

SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY
National Emissions Standards for Hazardous Air Pollutants (NESHAP): Mercury Cell
Chlor-Alkali MACT (40 CFR 63, Subpart IIII) (Proposed Rule)
Residual Risk and Technology Review

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR part 63, subpart IIII) (Proposed Rule), EPA ICR Number 2046.10, OMB Control Number 2060-0542.

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR Part 63, Subpart IIII were proposed on July 3, 2002, and promulgated on December 19, 2003. These regulations apply to existing facilities and new facilities that are mercury cell chlor-alkali plants part of a major source of hazardous air pollutant (HAP) emissions or part of an area source of HAP emissions. A major source of HAP is one that has the potential to emit 10 tons or more of any HAP or 25 tons or more of total HAP per year; an area source is one with a potential to emit less than this. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR Part 63, Subpart IIII. In general, all NESHAP standards 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 affected facilities subject to NESHAP.

Any owner/operator subject to the provisions of this part shall maintain a file containing these documents and retain the file for at least five years following the generation date of such 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.

The proposed RTR amendments to the rule require that owners and operators comply with both the cell room mercury monitoring program and the fugitive mercury work practices (the existing rule allows a choice between the two); require twice daily inspections for chlorine leaks, along the installation and operation of ambient chlorine sensors to detect elevated chlorine concentrations requiring action; and require the submittal of a revised Notification of Compliance Status report. The proposed amendments also eliminate the startup, shutdown, and malfunction (SSM) exemption; remove the SSM plan requirement; add electronic submittal of notifications, semiannual reports, and performance test reports; The remaining portions of the NESHAP remain unchanged.

For the purposes of this ICR, based on consultations with industry representatives, it is assumed that there is a single affected facility located in the United States that is subject to the rule. The Affected Public is this single mercury cell chlor-alkali facility. The “burden” to the Affected Public may be found in Tables 1a – 1c: Annual Respondent Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIIII) (Proposed Rule) contained in the Excel Workbook entitled *2020 Mercury Cell RTR Proposal ICR SS*, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560). The “burden” to the Federal Government is attributed entirely to work performed by either Federal employees or government contractors and may be found below in Tables 2a – 2c: Annual EPA Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIIII) (Proposed Rule) also contained in the Excel Workbook entitled *2020 Mercury Cell RTR Proposal ICR SS*, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560). Note that the EPA assumes that the facility will respond.

Over the next three years, approximately one respondent per year will be subject to the standard, and no additional respondents per year will become subject to the standard.

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 Clean Air Act (CAA) requires the EPA to establish standards of performance for each category or subcategory of major sources and area sources of HAP. These standards are applicable to new or existing sources of HAP and shall require the maximum degree of emission reduction. In the EPA Administrator’s judgment, HAP emissions from mercury cell chlor-alkali facilities cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the EPA promulgated the Mercury Cell NESHAP at 40 CFR part 63, subpart IIIII.

Section 112(d)(6) of the CAA requires that the EPA review the technology-based MACT standards and revise them as necessary taking into account any “developments in practices, processes, or control technologies,” at least every eight years. In addition, section 112(f) of the CAA requires the EPA to determine whether the MACT emissions limitations provide an ample margin of safety to protect public health. For MACT standards for HAP “classified as a known, probable, or possible human carcinogen” that “do not reduce lifetime excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than 1-in-1 million,” the EPA must promulgate residual risk standards for the source category (or subcategory) as necessary to provide an ample margin of safety to protect public health. In doing so, the EPA may adopt standards equal to existing MACT standards, if the EPA determines that the existing standards are sufficiently protective. The EPA must also adopt more stringent standards, if necessary, to prevent an adverse environmental effect, but must consider cost, energy, safety, and other relevant factors in doing so.

In addition, CAA section 114(a) states that the EPA 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.

2(b) Practical Utility/Users of the Data

The recordkeeping and reporting requirements in the standards 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 in order to determine an affected facility's initial capability to comply with the emission standards. Continuous emission monitors are used to ensure compliance with the standards at all times. 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 is conducting applicability and compliance performance tests, and when a source is subject to the requirements of a regulation. The reviewing authority may then inspect the source to check if pollution control devices are properly installed and operating, leaks are being detected and repaired, and the standard is being met. Performance tests may also be observed.

The required semiannual reports are used to determine periods of excess emissions, identify problems at the facility, verify operation/maintenance procedures and ongoing compliance with the standards.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

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

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 Prior to ICR Submission to OMB

The ICR will be available for public review during the public comment period following publication of the proposed RTR amendments in the *Federal Register*. The ICR for the final rule will respond to any comments received on the ICR.

3(c) Consultations

The Agency has consulted with industry experts and reviewed 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 one respondent will be subject to the standard over the three-year period covered by this ICR.

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

3(d) Effects of Less Frequent Data 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

This collection of information is consistent with all OMB guidelines established by OMB at 5 CFR part 1320, section 1320.5.

These standards require the respondents to maintain all records, including reports and notifications for at least five years. The EPA believes that the five-year records retention requirement is consistent with the Part 70 permit program and the five-year statute of limitations

on which the permit program is based. The retention of records for five years allows the EPA to establish the compliance history of a source, any pattern of non-compliance and to determine the appropriate level of enforcement action. The EPA has found that the most flagrant violators have violations extending beyond five 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 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

This section is not applicable because this ICR does not involve matters of a sensitive nature.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The respondent to the recordkeeping and reporting requirements is a mercury cell chlor-alkali plant. The United States Standard Industrial Classification (SIC) code for the respondent affected by this standard is SIC 2812 which corresponds to the North American Industry Classification System (NAICS) 325180 for Other Basic Inorganic Chemical Manufacturing.

4(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements

In this ICR, all the data that are recorded or reported is required by the NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIII).

A source must make the following notifications:

Notifications	
Initial startup or conversion of minor source to major source	§63.9(b)
Application of construction or reconstruction	§63.9(b)
Request for extension of compliance	§63.9(c)
Subject to special compliance requirements	§63.9(d)
Performance tests	§63.7(b), (c), §63.9(e)
Performance evaluation of continuous monitoring systems	§63.8(e), (f)

Notifications	
Continuous monitoring systems dates of operation	§63.9(g)
Initial compliance	§63.8252(e)
Compliance status	§63.9(h)

A source must make the following reports:

Reports	
Report of performance evaluations	§63.7(g), §63.10(d)(2)
Immediate startup, shutdown and malfunction reports	§63.8254(c)
Semiannual reports	§63.8254(a), (b)

A source must keep the following records:

Recordkeeping	
Notifications and reports	§63.8256(a), §63.10(b)(2)(xiv)
Maintain records of monitoring data, monitoring system calibration checks, occurrence and duration of periods where the monitoring system is malfunctioning or inoperative and system operations	§63.8256(a), §63.8256(b), §63.8258
Work practice standards	§63.8256(c)
Periodic monitoring option	§63.8256(d)

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.

As part of the proposed RTR amendments, respondents are required to use the EPA's Electronic Reporting Tool (ERT) to develop performance test reports and submit them through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI). The ERT is an application rather than a form, and the requirement to use the ERT is applicable to numerous subparts. The splash screen of the ERT contains a link to the Paperwork Reduction Act (PRA) requirements, such as the OMB Control Number, expiration date, and burden estimate for this and other subparts. In this proposal, respondents would also be required to submit notifications and semiannual reports through the EPA's CEDRI. The notifications and semiannual reports are uploads of their currently required notification in portable document format (PDF) file. For purposes of this ICR, it is assumed that there will be no additional burden associated with the proposed requirement for respondents to submit the notifications and reports electronically.

(ii) Respondent Activities

Respondent Activities
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate a mercury CEMS or CMS for temperature, pH, or for liquid flow rate for the 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 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.
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**

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

Agency Activities
Review notifications and reports (e.g., performance test, semiannual compliance reports) required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in Enforcement and Compliance History Online (ECHO) and ICIS.

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 reported by state and local governments in the ICIS Air database, which is operated and maintained by EPA's Office of Compliance. ICIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. EPA uses ICIS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

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

Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs of the delegated permitting authority. Information contained in the reports will be required to be submitted electronically to EPA's Central DATA Exchange (CDX) using CEDRI. CDX enables fast, efficient and more accurate environmental data submissions from state and local governments, industry and tribes to the EPA and participating program offices. The EPA's CDX is the point of entry on the Environmental Information Exchange Network (Exchange Network) for environmental data submissions to the Agency. CDX works with both EPA program offices looking for a way to better manage incoming data, and stakeholders looking for a way to reduce burden from reporting requirements. The electronic portal to submit reports online is accessed through the EPA's CDX at <https://cdx.epa.gov>.

5(c) Small Entity Flexibility

The one respondent is a large entity (*i.e.*, large business).

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown in Tables 1a – 1c: Annual Respondent Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIIII) (Proposed Rule), which are contained in the Excel Workbook entitled *2020 Mercury Cell RTR Proposal ICR SS*, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560).

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

Tables 1a – 1c document 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 three years from these recordkeeping and reporting requirements is estimated to be 3,567 hours. These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NESHAP program, and the previously approved ICR.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates:

Civilian Worker Rates	Labor Rates, \$/hr ^a	110% Overhead	Total, \$/hr
Managerial	\$70.86	\$77.95	\$148.81
Technical	\$58.04	\$63.84	\$121.88
Clerical	\$28.90	\$31.79	\$60.69

^a <https://www.bls.gov/news.release/ecec.t02.htm>

These rates are from the United States Department of Labor, Bureau of Labor Statistics, June 2020, “Table 2. Civilian Workers, by occupational and industry group.” The rates are from column 1, “Total compensation,” and have been increased by 110 percent to account for the benefit packages available to those employed by private industry. This ICR assumes that Managerial hours are 5 percent of Technical hours, and Clerical hours are 10 percent of Technical hours.

(ii) Estimating Capital/Start-up and Operation and Maintenance Costs

The type of industry costs associated with the information collection activities in the subject standard are both labor costs, which are addressed elsewhere in this ICR, and the costs associated with continuous monitoring. The capital/startup costs are one-time costs when a facility becomes subject to the regulation. The annual operation and maintenance (O&M) costs are the ongoing costs to maintain the monitor and other costs such as photocopying and postage.

(iii) Capital/Start-up vs. O&M Costs

Capital/Startup vs. Operation and Maintenance (O&M) Costs						
(A) Continuous Monitoring Device	(B) Capital/Startup Cost for One Respondent	(C) Number of New Respondents	(D) Total Capital/Startup Cost, (B X C)	(E) Annual O&M Costs for One Respondent	(F) Number of Respondents with O&M	(G) Total O&M, (E X F)
Mercury Concentration CMS	\$17,000	0	\$0	\$7,300	1	\$7,300
Cell Room Mercury Monitoring System	\$56,000	0	\$0	\$900	1	\$900
			\$0		Total	\$8,200

Note: Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.

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

The total operation and maintenance (O&M) costs for this ICR are \$8,200. This is the total of column G.

The average annual cost for capital/startup and operation and maintenance costs to industry over the next three years of the ICR is estimated to be \$8,200. These are recordkeeping costs.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. 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.

The average annual Agency cost during the three years of the ICR is estimated to be \$3,190.

Agency burden and costs are limited to those costs associated with analysis of the reported information. In general, the Agency's overall compliance and enforcement program includes activities such as the examination of records maintained by the respondent, periodic inspection of sources of emissions (and attendance during the conduct of performance testing at a facility), and the publication and distribution of collected information.

The annual burden and cost estimate are based on the following average hourly labor rates:

Agency Worker Rates	Labor Rates, \$/hr^a	60% Overhead	Total, \$/hr
Managerial (GS-13, step 5)	\$42.73	\$25.64	\$68.37
Technical (GS-12, step 1)	\$31.70	\$19.02	\$50.72
Clerical (GS-6, step 3)	\$17.16	\$10.30	\$27.46

These rates are from the Office of Personnel Management (OPM), 2020 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 Tables 2a – 2c: Annual EPA Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIII) (Proposed Rule), which are contained in the Excel Workbook entitled *2020 Mercury Cell RTR Proposal ICR SS*, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560).

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

Based on our research for this ICR, on average over the next three years, approximately 2 existing respondents will be subject to the standard. It is estimated that no additional respondents per year will become subject. The overall average number of respondents, as shown in the table below, is 2 per year.

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

Number of Respondents					
Year	(A) Number of New Respondents ¹	(B) Number of Existing Respondents	(C) Number of Existing Respondents that keep records but do not submit reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	1	0	0	1
2	0	1	0	0	1
3	0	1	0	0	1
Average	0	1	0	0	1

¹ New respondents include sources with constructed, reconstructed and modified affected facilities.

Column D is subtracted to avoid double-counting respondents. As shown above, the average Number of Respondents over the three-year period of this ICR is 1.

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

Total Annual Responses				
(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses	(D) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Notifications	0	0	0	0
Startup, shutdown, and malfunction	0	0	0	0
Compliance report (semiannual)	1	2	0	2
			Total	2

The number of Total Annual Responses is 2.

The average annual labor costs are \$428,000. Details regarding these estimates may be found in Tables 1a – 1c: Annual Respondent Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIIII) (Proposed Rule), which are contained in the Excel Workbook entitled *2020 Mercury Cell RTR Proposal ICR SS*, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560).

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 at the end of this document, respectively, and summarized below.

(i) The Respondent Tally

The average annual labor hours over the next three years are 3,567 hours at an annual average cost of \$428,000. Details regarding these estimates may be found below and in Tables 1a – 1c: Annual Respondent Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIIII) (Proposed Rule), which are contained in the Excel Workbook entitled *2020 Mercury Cell RTR Proposal ICR SS*, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560).

Annual Respondent Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIIII) (Proposed Rule)

Three-Year Average Respondent Burden of Reporting and Recordkeeping Requirements

Year	Total Respondent s	Technica l Hours	Managemen t Hours	Clerical Hours	Total Labor Hours (rounded)	Labor Cost (rounded)

)	
1 (2021)	1	3,117	156	312	3,580	\$430,000
2 (2022)	1	3,093	155	309	3,560	\$427,000
3 (2023)	1	3,093	155	309	3,560	\$427,000
Total	1	9,303	465	930	10,700	1,284,000
Average	1	3,101	155	310	3,567	428,000

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 1,780 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are \$8,200. 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 next three years is estimated to be 40 labor hours at a cost of \$1,977. See below and Tables 2a – 2c: Annual EPA Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIII) (Proposed Rule), which are contained in the Excel Workbook entitled 2020 Mercury Cell RTR Proposal ICR SS, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560).

Annual Respondent Burden and Cost – NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR Part 63, Subpart IIII) (Proposed Rule) Three-Year Average Agency Burden of Reporting and Recordkeeping Requirements

Year	Total Respondents	Technical Hours	Management Hours	Clerical Hours	Total Labor Hours	Labor Cost (rounded)
1 (2021)	1	56	3	6	64	\$3,190
2 (2022)	1	24	1	2	28	\$1,370
3 (2023)	1	24	1	2	28	\$1,370
Total	1	104	5	10	120	\$5,930
Average	1	35	2	3	40	\$1,977

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 RTR amendments to the NESHAP for Mercury Cell Chlor-Alkali Plants (40 CFR, part 63, subpart IIIII). These proposed RTR amendments (1) require that owners and operators comply with both the cell room mercury monitoring program and the fugitive mercury work practices (the existing rule allows a choice between the two); (2) require twice daily inspections for chlorine leaks, along the installation and operation of ambient chlorine sensors to detect elevated chlorine concentrations requiring action; (3) require the submittal of a revised Notification of Compliance Status report; (4) eliminate the SSM exemption and the SSM plan requirement; and (5) add electronic submittal of notifications, semiannual reports, and performance test reports. Where applicable, adjustments for these proposed RTR amendments are reflected in Tables 1a-1c and 2a-2c of this ICR, which are contained in the Excel Workbook entitled 2020 Mercury Cell RTR Proposal ICR SS, which is included in the docket for this action (Docket ID No. EPA-HQ-OAR-2020-0560).

Costs per labor hour increased slightly due to increases in Technical and Clerical labor rates. For the majority of the proposed requirements, the burden previously estimated was assumed to account for proposed changes related to SSM and electronic reporting. For example, the currently approved ICR estimates that there will be burden of 32 technical hours each year to remain familiar with the regulatory requirements. It is estimated that this will suffice to understand and adjust to the changes. The currently approved ICR includes burden to comply with the cell room mercury monitoring program and the work practices, since both were options allowed by the rule. However, the RTR ICR assumes there would be additional burden the first year to review their cell room mercury monitoring plan (8 hours) and to submit a revised Notification of Compliance Status report (16 hours). The proposed amendments that were not accounted for in the currently approved ICR are the chlorine fugitive requirements.

6(g) Burden Statement

The annual reporting and recordkeeping burden for this collection of information is estimated to be 1,800 hours per response. Burden means total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB Control Numbers for EPA regulations are listed in 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-2020-0560. 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 Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the docket center is (202) 566-1927. 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-OAR-2020-0560 and OMB Control Number 2060-0542 in any correspondence.

PART B

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