

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61,  
Subpart M) (Renewal)**

**1. Identification of the Information Collection**

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

National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal), EPA ICR Number 0111.15, OMB Control Number 2060-0101.

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

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR Part 61, Subpart M were proposed on January 10, 1989, promulgated on November 20, 1990 (55 FR 48414), and amended on July 20, 2004 (69 FR 43324). These regulations apply to demolition and renovation of facilities; the disposal of asbestos waste; asbestos milling, manufacturing and fabricating; the use of asbestos on roadways; asbestos waste converting facilities; and the use of asbestos insulation and sprayed-on materials. This information is being collected to assure compliance with 40 CFR part 61, subpart M.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, 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 affected facilities subject to NESHAP.

Any owner/operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two 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 (EPA) Regional office.

On April 25, 2018, EPA proposed a Close-Tolerance Pipe Slurrification (CTPS) alternative work practice (AWP) that would be used to replace asbestos cement (A/C) pipes, which are subject to the Asbestos NESHAP. The AWP and the requirements for its use were published in the *Federal Register* (80 FR 18042), and the Agency will respond to comments in the final notice. The use of the CTPS AWP in A/C pipe replacement projects (ACPRPs) does not change the total number of demolitions/renovations estimated in this document, however, it would change the reporting and recordkeeping requirements in the following ways: (1) deed notations are not required, but the location of replaced A/C pipe must be noted on utility records (this is a change but not an increase in burden); (2) malfunction reports are required if a malfunction occurs, and (3) one slurry sample with test results is required for each ACPRP using the CTPS AWP. The descriptions and burden estimates in this ICR includes these changes in reporting and recordkeeping from the proposed AWP. The burden estimates also include a

planned change to allow electronic reporting for notifications. Electronic notifications are expected to be implemented in a phased approach, starting in Region 3 and continuing throughout the country as electronic notification procedures are adopted across the U.S. Paper notifications will continue to be allowed, per the NESHAP.

The term “Affected Public” applies to owners or operators of demolition and renovation of facilities, ACPRPs, asbestos waste disposal, asbestos milling, manufacturing and fabricating, use of asbestos on roadways, asbestos waste converting facilities, and the use of asbestos insulation and sprayed-on materials. The burden to the Affected Public may be found in Table 1: Annual Respondent Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal). The burden to the “Federal Government” burden is attributed entirely to work performed by federal employees or government contractors, and may be found in Table 2: Average Annual EPA Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal).

Over the next three years, an average of 9,659 existing respondents per year will be subject to the standard, 38 additional respondents per year will become subject, and 10 respondents will no longer be subject to the standard due to facility closure. This estimate reflects an increase from the estimate proposed in the last notice, and reflects the estimated additional annual respondents over this time period. None of the 9,659 facilities in the United States are owned by state, local, tribal or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. We assume that they will all respond.

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

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

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

The EPA is charged under section 112 of the Clean Air Act (CAA), as amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants. These standards are applicable to new or existing sources of hazardous air pollutants and shall require the maximum degree of emission reduction. In addition, CAA section 114(a) states that the Administrator may require any owner/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, asbestos emissions from demolition and renovation of asbestos-containing structures, the disposal of asbestos waste, asbestos waste converting operations, asbestos milling, manufacturing, and fabricating, the use of asbestos on roadways, and the use of asbestos insulation and spray materials cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NESHAP were promulgated for this source category at 40 CFR Part 61, Subpart M.

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

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations which were promulgated in accordance with the CAA. The collected information is also used for targeting inspections and as evidence in legal proceedings.

Performance tests are required 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. During the performance test, 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. Certain notifications may now be sent in electronically as well as by conventional U.S. mail, an aspect reflected in this ICR renewal. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and that the standard is being met. The performance test may also be observed.

The required periodic reporting on waste management and semiannual compliance certifications are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures, and for compliance determinations.

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

The requested recordkeeping and reporting are required under 40 CFR part 61, subpart M.

### **3(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 its own similar standards to implement the Federal standards, a copy of the report submitted to the state or local agency can

be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, no duplication exists.

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

An announcement of a public comment period for the renewal of this ICR was published in the *Federal Register* (82 FR 29552) on June 29, 2017 and a second announcement was published (83 FR 48612) on September 26, 2018 to account for changes in reporting and recordkeeping resulting from a recent action on an alternative work practice, and a planned change to allow electronic reporting for notifications. One comment was received in the docket. The commenter suggested that the NESHAP should require inspections of all buildings constructed prior to 1990. The commenter further requested that the NESHAP should prohibit state or local air agencies from imposing additional or more expensive requirements which increase the cost of asbestos surveys; the commenter stated this reduces the demand for surveys and ultimately increases exposures. The EPA appreciates these suggestions; however, resolving the issues identified by these suggestions would require amending rules (in ways which may or may not be possible under the Clean Air Act), not the ICR. Therefore, the agency will not be making any changes to the ICR based on these comments.

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

The Agency has consulted industry experts and internal data sources to project the number of affected facilities and industry growth over the next three years. The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in the standard, is the Integrated Compliance Information System (ICIS). ICIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. The growth rate for the industry is based on our consultations with the Agency's internal industry experts. Approximately 9,659 existing respondents per year will be subject to the standard, 38 additional respondents per year will become subject, and 10 respondents will no longer be subject to the standard over the three-year period covered by this ICR.

Industry trade associations and other interested parties were provided with an opportunity to comment on the burden associated with the standard when it was being developed and further amended, and the standard has been previously reviewed to determine the minimum information needed for compliance purposes. In developing this ICR, the EPA contacted both the Waste Business Journal at (619) 793-5190; the Asphalt Roofing Manufacturers Association (ARMA) at (202) 207-1121; and Portland Utilities Construction Corporation (PUCC) at (615) 325-3374.

It is our policy to respond after a thorough review of comments received since the last ICR renewal as well as those submitted in response to the first *Federal Register* notice. The comments and our responses may be found in Section 3(b) above and the docket for this ICR at <http://www.fdms.gov> (see Docket ID Number EPA-HQ-OECA-2014-0025).

### **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 (O&M) practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the proper O&M of control equipment and the possibility of detecting violations would be less likely.

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

These reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR Part 1320, Section 1320.5.

### **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 (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**

The reporting or recordkeeping requirements in the standard do not include sensitive questions.

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

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

The respondents to the recordkeeping and reporting requirements are owners or operators of demolition and renovation, owner/operators of ACPRPs, asbestos waste disposal, asbestos milling, manufacturing, and fabricating, asbestos on roadways, asbestos waste converting, and asbestos spray operations. The United States Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes for the respondents affected by the standard are listed in the following table.

<b>Standard (40 CFR Part 61, Subpart M)</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Motor Vehicle Brake System Manufacturing	3292	33634
All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	2661	327999
Resilient Floor Covering Manufacturing	3996	326192
Alkalies and Chlorine Manufacturing	2812	325181
Site Preparation Contractors	1795	238910

<b>Standard (40 CFR Part 61, Subpart M)</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Land Subdivision	6552	237210
New Single-Family Housing Construction (except Operative Builders)	1521, 8741	236115
Commercial and Institutional Building Construction	1522, 1531, 1541, 1542, 1799, 8741	236220
New Multifamily Housing Construction (except Operative Builders)	1522, 8741	236116
Industrial Building Construction	1531, 1541, 1629, 8741	236210
Highway, Street, and Bridge Construction	1611, 1622, 1721, 8741	237310
Other Heavy and Civil Engineering Construction	1622, 1629, 1799, 8741	237990
Water and Sewer Line and Related Structures Construction	1623, 1629, 1781, 8741	237110
Remediation Services	1799, 4959	56291
Drywall and Insulation Contractors	1742, 1743	238310
Poured Concrete Foundation and Structure Contractors	1771	238110
Roofing Contractors	1761	238160
Siding Contractors	1761	238170
Flooring Contractors	1752	238330
Tile and Terrazzo Contractors	1743	238340
Solid Waste Landfill	4953	562212
Water treatment plants	4941	221310
Distribution line, sewer and water, construction, rehabilitation, and repair	1623	237110
Sewer main, pipe and connection, construction, rehabilitation, and repair	8741	237110
Storm sewer construction, rehabilitation, and repair	1629	237110
Irrigation systems construction, rehabilitation, and repair	4971	237110
Water main and line construction, rehabilitation, and repair	1623	237110
Pipeline rehabilitation contractors	1623, 1629	237120
Horizontal drilling ( <i>e.g.</i> , underground cable, pipeline, sewer installation)	1629, 1799	237990
Pipe fitting contractors	7699	238220

<b>Standard (40 CFR Part 61, Subpart M)</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Power, communication and pipeline right-of-way clearance (except maintenance)	1794, 1795, 1629	238910
Pipeline transportation (except crude oil, natural gas, refined petroleum products)	4619	486990
Pipeline terminal facilities, independently operated	4789	488999
Pipeline inspection ( <i>i.e.</i> , visual) services	4499	541990
Asbestos removal contractors	1799, 4959	562910
Asbestos abatement services	1799, 4959	562910

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

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

In this ICR, all the data that is recorded or reported is required by the NESHAP for Asbestos (40 CFR Part 61, Subpart M).

A source must make the following notifications:

<b>Notifications</b>	
Notification and application for construction or modification (applicable to asbestos converting sites)	§ 61.07, §61.155(a)
Notification by U.S. mail of intent to demolish or renovate, including renotifications due to change (applicable to demolition/renovation sites) - OR - Electronic Notification	§ 61.145(b)
Notification of commencement of operations using spray-on materials containing more than 1-percent asbestos (applicable to spray operation sites)	§ 61.146(b)
Notification of excavation of asbestos materials (applicable to waste disposal sites)	§ 61.151(d), § 61.154(j)

A source must make the following reports:

<b>Reports</b>	
Control device maintenance plan (applicable to asbestos milling, manufacturing, and fabricating sites)	§ 61.142(b)(2), § 61.144(b)(4), § 61.147(b)(4)
Semiannual visible emissions report (applicable to asbestos milling, manufacturing, and fabricating sites)	§ 61.142(b)(6), § 61.144(b)(8), § 61.147(b)(8)
Waste generator report (applicable to waste disposal sites)	§ 61.154(e)(2)
Excepted waste shipment report (applicable to spray operation; demolition/renovation; and asbestos milling, manufacturing, and fabricating sites)	§ 61.149(e)(3) § 61.150(d)(4)

<b>Reports</b>	
New source reporting, including information on process emission control equipment (applicable to asbestos milling, manufacturing, and fabricating and waste disposal sites)	§ 61.153(a), § 61.10
Improperly contained waste report, including waste shipment record (applicable to waste disposal sites)	§ 61.154(e)(1)(iv)
Waste disposal discrepancy report, including waste shipment record (applicable to waste disposal sites)	§ 61.154(e)(3)
Report of product composite sample analyses conducted during initial 90 days of operation (applicable to asbestos converting sites)	§ 61.155(g)(1)
Quarterly reports of operations and monthly product composite samples (applicable to asbestos converting sites)	§ 61.155(g)(2)
Upon facility closure, provide asbestos waste disposal locations and quantities (applicable to waste disposal sites)	§ 61.154(h)
Malfunction Report (if using proposed Close-Tolerance Pipe Slurrification alternative work practice), see notice of proposal	Section IV.F.2, 80 FR 18050, April 25, 2018 <sup>a</sup>

<sup>a</sup> Available at: <https://www.epa.gov/sites/production/files/2018-04/documents/frn-asbestos-awp-april182018.pdf>

A source must keep the following records:

<b>Recordkeeping</b>	
Daily visible emissions monitoring and air cleaning device inspections, including 2-year records retention (applicable to asbestos milling, manufacturing, and fabricating sites)	§§ 61.142(b)(3) and (5), §§ 61.144(b)(5) and (7), §§ 61.147(b)(5) and (7)
Cold weather temperature monitoring records, including 2-year records retention (applicable to asbestos milling and demolition/renovation sites)	§ 61.145(c)(7)(iii), § 61.149(c)(1)(iii)
Waste shipment records, including excepted waste shipment reports and 2-year records retention (applicable to asbestos converting; spray operation; demolition/renovation; milling, manufacturing, and fabricating; and waste disposal sites)	§§ 61.149(e)(1) and (4), §§ 61.150(d)(1) and (5), §§ 61.154(e)(1) and (4)
Records of weekly inspection of air cleaning devices (applicable to asbestos milling, manufacturing, and fabricating sites)	§ 61.142(b)(5), § 61.144(b)(7), § 61.147(b)(7)
Records of startup performance testing and initial 90 days of operations, including 2-year retention (applicable to asbestos converting sites)	§ 61.155(f)
Waste management data of the asbestos-containing materials disposed at landfills such as its location, volume, etc., on a map (applicable to waste disposal sites)	§ 61.154(f)



<b>Recordkeeping</b>	
Record of deed – OR- Notation to utility record (applicable only to users of CTPS alternative work practice in lieu of deed notation) see Notice of proposal once inactive (applicable to waste disposal sites)	§ 61.151(e) OR Section IV.D.3, 80 FR 18050, April 25, 2018 <sup>a</sup>
Slurry Samples and test results	Section IV.F.1, 80 FR 18050, April 25, 2018 <sup>a</sup>

<sup>a</sup> Available at: <https://www.epa.gov/sites/production/files/2018-04/documents/frn-asbestos-awp-april182018.pdf>

### 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.

The provision at 40 CFR 61.145 requires notice of demolition and renovation and specifies that delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery service is acceptable. The term “acceptable” in this provision provides the EPA the flexibility to accept these written notices by any method the EPA finds acceptable, while providing three potential methods as examples. This flexibility in the regulation was intended to provide the EPA the ability to provide as many reporting options as it finds necessary. For notice of demolition and renovation, The EPA is working on electronic reporting that will be made available across all states. However, for the electronic asbestos notifications to be “enforceable,” they need to be submitted via a Cross-Media Electronic Reporting Rule (CROMERR)-compliant system. Some states have already developed CROMERR-compliant systems. For states that have systems that are not CROMERR-compliant, the notifications must still be (currently) sent in via hard copy to the EPA.

The Central Data Exchange (CDX) has been working under the CROMERR. We are using existing CDX services/technologies that are CROMERR-compliant to support the Agency’s e-reporting rule. The EPA is sponsoring a “pilot” system for submission of notifications under 40 CFR 61.145(b) that is being tried out in Region 3 through the CDX and will be CROMERR-compliant. Through the pilot system, users will be able to electronically file their notice (after identity verification) with the EPA. For states that already have electronic systems that are not CROMERR-compliant, they can continue to receive notices through their system, but users would be able to electronically file their notice with the EPA through CDX in parallel. For states that have no electronic system, users will be able to file their notices through CDX and then the EPA will give states access to the data.

We expect the regulated community and states in Region 3 to adopt electronic submission of 40 CFR 61.145(b) notifications gradually, with other Regions and their regulated community to follow. At this time, it is estimated that approximately 10 percent of the respondents use electronic reporting, but this is expected to increase over the coming years.

**Estimated Adoption of Electronic Submission of Notification of Demolition and Renovation by the Regulated Community Over 3-Year Period**

	<b>Region 3</b>	<b>Other Regions</b>
2019	20%	
2020	30%	10%
2021	50%	20%

**(ii) Respondent Activities**

<b>Respondent Activities</b>
Familiarization with the regulatory requirements.
Perform initial performance test (transmission electron microscopy).
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 processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for disclosing and providing information.
Adjust the existing ways to comply with any previously applicable instructions and requirements.
Train personnel to be able to respond to a collection of information.
Transmit, or otherwise disclose the information.

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

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

### 5(a) Agency Activities

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

<b>Agency Activities</b>
Review notifications and reports, including performance test reports and excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in Integrated Compliance Information System (ICIS) and 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 results included in the composite product sample analysis reports submitted by asbestos converting sites are used by the Agency to discern a source's capability to comply with the emission standard. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs.

Information contained in the reports is reported by state and local governments in the ICIS Air database, which is operated and maintained by EPA's Office of Compliance. ICIS is the EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. The EPA uses ICIS 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.

The records required by this regulation, including samples taken of hardened slurry from ACPRPs using the CTPS AWP, must be retained by the owner/operator for 2 years.

### 5(c) Small Entity Flexibility

The majority of the respondents are large entities (*i.e.*, large businesses). However, the impact on small entities (*i.e.*, small businesses) was taken into consideration during the development of the regulation. Due to technical considerations involving the process operations and the types of control equipment employed, the recordkeeping and reporting requirements are the same for both small and large entities. The Agency considers these to be the minimum

requirements needed to ensure compliance and, therefore, cannot reduce them further for small entities. To the extent that larger businesses can use economies of scale to reduce their burden, the overall burden will be reduced.

### **5(d) Collection Schedule**

The specific frequency for each information collection activity within this request is shown in Table 1: Annual Respondent Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal).

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

Table 1 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry for the subpart included in this ICR. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. 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 estimated average annual burden to industry over the next 3 years from these recordkeeping and reporting requirements reflect a reduced average annual respondent burden compared to the most recent ICR submittal. (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, labor reductions due to electronic reporting, the new AWP for ACPRPs and any comments received. The average annual respondent cost is \$32,700,000, and the average annual respondent burden is 287,000 hours, a reduction of 5,050 hours.

### **6(b) Estimating Respondent Costs**

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

This ICR uses the following labor rates:

Managerial	\$147.40 (\$70.19 + 110 percent)
Technical	\$117.92 (\$56.15 + 110 percent)
Clerical	\$57.02 (\$27.15 + 110 percent)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, June 2018, “Table 2. Civilian Workers, by Occupational and Industry Group.” The rates are from column 1, “Total compensation.” The rates have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

## **(ii) Estimating Capital/Startup and Operation and Maintenance (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 O&M costs.

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

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

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

The only costs to the Agency are those costs associated with analysis of the reported information. The EPA's overall 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. Electronic reporting is expected to reduce the Agency burden by 8,790 hours from previous levels as reported in the most recently approved ICR estimates for notification review.

The average annual Agency cost during the 3 years of the ICR is estimated to be \$1,770,000, a reduction of \$325,000 from previously estimated costs.

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

Managerial	\$65.71 (GS-13, Step 5, \$41.07 + 60 percent)
Technical	\$48.75 (GS-12, Step 1, \$30.47 + 60 percent)
Clerical	\$26.38 (GS-6, Step 3, \$16.49 + 60 percent)

These rates are from the Office of Personnel Management (OPM), 2018 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 in Table 2: Average Annual EPA Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal).

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

Based on our research for this ICR, on average over the next 3 years, approximately 9,659 existing respondents will be subject to the standard. It is estimated that an additional 38 additional respondents per year will become subject, and 10 respondents will no longer be subject to the standard due to facility closure. The overall average number of respondents, as shown in the table below, is 9,687 per year.

The 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 No Longer Subject to the Rule Due to Closure <sup>2</sup>	(E) Number of Respondents (E=A+B+C-D)
1	38	9,631	0	10	9,659
2	38	9,659	0	10	9,687
3	38	9,687	0	10	9,715
Average	38	9,659	0	10	9,687

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

<sup>2</sup> On average, 10 asbestos-containing waste disposal sites are expected to close over the next 3 years and will no longer be subject to the rule.

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 9,687.

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
<b>Asbestos converting operations</b>				
Notification and application for construction	0	1	0	0
Report on sample analyses performed during initial 90 days of operation	0	1	0	0
Quarterly operations and monthly sample analysis report	2	4	0	8
<b>Spraying operations</b>				
Notification of commencement of operations using materials containing >1% asbestos	0	1	0	0
Excepted waste shipment report	0	1	0	0

<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
<b>Demolition/renovation</b>				
Notification by U.S. mail of intent to demolish or renovate	7,827	9	0	70,446
Electronic Notification	870	9		7,827
Re-notification due to change	7,827	2	0	15,655
Malfunction Reports for owners/operators of ACPRPS Using CTPS AWP <sup>a</sup>	22	2		44
Excepted waste shipment report	8,697	3	0	26,091
<b>Milling, manufacturing, and fabricating</b>				
Control device maintenance plan	40	1	0	40
Semiannual visible emissions report	400	2	0	800
Excepted waste shipment report	400	1	0	400
New source report	0	1	0	0
<b>Asbestos-containing waste disposal sites</b>				
New source report	10	1	0	10
Waste generator reports	560	1	0	560
Waste disposal discrepancy report	560	1	0	560
Improperly contained waste report	560	2	0	1,120
Notification of excavation of asbestos materials	0	1	0	0
Facility closure report	10	1	0	10
			Total	123,571

<sup>a</sup> Burden is increased only as a result of malfunction events, which require malfunction reports. We estimate up to two malfunctions annually per respondent.

The number of Total Annual Responses is 124,000 (rounded).

The total annual labor costs are \$32,700,000. Details regarding these estimates may be

found in Table 1: Annual Respondent Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal).

### **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 287,000. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal).

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 2 hours per response.

There are no annual capital/startup and O&M costs to the regulated entity.

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

The average annual Agency burden and cost over the next 3 years is estimated to be 37,200 labor hours at a cost of \$1,770,000. See Table 2: Average Annual EPA Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal).

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

There is a decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The change is due to the addition of electronic reporting. The result is an overall reduction in burden by 5,050 hours per year. We expect there to be an initial burden for respondents to learn the new electronic reporting system, and a reduced burden over time (less 6,330 hours per year) to submit notifications electronically (as compared to submitting them through the U.S. mail, the currently required process). We expect the regulated community and states in Region 3 to adopt electronic submission of 40 CFR 61.145(b) notifications gradually, with other Regions and their regulated community to follow. Therefore, although we have conservatively estimated that approximately 10 percent of the respondents use electronic reporting in this renewal, we expect the number of respondents using electronic reporting to increase in the coming years, which will result in additional burden reductions over time.

We have updated the respondent and Agency burdens to include an AWP for ACPRPs. Burden associated with the CTPS AWP is due to the collection and retention of samples and the requirement to report malfunctions (100 hours per year). Other changes, such as recordkeeping and notations to the utility records (in the case of ACPRP using the AWP) or notation to the deed are unchanged. Industry sources estimated “there would eventually be 100 (pipe replacement) companies that would use the close tolerance horizontal directional drilling method over the



years with the majority of the (A/C pipe) footage being installed by 25 companies.”

Finally, we have updated the number of respondents to accurately reflect industry growth from the prior renewal (1,180 hours per year), and updated the respondent and Agency labor rates, which are referenced from the Bureau of Labor Statistics and OPM, respectively. The overall result is a decrease in burden, however, the revised labor rates and industry growth result in an increase in respondent labor costs.

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

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2 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-OECA-2014-0025. An electronic version of the public docket is available at <https://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 Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA WJC West Building, 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. 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 EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2014-0025 and OMB Control Number 2060-0101 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 – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal)**

	A	B	C	D	E	F	G	H
<b>Burden item</b>	<b>Person-hours per occurrence</b>	<b>Annual occurrences per respondent</b>	<b>Person-hours per respondent per year (AxB)</b>	<b>Respondents per year <sup>a</sup></b>	<b>Technical hours per year (Cx D)</b>	<b>Management hours per year (Ex0.05)</b>	<b>Clerical hours per year (Ex0.10)</b>	<b>Annual cost (\$) <sup>b</sup></b>
1. Applications	N/A							
2. Surveys and studies	N/A							
3. Reporting requirements								
A. Familiarization with rule requirements	1.00	1	1	38	38	1.9	3.8	\$4,977.70
B. Required activities including monitoring or operations	See 3D							
C. Gather existing information	See 3D, 4E							
D. Write reports								
i. Asbestos converting operations								
Notification and application for construction	80	1	80	0	0	0	0	\$0
Report on sample analyses performed during initial 90 days of operation	2	1	2	0	0	0	0	\$0
Quarterly operations and monthly sample analysis report	2	4	8	2	16	1	2	\$2,095.87
ii. Spraying operations <sup>c</sup>								
Notification of commencement of operations using materials containing >1% asbestos	N/A							
Excepted waste shipment report <sup>d</sup>	N/A							
iii. Demolition/renovation								
Notification by US Mail of intent to demolish or renovate	1	9	9	7,827	70,446	3,522.29	7,044.6	\$9,227,823.13
Renotification due to	0.25	2	0.5	7,827	3,913.7	195.68	391.37	\$512,656.84

change									
Electronic notification	0.25	9	2.3	870	1,956.8	97.84	195.68	\$256,328.42	
Excepted waste shipment report <sup>d</sup>	1	3	3	8,697	26,091	1,304.55	2,609.1	\$3,417,712.27	
Malfunction report if using CTPS AWP	2	2	4	22	88	4.40	8.8	\$11,527.30	
iv. Milling, manufacturing, and fabricating									
Control device maintenance plan <sup>e</sup>	1	1	1	40	40	2	4	\$5,239.68	
Semiannual visible emissions report	1	2	2	400	800	40	80	\$104,793.60	
Excepted waste shipment report <sup>d</sup>	0.1	1	0.1	400	40	2	4	\$5,239.68	
New source report	1	1	1	0	0	0	0	\$0	
v. Asbestos-containing waste disposal sites									
New source report	1	1	1	10	10	0.5	1	\$1,309.92	
Waste generator reports	0.67	1	0.67	560	375.2	18.76	37.52	\$49,148.20	
Waste disposal discrepancy report <sup>f</sup>	1.5	1	1.5	560	840	42	84	\$110,033.28	
Improperly contained waste report <sup>g, h</sup>	1.17	2	2.34	560	1,310.4	65.52	131.04	\$171,651.92	
Notification of excavation of asbestos materials <sup>i</sup>	2	1	2	0	0	0	0	\$0	
Facility closure report	2	1	2	10	20	1	2	\$2,619.84	
<b>Reporting Subtotal</b>						<b>121,882</b>		<b>\$13,883,158</b>	
4. Recordkeeping requirements									
A. Familiarization with rule requirements	See 3A								
B. Plan activities	See 3B								
C. Implement activities	See 3B								
D. Develop record system	N/A								
E. Time to enter and transmit information									
i. Asbestos converting operations									

Records of startup performance testing and initial 90 days of operations	0.1	1	0.1	0	0	0	0	\$0
Waste shipment records	0.1	12	1.2	2	2.4	0.12	0.24	\$314.38
ii. Spraying operations <sup>c</sup>								
Waste shipment records	N/A							
Excepted waste shipment report <sup>d</sup>	N/A							
iii. Demolition/renovation								
Waste shipment records <sup>j</sup>	0.1	24	2.4	8,697	20,872.8	1,043.64	2,087.28	\$2,734,169.82
Cold weather temperature monitoring <sup>k</sup>	0.1	147	14.7	0	0	0	0	\$0
Excepted waste shipment report <sup>d</sup>	0.1	3	0.3	8,697	2,609.1	130.5	260.91	\$341,771.23
iv. Milling, manufacturing, and fabricating								
Cold weather temperature monitoring <sup>k</sup>	0.1	147	14.7	0	0	0	0	\$0
Daily visible emissions <sup>l</sup>	0.1	637.5	63.75	400	25,500	1,275	2,550	\$3,340,296.00
Weekly inspection of air cleaning devices <sup>l</sup>	0.25	127.5	31.88	400	12,750	637.5	1,275	\$1,670,148.00
Waste shipment records	0.1	51	5.1	400	2,040	102	204	\$267,223.68
Excepted waste shipment report <sup>d</sup>	0.1	1	0.1	400	40	2	4	\$5,239.68
v. Asbestos-containing waste disposal sites								
Time to file and mail waste generator reports	See 3D							
Waste shipment records	1.5	12	18	560	10,080	504	1,008	\$1,320,399.36
Waste management data retention until landfill closure	0.5	1	0.5	10	5	0.25	0.5	\$654.96
Record of deed OR utility record notation (if using CTPS AWP) once inactive	0.5	1	0.5	10	5	0.25	0.5	\$654.96
F. Time to train personnel								
i. Asbestos converting operations	N/A							

ii. Spraying operations <sup>c</sup>	N/A							
iii. Demolition/renovation (refresher training) <sup>m</sup>	8	1	8	8,725	69,800	3,490.0	6,980.0	\$9,143,241.60
iv. Milling, manufacturing, and fabricating <sup>n</sup>	N/A							
v. Asbestos-containing waste disposal sites <sup>o</sup>	N/A							
G. Time for audits	N/A							
<b>Recordkeeping Subtotal</b>						<b>165,260</b>		<b>\$18,824,114</b>
<b>TOTAL ANNUAL BURDEN AND COST (ROUNDED)</b>						<b>287,000</b>		<b>\$32,700,000</b>
<b>TOTAL ANNUAL CAPITAL AND O&amp;M COST (SEE SECTION 6(b) (iii))</b>								<b>\$0</b>
<b>GRAND TOTAL (LABOR, CAPITAL, AND O&amp;M)</b>								<b>\$32,700,000</b>

**Assumptions:**

<sup>a</sup> EPA estimates an average of 9,659 existing sources will be subject to the rule over the next 3 years. On average during this period, 38 new sources per year will become subject, while 10 existing sources per year will close and will cease to be subject to the rule. The net total is 9,687 sources per year (9,659 + 38 - 10 = 9,687).

The following is a detailed breakdown of the four source categories:

- 1) 2 existing asbestos converting sources. No new sources are expected.
- 2) 8,697 existing asbestos demolition/renovation sources. Approximately 10% of these will adopt electronic reporting within the next 3 years. EPA assumes an increase of 28 new sources per year.
- 3) 2 companies in 2019, 10 companies in 2020, and 20 companies in 2021 (3-year average 10 companies) will use CTPS to conduct ACPRPs.
- 4) 400 existing asbestos milling, manufacturing, and fabricating sources. No new sources are expected.
- 5) Approximately 560 sources will receive asbestos-containing wastes subject to the rule. No net growth will occur because an estimated 10 sites will close annually, while an estimated 10 sites will become subject to the rule by commencing acceptance of asbestos-containing wastes.

<sup>b</sup> This ICR uses the following labor rates: \$117.92 (technical), \$147.40 (managerial), and \$57.02 (clerical). These rates are from the United States Department of Labor, Bureau of Labor Statistics, June 2018, "Table 2. Civilian Workers, by occupational and industry group." The rates are from column 1, "Total compensation." They have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

<sup>c</sup> EPA does not expect any spray operation sources will become subject to the rule over the next three years.

<sup>d</sup> Report notifying EPA that waste shipment records signed by owners/operators of disposal sites were not received by waste generators within 45 days of the date of waste acceptance by initial transporters.

<sup>e</sup> The rule requires sources to submit a control device maintenance plan for any air cleaning devices that cannot be inspected on a weekly basis. EPA assumes 10% of sources will submit such maintenance plans.

<sup>f</sup> Sources are required to submit reports if discrepancies between designated waste shipment and actual received quantities are not resolved with waste generators.

<sup>g</sup> Active waste disposal sites are required to report the presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers, and submit the waste shipment record.

- <sup>h</sup> EPA assumes respondents will submit reports for improperly contained waste twice per year.
- <sup>i</sup> EPA assumes asbestos-containing waste will not be excavated at any disposal site.
- <sup>j</sup> EPA assumes approximately 4 million cubic yards of waste shipments will be recorded annually for all demolition/renovation contractors, and that each load will be about 20 cubic yards. This would result in approximately 200,000 loads annually (4 million cubic yards/20 cubic yards per load). We estimate approximately 24 loads per contractor per year.
- <sup>k</sup> Based on Agency experience with the rule, operations generally cease from late fall into winter. We thus assume the burden for this activity will be negligible.
- <sup>l</sup> EPA assumes sources will have an average of 2.5 control devices requiring monitoring, and that will operate for 255 days over 51 weeks, annually.
- <sup>m</sup> EPA assumes all existing contractors (8,697) and new contractors entering the market for the first time (28) will spend resources annually on training due to employee turnover and new hires.
- <sup>n</sup> EPA anticipates there will be no direct costs to respondents to train inspectors for Method 9 certification for daily visible emissions monitoring.
- <sup>o</sup> EPA anticipates there will be no burden for waste disposal-related training.

**Table 2. Average Annual EPA Burden and Cost – National Emission Standards for Hazardous Air Pollutants for Asbestos (40 CFR Part 61, Subpart M) (Renewal)**

	A	B	C	D	E	F	G	H
<b>Burden item</b>	<b>EPA person-hours per occurrence</b>	<b>Annual occurrences per respondent</b>	<b>EPA person-hours per respondent per year (AxB)</b>	<b>Respondents per year<sup>a</sup></b>	<b>Technical hours per year (CxD)</b>	<b>Management hours per year (Ex0.05)</b>	<b>Clerical hours per year (Ex0.10)</b>	<b>Annual cost (\$)<sup>b</sup></b>
1. Asbestos converting operations								
A. Notification and application for construction	80	1	80	0	0	0	0	\$0
B. Report on sample analyses performed during initial 90 days of operation	1	1	1	0	0	0	0	\$0
C. Quarterly operations and monthly sample analysis report	0.5	4	2	2	4	0.2	0.4	\$218.87
2. Spraying operations <sup>c</sup>								
A. Notification of commencement of operations using materials containing >1 percent asbestos	N/A							
B. Excepted waste shipment report	N/A							
3. Demolition/renovation								
A. Notification by U.S. mail of intent to demolish or renovate	0.25	6	1.50	7,827	11,740.95	587.05	1,174.10	\$642,447.17
B. Electronic Notification	0.1	3	0.25	870	217.43	10.87	21.74	\$11,897.17
C. Renotification due to change	0.25	2	0.5	7,827	3,913.7	195.68	391.37	\$214,149.06
D. Excepted waste shipment report	0.5	3	1.5	8,697	13,045.5	652.28	1,304.55	\$713,830.19
E. CTPS AWP Malfunction report	0.25	2	0.5	22	11.0	0.55	1.10	\$601.90



4. Milling, manufacturing, and fabricating								
A. Control device maintenance plan	0.25	1	0.25	40	10	0.5	1	\$547.19
B. Semiannual visible emissions report	0.1	2	0.2	400	80	4	8	\$4,377.48
C. Excepted waste shipment report	0.5	1	0.5	400	200	10	20	\$10,943.70
D. New source report	0.5	1	0.5	0	0	0	0	\$0
5. Asbestos-containing waste disposal sites								
A. New source report	0.5	1	0.5	10	5	0.25	0.5	\$273.59
B. Waste generator reports	4	1	4	560	2,240	112	224	\$122,569.44
C. Waste disposal discrepancy report	0.5	1	0.5	560	280	14	28	\$15,321.18
D. Improperly contained waste report	0.5	2	1	560	560	28	56	\$30,642.36
E. Notification of excavation of asbestos materials	2	1	2	0	0	0	0	\$0
F. Facility closure report	1	1	1	10	10	0.5	1	\$547.19
<b>TOTAL ANNUAL BURDEN AND COST (ROUNDED)</b>					<b>37,200</b>			<b>\$1,770,000</b>

**Assumptions:**

<sup>a</sup> EPA estimates an average of 9,659 existing sources will be subject to the rule over the next 3 years. On average during this period, 38 new sources per year will become subject, while 10 existing sources per year will close and will cease to be subject to the rule. The net total is 9,687 sources per year (9,659 + 38 - 10 = 9,687).

The following is a detailed breakdown of the four source categories:

- 1) 2 existing asbestos converting sources. No new sources are expected.
- 2) 8,697 existing asbestos demolition/renovation sources. Approximately 10% of these will adopt electronic reporting within the next 3 years. EPA assumes an increase of 28 new sources per year.
- 3) 2 companies in 2019, 10 companies in 2020, and 20 companies in 2021 (3-year average 10 companies) will use CTPS to conduct ACPRPs.
- 4) 400 existing asbestos milling, manufacturing, and fabricating sources. No new sources are expected.
- 5) Approximately 560 sources will receive asbestos-containing wastes subject to the rule. No net growth will occur because an estimated 10 sites will close annually, while an estimated 10 sites will become subject to the rule by commencing acceptance of asbestos-containing wastes.

<sup>b</sup> This ICR uses the following labor rates: \$48.75 (technical), \$65.71 (managerial), and \$26.38 (clerical). These rates are from the Office of Personnel Management (OPM), 2018 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.

<sup>c</sup> EPA does not expect any spray operation sources will become subject to the rule over the next three years.