

## 1SUPPORTING STATEMENT

### NESHAP FOR PESTICIDE ACTIVE INGREDIENT PRODUCTION (40 CFR PART 63, SUBPART MMM) (FINAL RULE)

#### PART A

##### 1.0 Identification of the Information Collection

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

This information collection request (ICR) is entitled “National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM).” The EPA tracking number is 1807.07. The Office of Management and Budget (OMB) number is 2060-0370.

(b) *Short Characterization.*

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredient Production were promulgated on June 23, 1999 at 40 CFR 63 Subpart MMM (64 FR 33550). 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 (HAP).

Owners or operators of a pesticide active ingredient 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 report; 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 requirements 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.

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.

This ICR includes information collection requirements in the final rulemaking that amend title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) Subpart MMM NESHAP for Pesticide Active Ingredient Production. The final amendments prohibit the discharge to the atmosphere from any pressure relief device (PRD) on any equipment in HAP service within the process units for the PAI source category. To ensure compliance with this requirement, facility owners or operators are required to monitor each PRD in a way that would be able to identify and record the time and duration of each pressure release and notify operators that a pressure release is occurring. Information related to these new provisions is required to be submitted in the semi-annual reports required by the existing Pesticide Active Ingredient NESHAP. The final amendments also add provisions for facility owners or operators to use if they wish to assert an affirmative defense to avoid civil penalties for exceedances of the applicable standards that are caused by a malfunction. If these provisions are used, the owner or operator is required to meet certain criteria during the malfunction, notify the Administrator of malfunctions that may cause

an exceedance of the emissions standards, and submit a report for the malfunction to the Administrator, to include a root cause analysis of the malfunction, within certain timeframes.

There are 18 existing facilities subject to the major source provisions specified under subpart MMM. No new major sources are projected during the 3-year period of this ICR.

The 18 pesticide active ingredient production facilities in the United States are all privately owned and operated by 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). 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 - NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM).

The Office of Management and Budget (OMB) approved the currently active ICR without any “Terms of Clearance.”

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

### *(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 Pesticide Active Ingredient production 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.

*(b) Use/Users of the Data.*

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations 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 collection specified in this ICR will also be used by the delegated authority to determine if a source meets the criteria for affirmative defense. If a source meets the affirmative defense criteria, they may be excused from civil penalties for exceedances of an emission limit.

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

(a) *Nonduplication.*

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.

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

This ICR is related to amendments to the Pesticide Active Ingredient NESHAP. Comments were solicited on the proposal package and the proposed ICR. No comments were received.

(c) *Consultations.*

Upon review of the standard, information available and the data, the Agency has determined the recordkeeping and reporting requirements in the “Active” ICR is fully supported and necessary to fulfill the requirements of the Clean Air Act (CAA). It has been determined that no further consultations with industry are necessary to calculate the burden associated with the amendments to the Pesticide Active Ingredient NESHAP.

(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.

(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. The 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 the EPA to establish the compliance history of a source, any pattern of non-compliance and to determine the appropriate level of enforcement action. The EPA has found that the most flagrant violators have violations extending beyond the five years. In addition, the EPA would be prevented from pursuing the violators due to the destruction or nonexistence of essential records.

(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 MMM are owners or operators of any existing or new Pesticide Active Ingredient manufacturing facility that is a major source of HAP emissions, including any facilities who may wish to make use of the new affirmative defense provisions to avoid civil penalties resulting from the exceedance of an emission limit. The source category and affected sources regulated by the Pesticide Active Ingredient NESHAP are classified under the

North American Industrial Classification System (NAICS) code 325320, for Pesticide and Other Agricultural Chemical Manufacturing.

The Pesticide Active Ingredient source category is estimated to consist of 18 existing facilities nationwide, all of which are major sources and would be subject to the major source provisions specified under the Pesticide Active Ingredient NESHAP. All 18 existing facilities could make use of the new affirmative defense provisions added to the rule. No new major sources are projected during the 3-year period of this ICR.

*(b) Information Requested.*

*(i) Data Items, Including Recordkeeping Requirements.* 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:

<b>Notification Reports</b>	
Request for approval to use alternative monitoring parameters	63.8(f), 63.1366(b)(4), and 63.1368(e)(1)
Periodic reports of excess emissions and noncompliance	63.10(e)(3), 63.1368(g)
Notification of process change	63.1368(h)

<b>Reports</b>	
Equipment leaks reports	63.1363(h), 63.1368(j)
Emissions averaging reports	63.1368(k)
Heat exchange systems	63.1368(l)
PRD requirements in periodic reports	63.1363(h)(4)
Reports and notifications of malfunctions that result in an exceedance of the standard for the purpose of affirmative defense	§63.1360(k)

A source must keep the following records:

<b>Recordkeeping</b>	
Control device operating parameters to monitor and record	63.1366(b)(1), 63.1367(b)(1), and 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 records for equipment leaks	63.1366(d), 63.1367(c)
Monitoring and records for heat exchanger systems	63.1362(f), 63.1366(e), and 63.1367(e)
Monitoring and records for pollution prevention	63.1366(f), 63.1367(b)(2)
Monitoring and records for emission averaging	63.1366(g), 63.1367(d)
Records for process operating parameters	63.1367(b)(6), 63.1367(b)(7)
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.

*(ii) Respondent Activities.*

Respondent Activities
Read instructions
Perform initial performance test and repeat performance tests if necessary.



Write the notifications and reports listed in Table 1
Enter information required to be recorded in Table 1.
Submit the required reports developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for the purpose of disclosing and providing information.
Adjust the existing ways to comply with any previously applicable instructions and requirements.
Transmit, or otherwise disclose the information.

(iii) *Summary of the final amendments.* The final amendments to the Pesticide Active Ingredient NESHAP require that facilities report any pressure device releases with the next periodic report required by the existing Pesticide Active Ingredient NESHAP. Facility owners or operators are required to monitor each PRD in organic HAP service that releases to the atmosphere to identify and record the time and duration of each pressure release. For affirmative defense, the primary data item required is a written report which proves that all the criteria for asserting an affirmative defense have been met. The owner or operator may submit this report (which is to include a root cause analysis of the reported violation) in the first periodic compliance report, deviation report or excess emissions report otherwise required after the initial occurrence of the exceedance of the relevant standard. However, if such report is due less than 45 days after the exceedance, the affirmative defense report may be included in the next such required report.

The EPA is including in Table 3 (located at the end of this supporting statement) an estimate of the burden associated with performing an affirmative defense. The EPA is providing this as an illustrative example of the potential additional administrative burden a source may incur to assert in an Affirmative Defense in response to an action to enforce the standards set forth in the applicable subpart.

This illustrative estimate is not considered a duplicate estimate of cost under the General Duty to Minimize Emissions clause under 63.6(e)(1)(i), which states: “At all times, the owner and operator must operate and maintain any affected source, including associated air pollution

control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determining whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.”

To provide the public with an estimate of the relative magnitude of the burden associated with an assertion of the affirmative defense position adopted by a source, the EPA provides an administrative adjustment to this ICR that estimates the costs of the notification, recordkeeping and reporting requirements associated with the assertion of the affirmative defense. The EPA’s estimate for the required notification, reports and records, including the root cause analysis, associated with a single incident totals approximately \$2,375 and is based on the time and effort required of a source to review relevant data, interview plant employees, and document the events surrounding a malfunction that has caused an exceedance of an emission limit. The estimate also includes time to produce and retain the records and reports for submission to the EPA. The EPA provides this illustrative estimate of this burden because these costs are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense.

Of the number of excess emission events reported by source operators, only a small number would be expected to result from a malfunction, and only a subset of excess emissions caused by malfunctions would result in the source choosing to assert the affirmative defense. Thus we believe the number of instances in which source operators might be expected to avail themselves of the affirmative defense will be extremely small. For this reason, we estimate no more than 2 or 3 such occurrences for all sources within a given category over the 3-year period covered by this ICR. For the purpose of this estimate, we are adding two (2) instances of affirmative defense. We expect to gather information on such events in the future and will revise this estimate as better information becomes available.

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

### *(a) Agency Activities.*

The EPA conducts one or more of the activities provided in Table 2 (attached) in connection with the acquisition, analysis, storage, and distribution of the required information. These tables are introduced in Section 6(c) of this ICR.

*(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 semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations. The required report for facilities who wish to avail themselves of the affirmative defense will be used by the delegated authority to determine if a source meets the criteria for affirmative defense. If a source meets the criteria for affirmative defense, they may be excused from civil penalties for exceedances of an emission limit.

The EPA is the permitting authority until the state agency is delegated authority to implement the rule. Therefore, information contained in the reports submitted to the Regional Administrator will be entered into the Air Facility System (AFS), which is operated and maintained by the EPA's Office of Compliance. The 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, EPA regional offices and EPA headquarters. The EPA and its delegated authorities can edit, store, retrieve and analyze the data.

*(c) Small Entity Flexibility.*

A majority of the affected facilities are large entities (e.g., large businesses). However, the impact on the one small entity (i.e., small business) in this source category was taken into consideration during development of the amendments. Due to the type of monitoring equipment to be used, the recordkeeping and reporting requirements are the same for both small and large entities. The Agency considers these requirements the minimum needed to ensure compliance and, therefore, cannot reduce them further for small entities.

*(d) Collection Schedule.*

The specific frequency for each information collection activity within this request is shown in Table 1: Annual Respondent Burden for NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM).

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

### (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 12,088 (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. 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 estimates of total technical-hours per year per source and the number of activities per respondent per year for the new PRD requirements are listed in Table 1 and are based upon experience with similar information collection requirements in the Polyvinyl Chloride and Copolymers Production NESHAP (Subpart HHHHHHHH).

The EPA's estimate for an affirmative defense and root cause analysis is based on the time and effort required of a source to review relevant data, interview plant employees, and reconstruct the events prior to a malfunction in order to determine primary and contributing causes. The level of effort also includes time to produce and retain the report in document form so that the source will have it available should the EPA or state enforcement agencies ever request to review it. The estimates of total technical-hours per year per source for asserting an affirmative defense are listed in Table 1 and are based upon experience with similar information collection requirements in the Sewage Sludge Incineration Units NESHAP (Subpart MMMM).

#### (i) *Estimating Labor Costs.*

The ICR uses the following labor rates:

Technical	\$54.66	(\$26.03 + 110%)
Managerial	\$115.96	(\$55.22 + 110%)

Clerical            \$38.14 (\$18.16 + 110%)

Labor rates and associated costs are based on data from the United States Department of Labor, Bureau of Labor Statistics (BLS) from May 2012. Wages for technical labor are from the category “chemical plant and system operators”; wages for management labor are from the category “general and operations managers”; and wages for clerical labor are from the category “secretaries and administrative assistants”. These rates represent salaries plus fringe benefits. The wages provided above were increased by a rate of 110 percent to account for overhead.

(ii) *Estimating Capital and Operations and Maintenance (O&M) 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 monitoring. As part of the final amendments to the Pesticide Active Ingredient NESHAP, facility owners or operators are required to monitor each PRD to identify and record the time and duration of each pressure release. For purposes of estimating the costs of this requirement, we assumed that operators would install electronic indicators on each PRD in organic HAP service that vents to the atmosphere to identify and record the time and duration of each pressure release. The cost of each such monitoring system is expected to be \$81,913, and the total cost for these capital expenditures for all 18 facilities in the Pesticide Active Ingredient source category is estimated to be \$1,474,434.

Annualized costs are calculated by multiplying the capital recovery factor by the capital cost. The capital recovery factor is 0.142 based on an interest rate of 7 percent and an assumed equipment life of 10 years. The total annualized capital cost is \$209,376.

The annual operation and maintenance costs are the ongoing costs to maintain the monitor and other costs such as photocopying and postage. The annual O&M costs are estimated to be \$1,325 per source. Inflating this number from 2007 dollars to 2012 dollars gives \$1,474 per source. The total annual O&M cost for all 18 facilities in the Pesticide Active Ingredient source category is expected to be \$26,532.

The total annual cost (non-salary), including the annualized capital for the monitoring equipment and the annual O&M costs, is estimated to be \$235,908.

(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 \$11,940.

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

Technical	\$55.45	(GS-12, Step 1, \$34.66 x 1.6)
Managerial	\$74.73	(GS-13, Step 5, \$46.70 x 1.6)
Clerical	\$30.01	(GS-6, Step 3, \$18.76 x 1.6)

Agency labor rates are from the Office of Personnel Management (OPM) 2013 General Schedule Salary Table 2013-GS, which excludes locality rates of pay. Labor rates are inflated 20% to reflect average locality pay increase from base rates. Details upon which this estimate is based appear in Table 2: Average Annual EPA Burden, NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM), below.

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

There are approximately 18 existing facilities subject to the major source provisions specified under subpart MMM. No new major sources are projected during the 3-year period of this ICR. While all 18 of the existing facilities could make use of the new affirmative defense provisions added to the rule, the EPA estimates only two total instances of the use of these provisions over the three year ICR period. Consequently, the average annual number of Pesticide Active Ingredient manufacturing facility respondents during the 3-year period of this ICR is 2.

The total number of annual responses per year is calculated using the following table:

<b>Total Annual Responses</b>				
(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 process changes	2	1	N/A	2
Quarterly reporting	2	4	N/A	8
Semiannual reporting	18	2	N/A	36

Leak detection and repair report	18	2	N/A	36
Emissions averaging plan	2	1	N/A	2
Affirmative defense	0.7	1	N/A	0.7
			Total	84.7

The number of Total Annual Responses is 84.7.

The total annual labor costs are \$676,082. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM), below.

*(e) Bottom Line Burden Hours and Cost Tables*

The detailed bottom line burden 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 \$676,082. Details regarding these estimates may be found in Table 1. Annual Respondent burden and Cost: NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM), below. Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 143 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are \$235,908. The cost calculations are detailed in Section 6(b)(ii).

*(ii) The Agency tally.* The average annual Agency burden and cost over the next three years is estimated to be 221 labor hours at a cost of \$11,940. See Table 2. Average Annual EPA Burden and Cost: NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM), below.

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

*(f) Reasons for Change in Burden.*

The increase in burden from the most recently approved ICR is due to adjustment in both the types of information which must be collected and the number of sources submitting the required information. Specifically, burden items related to start-up, shutdown, and malfunction reports are eliminated under the amendments, but there are additional reporting requirements for

PRD and affirmative defense (optional), and this ICR includes costs related to recordkeeping of continuous monitoring data. The previous (active) ICR also calculated burden based on 15 existing sources, whereas this ICR calculates burden based on 18 existing sources.

The EPA provides an adjustment to this ICR that estimates the costs of the notification, recordkeeping and reporting requirements associated with the assertion of the affirmative defense. The EPA's estimate for the required notification, reports and records, including the root cause analysis, associated with a single incident totals approximately \$2,375 and is based on the time and effort required of a source to review relevant data, interview plant employees, and document the events surrounding a malfunction that has caused an exceedance of an emission limit. The estimate also includes time to produce and retain the records and reports for submission to the EPA. For the purpose of estimating the annual burden, the EPA is attributing a total of 2 instances of affirmative defense over a three year period across all sources in the category. The EPA is using this frequency of 2 events in three years because, of the number of excess emission events reported by source operators, only a small number would be expected to result from a malfunction, and only a subset of excess emissions caused by malfunctions would result in the source choosing to assert the affirmative defense. Thus, we believe the number of instances in which source operators might be expected to avail themselves of the affirmative defense will be extremely small.

*(g) Burden Statement*

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 143 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-2011-0435, 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), WJC 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 the relevant Docket ID Number (EPA-HQ-OAR-2011-0435) and OMB Control Number 2060-0370 in any correspondence.

## **PART B**

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

**Table 1 - Annual Respondent Burden and Cost - NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM)**

Burden Item	(A) Person- hours per occurrence	(B) Annual occurrences per respondent	(C) Person-hours per respondent  per year (C=AxB)	(D) Respondent s  per year	(E) Technical person- hours  per year (E=CxD)	(F) Managemen t person- hours  per year (Ex0.05)	(G) Clerical person- hours  per year (Ex0.1)	(H) Cost, \$  (a)
1. Applications	N/A							
2. Survey and Studies	N/A							
3. Reporting Requirements								
a. Read Instructions	N/A							
b. Required Activities	N/A							
Performance evaluation test (certification of CMS)	N/A							
c. Create Information	N/A							
d. Gather Existing Information	N/A							
e. Write Report								
Notification of Construction/Reconstruction	N/A							
Notification of process changes (b)	8	1	8	2	16	0.8	1.6	\$1,028
Notification of anticipated startup	N/A							
Notification of actual startup	N/A							
Notification of applicability of the standard	N/A							
-Existing source	N/A							
-New Source	N/A							
Pre-compliance plan	N/A							
Notification of initial performance test	N/A							
Notification of initial CMS performance evaluation	N/A							
-With performance test	N/A							
-Without performance test	N/A							
f. Write Periodic Report								
-Quarterly reporting (c)	24	4	96	2	192	10	19	\$12,341
-Semiannual reporting (d)	8	2	16	18	288	14	29	\$18,511
-PRD reporting (with semiannual)	5.5	2	11	18	198	10	20	\$12,726
-LDAR reporting	94	2	188	18	3,384	169	338	\$217,506
-Emissions averaging plan (e)	40	1	40	2	80	4	8	\$5,142
g. Affirmative Defense (f)	30			0.67	12	8	0	\$1,584
4. Recordkeeping Requirements								
-Records of startup, shutdown and malfunction	N/A							

Burden Item	(A) Person- hours per occurrence	(B) Annual occurrences per respondent	(C) Person-hours per respondent  per year (C=AxB)	(D) Respondent s  per year	(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)
-Record continuously monitored parameters (g)	1	320	320	18	5,760	288	576	\$370,222
(h) -Enter/verify information for semiannual report	16	2	32	18	576	29	58	\$37,022
h. Calibration of CMS	N/A							
i. Time to train personnel	N/A							
j. Time for audits	N/A							
Subtotal Labor Burden and Cost					10,506	533	1,049	<b>\$676,082</b>
<b>TOTAL LABOR BURDEN AND COST</b>					<b>12,088</b>			

(a) Costs are based on the following hourly rates: technical at \$54.66, management at \$115.96, and clerical at \$38.14.

(b) Assume 10% of facilities will implement process changes.

(c) Assume 10% facilities will have exceedances and periods of noncompliance.

(d) Assume 90% of facilities will have no exceedances.

(e) Assume 90% of facilities will comply with emissions averaging requirements.

(f) Assume 2 affirmative defense reports for entire industry during the 3-yr ICR period. Formulas are not followed for person-hours per year.

(g) Assume it will take one hour to record continuously monitored parameters.

**Table 2. Average Annual EPA Burden - NESHAP for Pesticide Active Ingredient Production (40 CFR part 63, subpart MMM)**

<b>Burden Item</b>	(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	(E) Technical hours per year (E=CxD) @ \$55.45	(F) Management hours per year (Ex0.05) @ \$74.73	(G) Clerical hours per year (Ex0.1) @ \$30.01	(H) Total cost per year
Initial performance test								
Repeat performance test	N/A							
Report review	N/A							
Notification of applicability	N/A							
Notification of construction/reconstruction	N/A							
Notification of anticipated startup	N/A							
Notification of actual startup	N/A							
Notification of process changes	8	1	8	2	16	0.8	1.6	\$995
Notification of pre-compliance report	N/A							
Notification of performance test	N/A							
Notification of CMS performance evaluation	N/A							
Review of notification of compliance status	N/A							
-With performance test	N/A							
-Without performance test	N/A							
Review of emissions averaging plan	20	1	20	2	40	2	4	\$2,487
Review of semiannual reports	2	2	4	18	72	4	7	\$4,477
Review of quarterly reports	8	4	32	2	64	3.2	6.4	\$3,980
Review of NESHAP waiver application	N/A							
Subtotal Labor Burden and Cost					192	10	19	
<b>TOTAL LABOR BURDEN AND COST</b>						<b>221</b>		<b>\$11,940</b>

**Table 3. Cost Estimate for Affirmative Defense/Root Cause Analysis**

<b>RCFA Personnel</b>	<b>Number of Personnel</b>	<b>Time Requirement (hours)</b>	<b>Total Hours</b>	<b>Hourly Rate (\$/hr)</b>	<b>Total</b>
Technical Personnel	3	6	18	54.66	983.93
Managerial Personnel	2	6	12	115.96	1,391.54
Total	5		30		2,375.48
May 2012 National Occupational Employment and Wage Estimates United States - Production Occupations. <a href="http://www.bls.gov/oes/current/oes_nat.htm#51-0000">http://www.bls.gov/oes/current/oes_nat.htm#51-0000</a> .					