(g) Burden Statement

The average annual respondent burden for the final amendments to the Primary Lead Processing NESHAP is estimated at 52 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 the 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, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2004-0305, 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 the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention Desk Officer for the EPA. Please include Docket ID Number EPA-HQ-OAR-2004-0305 and OMB Control Number 2060-0414 in any correspondence.

PART B

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

TABLE 2. ANNUAL RESPONDENT BURDEN AND COST--AMENDMENTS TO PRIMARY LEAD PROCESSING NESHAP

Activity	(A) Hours per Occurrence	(B) Occurrences/ Respondent/Year	(C) Hours/ Respondent/ Year (A x B)	(D) Respondents/ Year	(E) Technical Hours/Year (C x D)	(F) Managerial Hours/Year (E x 0.05)*	(G) Clerical Hours/Year (E x 0.10)	(F) Cost/ Year
1. APPLICATIONS (Not Applicable)								
2. SURVEY AND STUDIES (Not Applicable)								
3. ACQUISITION, INSTALLATION, AND UTILIZATION OF TECHNOLOGY AND SYSTEMS (Not Applicable)								
4. REPORT REQUIREMENTS								
A. Read Instructions								
Facility	2	1	2	1	2.0	0.1	0.2	\$216
B. Required Activities								
Stack testing furnace area and refining operations stacks (2 stacks, 4 new tests per stack per year)	8	8	64	1	640	3.2	6.4	\$6,905
Main stack (3 new stack tests per year)	8	3	24	1	24	1.2	2.4	\$2,590
C. Create Information (Included in 4B)								
D. Gather Existing Information (Included in 4E)								
E. Write Report								
F. Affirmative defense reporting (2 reports per 3-year period for entire industry)						30		\$3,141
5. RECORDKEEPING REQUIREMENTS								
Submit Quarterly report	16	4	64	1	64.0	3.2	6.4	\$6,905
TOTAL ANNUAL LABOR BURDEN AND COST					154	38	15	\$19,757
						207	Hours	
ANNUAL CAPITAL COSTS (Not Applicable)								\$ -
ANNUAL O&M COSTS								
Performance tests								\$143,000
Other Annual Costs of Installation (ODC and Labor)*								\$ -
Total annual O&M cost								\$143,000
ANNUALIZED CAPITAL COSTS (Not Applicable)								\$ -
TOTAL ANNUAL COSTS (O&M)								\$143,000

Activity	(A) Hours per Occurrence	(B) Occurrences/ Respondent/Year	(C) Hours/ Respondent/ Year (A x B)	(D) Respondents/ Year	(E) Technical Hours/Year (C x D)	(F) Managerial Hours/Year (E x 0.05)*	(G) Clerical Hours/Year (E x 0.10)	(F) Cost/ Year
TOTAL ANNUAL COSTS (Annualized capital + O&M cost + Labor cost)								\$162,757

*This assumes labor and supplies are included in the testing costs when testing is performed by a Contractor

3. ANNUAL BURDEN AND COST TO THE AGENCY----AMENDMENTS TO PRIMARY LEAD PROCESSING NESHAP

Activity	(A) EPA Hours/ Occurrence	(B) Occurrences / Plant/Year	(C) EPA Hours/ Plant/Year (A x B)	(D) Plants / Year	(E) EPA Technical Hours/ Year (C x D)	(F) EPA Managerial Hours/Year	(G) EPA Clerical Hours/Year	(H) Cost, \$
Notification of performance test	0.5	3	1.5	1	1.5	0.1	0.0	\$ 89
Review Test/CMS Results	8	1	8	1	8.0	0.4	0.1	\$ 472
Review Quarterly reports	8	3	24	1	24.0	1.2	0.2	\$ 1,417
Total Annual Hours					33.5	1.7	0.3	\$ 2,449
						35.5	hours	
								\$ 3,955

ATTACHMENT 1. INFORMATION REQUIREMENTS---AMENDMENTS TO PRIMARY LEAD SMELTING NESHAP

Requirement	Citation for existing sources	Citation for new sources	General Provisions citation
Lead limit	§ 63.1543(a), (b), (c)	§ 63.1543(a), (b)	
Air Lead Concentration	§ 63.1544(d)	§ 63.1544(a)	
Monitoring	§ 63.1547	§ 63.1547	N/A
Notifications	§63.1548	§63.1548	63.9
Plans			
Monitoring Plan	63.1547(k)	63.1547(k)	N/A
Records	63.1549	63.1549	63.10
Reports	§ 63.1549(d)	§ 63.1549(d)	63.10