

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Hydrochloric Acid Production  
(40 CFR Part 63, Subpart NNNNN) (Amendments)  
October 2018**

**Part A of the Supporting Statement**

**1. Identification of the Information Collection**

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

“NESHAP for Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments),” EPA ICR Number 2032.09, OMB Control Number 2060-0529.

**1(b) Short Characterization/Abstract**

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hydrochloric Acid Production were proposed on September 18, 2001, promulgated on April 17, 2003, and most recently amended on April 7, 2006. The NESHAP is codified at 40 CFR Part 63, Subpart NNNNN. Amendments to the NESHAP are being proposed as a result of the residual risk and technology review (RTR) required under the Clean Air Act (CAA) (as discussed further below). The NESHAP apply to hydrochloric acid production facilities that emit greater than or equal to 10 tons per year (tpy) of any one hazardous air pollutant (HAP) or greater than or equal to 25 tpy of any combination of HAP. Affected sources include new and existing hydrochloric acid production facilities. The pollutants regulated are hydrochloric acid (HCl) and chlorine (Cl<sub>2</sub>). New facilities include those that commenced construction or reconstruction after the date of the original proposal (September 18, 2001). This information is being collected to assure compliance with 40 CFR Part 63, Subpart NNNNN.

In general, all NESHAP require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. Owners/operators are also required to maintain records of the occurrence and duration of any failures to meet applicable standards, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NESHAP. A semiannual report is also required.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least 5 years following the date of such measurements, maintenance reports, and records. All reports are submitted to the delegated state or local authority. In the event that there is no such delegated authority, the reports are submitted directly to the United States Environmental Protection Agency (EPA) regional office.

The proposed amendments to the rule eliminate the startup, shutdown, and malfunction (SSM) exemption; remove the SSM plan and periodic report requirements; require electronic submittal of performance test results; and make miscellaneous technical and editorial changes.

The remaining portions of the NESHAP remain unchanged.

Based on consultation with industry representatives, there are nineteen facilities subject to the standards. Over the next 3 years, nineteen respondents per year will be subject to these standards, and no additional respondents per year will become subject to these standards. None of the nineteen facilities are owned by state, local, or tribal governments or the Federal government. They are owned and operated by privately owned for-profit businesses.

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**

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

Section 112 of the CAA requires the EPA to establish NESHAP for major 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 tpy of any single HAP or more than 25 tpy of any combination of HAP. For major sources, the NESHAP includes technology-based standards that must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). The NESHAP are commonly referred to as maximum achievable control technology (MACT) standards. In the Administrator’s judgment, HAP emissions, including HCl and Cl<sub>2</sub>, from process vents, storage tanks, HCl transfer operations, and equipment leaks at hydrochloric acid production sources cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NESHAP for this source category were promulgated at 40 CFR Part 63, Subpart NNNNN in 2003.

Section 112(d)(6) of the CAA requires the EPA to review the technology-based MACT standards and 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 whether the MACT emission 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 CAA (42 U.S.C. 7414) and set out in the part 63 NESHAP General Provisions (40 CFR Part 63, Subpart A). CAA 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.

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

The control of emissions of HAP from sources at hydrochloric acid production facilities requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Emissions of HAP from these facilities are the result of operation of the affected sources.

The standards are achieved by the reduction of pollutant emissions using control technology. The notifications required in the standards 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 check if the pollution control devices are properly installed and operated, leaks are being detected and repaired, and the standards are being met.

Performance test reports are needed, as these are the Agency's record of a source's initial and ongoing capability to comply with the emission standards and serve as a record of the operating conditions under which compliance was achieved. The semiannual compliance reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

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 their control equipment and achieve continuous compliance with the regulation. Adequate monitoring, recordkeeping, and reporting are necessary to ensure compliance with these standards, as required by the CAA. The information collected from recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

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

The requested recordkeeping and reporting are required under 40 CFR Part 63, Subpart NNNNN.

#### **3(a) Nonduplication**

If the subject standards have not been delegated, the information is submitted directly to the appropriate EPA regional office. Otherwise, the information is submitted directly to the delegated state or local agency. If a state or local agency has adopted its own similar standards to implement the Federal standards, a copy of the report submitted to the state or local agency can be submitted 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**

In compliance with the Paperwork Reduction Act of 1995, EPA will open a public comment period for the ICR at the time that this Proposed Rule is published in the Federal Register. At the end of the comment period, EPA will review public comments received in response to the notice and will address comments received, as appropriate. A discussion of the comments received and the associated response will be included in the ICR for the final rule.

#### **3(c) Consultations**

Stakeholder outreach occurred with industry groups including the American Chemistry Council (ACC) and member companies. This outreach is the basis for the number of affected facilities and industry growth over the next 3 years. Further stakeholder and public input is expected through public comment and follow-up meetings with interested stakeholders.

#### **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 likelihood of detecting poor operation and maintenance of control equipment and noncompliance would decrease.

#### **3(e) General Guidelines**

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB under 5 CFR 1320.5.

These standards require the respondents to maintain all records, including reports and notifications for at least 5 years. This is consistent with the General Provisions as applied to the

standards. The EPA believes that the 5-year records retention requirement is consistent with the Part 70 permit program and the 5-year statute of limitations on which the permit program is based. The retention of records for 5 years allows the EPA to establish the compliance history of a source, any pattern of noncompliance, and to determine the appropriate level of enforcement action. The EPA has found that the most flagrant violators have violations extending beyond 5 years. In addition, the 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 these reporting or recordkeeping requirements contain sensitive questions.

## **4. The Respondents and the Information Requested**

### **4(a) Respondents/NAICS Codes**

The respondents to the recordkeeping and reporting requirements are owners or operators of facilities that produce hydrochloric acid subject to 40 CFR Part 63, Subpart NNNNN. The United States Standard Industrial Classification (SIC) codes for the respondents affected by the standards, and the corresponding North American Industry Classification System (NAICS) codes are listed below.

<b>Standard (40 CFR Part 63, Subpart NNNNN)</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Industrial Inorganic Chemicals, Nonvulcanizable Elastomer Compounds (NEC) (except activated carbon and charcoal, alumina, recovering sulfur from natural gas, and inorganic dyes).	2819	325188
Plastics Materials, Synthetic and Resins, and Nonvulcanizable Elastomers	2821	325211
Industrial Organic Chemicals, NEC (except aliphatics, carbon bisulfide, ethyl alcohol, cyclopropane, diethylcyclohexane, naphthalene sulfoni).	2869	325199

### **4(b) Information Requested**

#### **(i) Data Items**

All data in this ICR that are recorded and/or reported are required by 40 CFR Part 63, Subpart NNNNN. Subpart NNNNN references 40 CFR Part 63, Subpart A for several general reporting and recordkeeping requirements that apply for all NESHAP.

A source must make the following notifications and reports:

<b>Notifications</b>	
Initial notification (for sources that start up before April 17, 2003 only); or Application of construction or reconstruction (for sources that start up on or after April 17, 2003)	63.9(b)(2) & (4), 63.9045(b)-(c)
Notification of intent to conduct performance test	63.7(b)-(c), 63.8(f)(4) & (6), 63.9(b)-(h), 63.9045(a)
Notification of compliance status	63.9(h)(2), 63.9045(e)-(f)
First compliance report	63.10(a), 63.9050(b)(2)
Semiannual compliance report	63.9050(b)
Startup, shutdown, malfunction report	63.10(d)(5), 63.9050(d)

A source must keep the following records:

<b>Recordkeeping</b>	
Initial notification or notification of compliance status	63.10(b)(2)(xiv), 63.9055(a)
Record of startup, shutdown, and malfunctions	63.6(e)(3), 63.9055(b)(1)
Conduct performance tests	63.10(b)(2)(viii), 63.9055(b)(2)
Record of continuous parameter monitoring systems (CPMS) measurements	63.10(b), 63.9055(b)(3)
Site-specific monitoring plan and equipment LDAR plan	63.9055(b)(5)
Records of planned routine maintenance performed on control device	63.9055(b)(6)
Records are required to be retained for five years	63.10(b)(1)

### Electronic Reporting

Currently, sources are using monitoring equipment that provides automated parameter data (e.g., control device parameter monitoring). Although personnel at the facilities still need to

evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping. As part of the RTR amendments, respondents would be required to use the EPA’s Electronic Reporting Tool (ERT) to submit performance test reports for test methods supported by the ERT.<sup>1</sup> The ERT can be accessed via the Compliance and Emissions Data Reporting Interface (CEDRI) and CEDRI can be accessed through the EPA’s Central Data Exchange (CDX) (<https://cdx.epa.gov/>).

## (ii) Respondent Activities

<b>Respondent Activities</b>
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate CMS for opacity, or for pressure drop and liquid supply pressure for control device.
Perform initial performance test, and repeat performance tests if necessary.
Write the notifications 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.
Develop, acquire, install, and utilize technology and systems for the purpose of disclosing and providing information.
Train personnel to be able to respond to a collection of information.
Transmit, or otherwise disclose the information.

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

### 5(a) Agency Activities

<sup>1</sup> As of late-2018, Methods 1-4, and 316 are the test methods referenced in subpart NNNNN that are included in the ERT.

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information:

<b>Agency Activities</b>
Review notifications, including notifications of construction/reconstruction, actual startup, applicability of standard, performance test, performance evaluation, and compliance status.
Review reports, including performance test reports and semiannual compliance reports, required to be submitted by industry.
Input, analyze, and maintain data in Enforcement and Compliance History Online (ECHO).

### **5(b) Collection Methodology and Management**

Following notification of startup, the reviewing authority could inspect the source to determine whether the pollution control devices are properly installed and operated. 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. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

Information contained in the reports is entered into the EPA's ECHO, which is operated and maintained by the EPA's Office of Enforcement and Compliance Assurance. ECHO is the EPA's database to provide integrated compliance and enforcement information for about 800,000 regulated facilities nationwide. The EPA uses ECHO 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. ECHO allows users (including the public) to search and obtain information on permits data, inspections, violations, enforcement actions, and penalties.

The records required by this regulation must be retained by the owner/operator for 5 years.

### **5(c) Small Entity Flexibility**

All current respondents are large entities (i.e., large businesses). Due to technical considerations involving the process operations and the types of control equipment employed, the recordkeeping and reporting requirements promulgated were the same for both small and large entities. The Agency considers these requirements to be the minimum needed to ensure compliance, and any future respondents that are small entities would be subject to the requirements.



### 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 – NESHAP for Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments).

## 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. Where 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 3 years from these recordkeeping and reporting requirements is estimated to be 22,000 hours per year (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. These hours reflect a reduction of 314 hours per year due to the proposed amendments and a significant reduction (from 113,000 hours in the previous ICR renewal) due to a reduction in the estimated number of facilities and a reduction in frequency of startup, shutdown, and malfunction events.

### 6(b) Estimating Respondent Costs

#### (i) Estimating Labor Costs

This ICR uses the following labor rates:

Civilian Labor Category	Occupational Code	BLS Mean Wage Estimate, in 2016\$ <sup>a</sup>	Loaded Wage (+110%), in 2016\$
Managerial	11-1021	\$58.70	\$123.27
Technical	51-8090	\$30.65	\$64.37
Clerical	43-6010	\$19.39	\$40.72

<sup>a</sup> [https://www.bls.gov/oes/current/oes\\_nat.htm#00-0000](https://www.bls.gov/oes/current/oes_nat.htm#00-0000)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, survey titled *May 2016 National Occupational Employment and Wage Estimates United States.* The rates are from column 8, “Mean hourly wage.” 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 (O&M)**

#### **Costs**

The only costs to the regulated industry resulting from information collection activities required by the subject standard are labor costs. There are no capital/startup or operation and maintenance costs. The capital/startup costs are one-time costs when a facility becomes subject to the regulation. Existing sources are in compliance with initial rule requirements and no new sources are anticipated to be constructed over the 3-year period of this ICR. The annual O&M costs are the ongoing costs to maintain the CMS. No O&M costs are being attributed to industry as a result of this rule because the use of CMS on scrubbers are necessary to determine whether they are operating properly.

### **(iii) Capital/Startup vs. O&M Costs**

The only type of industry costs associated with the information collection activity in the regulations is labor cost. There are no capital/startup or O&M costs.

### **6(c) Estimating Agency Burden and Cost**

The only costs to the Agency are costs associated with analysis of the reported information. Publication and distribution of the information are part of the ECHO program. Examination of records maintained by the respondents will occur as part of the periodic inspection of sources, which is part of the EPA's overall compliance and enforcement program. The average annual Agency cost during the 3 years of the ICR is estimated to be \$21,700.

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

<b>Agency Worker Rates</b>	<b>Labor Rates, \$/hr<sup>a</sup></b>	<b>60% Overhead</b>	<b>Total, \$/hr</b>
Managerial (GS-13, step 5)	\$40.50	\$24.30	\$64.80
Technical (GS-12, step 1)	\$30.05	\$18.03	\$48.08
Clerical (GS-6, step 3)	\$16.26	\$9.76	\$26.02

<sup>a</sup> [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2016/GS_h.pdf)

These rates are from the Office of Personnel Management (OPM), 2017 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 Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments).

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

Based on our research for this ICR, there are 19 existing respondents currently subject to

the standard, all of which will keep records and submit reports. It is estimated that no additional respondents will become subject to the regulation in the next 3 years. The average number of respondents is calculated using the following table that addresses the 3 years covered by this ICR:

<b>Number of Respondents</b>					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents <sup>1</sup>	(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	19	0	0	19
2	0	19	0	0	19
3	0	19	0	0	19
Average	0	19	0	0	19

<sup>1</sup> New respondents include sources with constructed and reconstructed affected facilities.

Column D is subtracted to avoid double-counting respondents. As shown above, the average Number of Respondents over the 3-year period of this ICR is 19.

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 5-year performance test/retest	6.33	1	0	6.33
Report of performance test/retest	6.33	1	0	6.33
Semiannual compliance reports	19	2	0	38
			Total	51

The number of Total Annual Responses is 51.

The total annual labor costs are \$2,200,000. Details regarding these estimates may be

found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments).

### **6(e) Bottom Line 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 hours are 22,000. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments).

We assume that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies, and maintain records.

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 431 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are \$0. The cost calculations are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

#### **(ii) The Agency Tally**

The average annual Agency burden and cost over the next 3 years is estimated to be 464 labor hours at a cost of \$21,700. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments).

We assume that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies, and maintain records.

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

This ICR is prepared for proposed amendments to the NESHAP for Hydrochloric Acid Production (40 CFR, Part 63, Subpart NNNNN). These amendments: (1) adjust references to the Part 63 General Provisions (40 CFR, Part 63, Subpart A) and revise provisions in the NESHAP (40 CFR Part 63, Subpart NNNNN) to remove the SSM exemption and SSM plan and periodic report requirements; (2) require electronic submittal of performance test results; and (3) make technical and editorial changes. Where applicable, adjustments for these amendments are

reflected in Tables 1 and 2 of this ICR.

The number of facilities subject to the standards changed based on consultation with industry representatives, review of EPA's ECHO database, and review of title V permits. Consolidation within the industry reduced the number of affected facilities to nineteen that are currently subject to the standards.

Costs per labor hour increased due to increases in labor rates. In addition, the burden estimate for reading and understanding the rule requirements was adjusted to reflect the time it would take industry to review the amended rule, including becoming familiar with the new requirement to electronically submit performance test results. Burden estimates were reduced for submitting periodic SSM reports after consultation with industry representatives. The previous estimate of SSM frequency was roughly an order of magnitude higher than the actual frequency, according to industry. The burden estimate for performance test report submittal was not adjusted to account for the new requirement that results of performance tests would be reported electronically through CEDRI using the ERT. The burden estimate of four hours in the current ICR for paper format submittal of performance test results is an appropriate estimate for electronic submittal of performance test results.

#### **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 431 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 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, the EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2018-0417. 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 contents of the 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 in this document. The documents are also available for public viewing at the EPA Docket

Center, 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 docket center is (202) 566-1742. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503. Please include the EPA Docket ID Number EPA-HQ-OAR-2018-0417 and OMB Control Number 2060-0529 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 Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments)**

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) Respondent s per year <sup>a</sup>	(E) Technica l 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, \$ <sup>b</sup>
1. Applications	N/A							
2. Survey and Studies	N/A							
3. Reporting Requirements								
A. Familiarize with rule requirements <sup>c</sup>	4	1	4	19	76	3.8	7.6	\$5,670.02
B. Gather information <sup>c</sup>	4	1	4	0	0	0	0	\$0.00
C. Write reports								
Initial notification <sup>c</sup>	2	1	2	19	38	1.9	3.8	\$2,835.01
Application for construction <sup>c</sup>	2	1	2	0	0	0	0	\$0.00
Notification of intent to conduct performance test	2	1	2	3.8	7.6	0.38	0.76	\$567.00
Notification of compliance status <sup>c</sup>	19.5	1	19.5	19	370.5	18.525	37.05	\$27,641.34
First compliance report <sup>c,d</sup>	8.5	1	8.5	0	0	0	0	\$0.00
Semiannual compliance report <sup>e</sup>	4.5	2	9	38	342	17.1	34.2	\$25,515.08
Subsequent performance test reports <sup>f</sup>	4	1	4	0	0	0	0	\$0.00
Startup, shutdown, malfunction report <sup>g</sup>	2	10	20	0	0	0	0	\$0.00
<b>Subtotal for Reporting Requirements</b>						<b>959</b>		<b>\$62,228</b>
4. Recordkeeping Requirements								
A. Plan activities <sup>c,h</sup>	10	1	10	2	20	1	2	\$1,492.11





Burden item	(A) Person- hours per occurrence	(B) No. of occurrences per respondent	(C) Person- hours per respondent per year (C = A x B)	(D) Respondents per year <sup>a</sup>	(E) Technical Person- hours per year (E = C x D)	(F) Management person- hours per year (F = G x D)	(G) Clerical person- hours per year (G = H x D)	(H) Cost, \$ <sup>b</sup>
<b>Grand TOTAL</b>								<b>\$2,200,000</b>

**Assumptions:**

<sup>a</sup> We have assumed that the average number of respondents that will be subject to the rule will be 19. There will be no additional new sources that will become subject to the rule over the three-year period of this ICR.

<sup>b</sup> This ICR uses the following labor rates: \$123.27 per hour for Executive, Administrative, and Managerial labor; \$64.37 per hour for Technical labor, and \$40.72 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, June 2016, "Table 2. Civilian Workers, by Occupational and Industry group." The rates are from column 1, "Total Compensation." The rates have been increased by 110% to Account for the benefit packages available to those employed by private industry.

<sup>c</sup> This is a one-time only activity for each facility and only sources that started up prior to April 17, 2003 are required to submit initial notification

<sup>d</sup> We have assumed that no new respondents will prepare the first compliance report.

<sup>e</sup> We have assumed that it will take each respondent 4.5 hours two times per-year to prepare the semiannual compliance report.

<sup>f</sup> We have assumed that some facilities will take 4 hours to perform tests after the initial compliance determination, by either bringing a new product on line or by significantly increasing its production.

<sup>g</sup> We have assumed that it will take each respondent two hours ten times a year to prepare a SSM report.

<sup>h</sup> We have assumed that it will take each respondent 10 hours to record plan activities.

<sup>i</sup> We have assumed that each respondent will have to implement SSM activities 10 times per-year.

<sup>j</sup> We have assumed that respondents will have to record CPMS measurements 365 times per year.

<sup>k</sup> We have assumed that respondents will have to implement CMPS calibration and maintenance activities 50 times per year.

<sup>l</sup> We have assumed that respondents are required to check for and repair leaks 365 times per-year.

<sup>m</sup> We have assumed that each respondent will take 20 hours once per-year to store, file and maintain records.

<sup>n</sup> We have assumed that it will take respondent 20 hours to retrieve records/reports once per-year.

**Table 2: Average Annual EPA Burden and Cost – NESHAP for Hydrochloric Acid Production (40 CFR Part 63, Subpart NNNNN) (Amendments)**

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 <sup>a</sup>	(E) Technical person- hours per year (E=CxD)	(F) Managemen t person- hours per year (Ex0.05)	(G) Clerical person- hours per year (Ex0.10)	(H) Cost, \$ <sup>b</sup>
Review initial notifications: construction/reconstruction, startup, applicability, compliance status <sup>a</sup>	2	1	2	0	0	0	0	\$0
Review notification of 5-year performance test/retest <sup>c</sup>	2	1	2	3.8	7.6	0.38	0.76	\$409.82
Review performance test/retest reports <sup>c</sup>	8	1	8	3.8	30.4	1.52	3.04	\$1,639.23
Semiannual compliance report with instances of failure to meet applicable standards <sup>d</sup>	16	2	32	3.8	121.6	6.08	12.16	\$6,556.92
Semiannual compliance report with no instances of failure to meet applicable standards <sup>d</sup>	8	2	16	15.2	243.2	12.16	24.32	\$13,113.84
<b>TOTAL ANNUAL BURDEN AND COST (rounded) <sup>e, f</sup></b>						463.22 <b>464</b>		\$21,719.81 <b>\$21,700</b>

**Assumptions:**

<sup>a</sup> There are an estimated 19 respondents (i.e., hydrochloric acid production facilities) which are subject to this standard. We have assumed that all sources are in compliance with initial rule requirements and that there will be no new facilities constructed over the 3-year period of this ICR.

<sup>b</sup> This cost is based on the following labor rates which incorporates a 1.6 benefits multiplication factor to account for government overhead expenses: Technical rate of \$48.08 (GS-12, Step 1, \$30.05 + 60%), Managerial rate of \$64.80 (GS-13, Step 5, \$40.50 + 60%), and Clerical rate of \$26.02 (GS-6, Step 3, \$16.26 + 60%). These rates are from the OPM “2017 General Schedule” which excludes locality rates of pay.

<sup>c</sup> The rule requires a performance test every 5 years since the initial test was conducted. We have assumed that 20 percent of the performance tests fail and will have to be repeated. There are an estimated 19 respondents. On average each year, the number of respondents conducting the performance test is 3.8 (19 / 5 = 3.8).

<sup>d</sup> We have assumed that approximately 80 percent of the 19 respondents (or 15.2) will report no instances of failure to meet applicable standards twice a year and approximately 20 percent (or 3.8) will report instances of failure to meet applicable standards twice a year.

<sup>e</sup> Totals have been rounded to 2 significant figures. Figures may not add exactly due to rounding.

<sup>f</sup> The numbers used in the text for the final totals should be rounded values.