

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal)**

**1. Identification of the Information Collection**

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

NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal), EPA ICR Number 1054.14, OMB Control Number 2060-0022.

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

The New Source Performance Standards (NSPS) for Petroleum Refineries (40 CFR Part 60, Subpart J) were proposed on June 11, 1973; promulgated on March 8, 1974; and amended on both September 12, 2012, and December 1, 2015. These regulations apply to affected facilities at petroleum refineries that were constructed, modified or reconstructed on or before May 14, 2007. The affected sources are: 1) fluid catalytic cracking unit (FCCU) catalyst regenerator or fuel gas combustion device (FGCD) other than a flare that commenced construction, reconstruction or modification after June 11, 1973 and on/or before May 14, 2007; 2) FGCD that is also a flare that commenced construction, reconstruction or modification after June 11, 1973 and on/or before June 24, 2008; or 3) any Claus sulfur recovery plant with a design capacity of more than 20 long tons per day sulfur feed which commenced construction, reconstruction or modification after October 4, 1976 and on/or before May 14, 2007. These regulations also apply to flares which commenced construction, modification, or reconstruction on/or before June 24, 2008. At the time of this ICR renewal, all refinery flares are complying with the NSPS Subpart Ja requirements.<sup>1</sup> This information is being collected to assure compliance with 40 CFR Part 60, Subpart J.

In general, all NSPS 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 NSPS.

Any owner/operator subject to the provisions of this part shall maintain a file containing these documents and retain the file for at least two years following the generation date of such maintenance reports and records. All reports are sent to the delegated state or local authority. If there is no such delegated authority, the reports are sent directly to the U.S. Environmental Protection Agency (EPA) regional office.

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<sup>1</sup> Units that are constructed, reconstructed or modified after the end date of Subpart J applicability (e.g., May 14, 2007 for FGCDs other than a flare and June 24, 2008 for FGCD that is also a flare) are subject to the requirements under NSPS Subpart Ja. Under Subpart Ja, a “flare” is no longer a subcategory of FGCDs and EPA has established a separate suite of standards.

The “Affected Public” are petroleum refineries. The ‘burden’ to the Affected Public may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal). The ‘burden’ to the “Federal Government” is attributed entirely to work performed by either Federal employees or government contractors and may be found at the end of this document in Table 2: Average Annual EPA Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

There are approximately 130 petroleum refineries, which are owned and operated by the petroleum refining industry. None of the 130 facilities in the United States are owned by either 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 to EPA inquiries.

Based on our consultations with industry representatives, there is an average of one affected petroleum refinery at each plant site and each plant site has only one respondent (i.e., the owner/operator of the plant site).

Over the next three years, approximately 130 respondents per year will be subject to these standards, and no additional respondents per year will become subject to these same standards. This estimate represents a decrease from the previous ICR and reflects a decrease in the number of respondents subject to Subpart J as affected sources reconstruct or modify facilities. The estimated number of respondents is based on EPA’s ECHO database, data collected per the Agency’s industry analysis in its recent 2018 and 2020 rulemakings and confirmed through industry consultations.

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**

The EPA is charged under Section 111 of the Clean Air Act (CAA), as amended, to establish standards of performance for new stationary sources that reflect:

... application of the best technological system of continuous emissions reduction which (taking into consideration the cost of achieving such emissions reduction, or any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.  
Section 111(a)(1).

The Agency refers to this charge as selecting the best demonstrated technology (BDT). Section 111 also requires that the Administrator review and, if appropriate, revise such standards

every eight years. In addition, 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, particulate matter, carbon monoxide, and sulfur oxide emissions from affected facilities in petroleum refineries (i.e., fluid catalytic cracking unit catalyst regenerators (FCCU), fuel gas combustion devices (FGCD), and all Claus sulfur recovery plants with a design capacity for sulfur feed of more than 20 long tons per day) either cause or contribute to air pollution that may reasonably be anticipated to endanger public health and/or welfare. Therefore, the NSPS were promulgated for this source category at 40 CFR Part 60, Subpart J.

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

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

Performance tests are required in order to determine an affected facility's initial capability to comply with the emission standards. Continuous emission monitors are used to ensure compliance with these 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 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. The performance test 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 for compliance determinations.

### **3. Non-duplication, Consultations, and Other Collection Criteria**

The requested recordkeeping and reporting are required under 40 CFR Part 60, Subpart J.

#### **3(a) Non-duplication**

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, duplication does not exist.

#### **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* (86 FR 8634) on February 8, 2021. No comments were received on the burden published in the *Federal Register* for this renewal.

#### **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 these standards, 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 130 respondents will be subject to these standards over the three-year period covered by this ICR. This estimate represents a decrease from the previous ICR and reflects a decrease number of respondents subject to Subpart J as affected sources reconstruct or modify facilities.

Industry trade associations and other interested parties were provided an opportunity to comment on the burden associated with these standards as they were being developed and these same standards have been reviewed previously to determine the minimum information needed for compliance purposes. In developing this ICR, we contacted both the American Petroleum Industry, at (202) 682-8209, and the American Fuel & Petrochemical Manufacturers (AFPM), at (202) 457-0480.

It is our policy to respond after a thorough review of comments received since the last ICR renewal, as well as for those submitted in response to the first *Federal Register* notice. We received comments from the American Petroleum Institute confirming the agency's estimate of 130 respondents, and we have adjusted the burden in this ICR accordingly.

### **3(d) Effects of Less-Frequent Collection**

Less-frequent information collection would decrease the margin of assurance that facilities are continuing to meet these standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the proper operation and maintenance of control equipment and the possibility of detecting violations would be less likely.

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

These reporting or recordkeeping requirements do not violate any of these 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 (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**

The reporting or recordkeeping requirements in these standards 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 and operators of petroleum refineries. The United States Standard Industrial Classification (SIC) code for the respondents affected by the standards is SIC 2911, which corresponds to the North American Industry Classification System (NAICS) 324110 for Petroleum Refineries.

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

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

In this ICR, all the data that are recorded or reported is required by the NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J).

A source must make the following reports:

<b>Notifications</b>	
Notification of the actual date of initial startup, and notification of specific provisions for sulfur dioxide (SO <sub>2</sub> ) standards with which the source seeks to comply	§60.7(a)(3), §60.107(a)
Notification of performance test and of any relevant delays.	§60.8(d)
Notification of the date of construction (or reconstruction).	§60.7(a)(1)
Notification of any physical or operational change to an existing facility, which may increase the emission rate of any air pollution to which a standard applies.	§60.7(a)(4)
Notification of the date upon which demonstration of the continuous monitoring system performance commences.	§60.7(a)(5)
Notification of the anticipated date for conducting the opacity observations, including, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test.	§60.7(a)(6)
Notification that Continuous Opacity Monitoring System (COMS) will be used during a performance test in lieu of Method 9 observation data.	§60.7(a)(7)
Request for exemption from the carbon monoxide (CO) continuous monitoring system requirements.	§60.105(a)(2)(ii)
Notification of change in semiannual report due to change in SO <sub>2</sub> compliance method.	§60.108(e)

<b>Reports</b>	
Results of performance tests including opacity observations and results.	§60.8(a), §§60.11(e)(2)-(6) §60.13(c)
Semiannual reports.	§§60.107(c), (e), and (f)
Reports of any periods for which SO <sub>2</sub> or oxides emissions data exceed the standards or were not obtained.	§§60.107(c)
Reports of any periods for which SO <sub>2</sub> or oxides emissions data are not available.	§60.107(d)
Excess emissions and monitoring systems performance report and/or summary report (to be submitted with semiannual report).	§§60.7(c)-(d), §60.105(e)

A source must keep the following records:

<b>Recordkeeping</b>	
Records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring device is inoperative.	§60.7(b)
Daily records of the average coke-burn-off rate and hours of operation for any fluid catalytic cracking unit catalyst regenerator.	§60.105(c)
Daily records of the rate of combustions of liquid or solid fossil-fuels and the hours of operation during which they are combusted in the incinerator-waste heat boiler (applies to fluid catalytic cracking unit catalysts regenerators that use incinerator-waste heat boilers).	§60.105(d)
For affected fluid catalytic cracking unit catalyst regenerator(s) with an add-on control device: Records of all data and calibrations from continuous monitoring systems, including results of daily drift tests and quarterly accuracy assessments; measurements obtained by supplemental sampling for meeting minimum data requirements and written procedures for the quality control program (if complying with §60.104(b)(1)).	§60.107(b)(1)
For affected fluid catalytic cracking unit catalyst regenerator(s) without an add-on control device: Records of measurements obtained in the daily Method 8 testing, or those obtained by alternative measurements, if applicable (complying with §60.104(b)(2)).	§60.107(b)(2)
Records of data obtained from the fluid catalytic cracking unit daily feed sulfur tests (if complying with §60.104(b)(3)).	§60.107(b)(3)
Records of each 7-day rolling average compliance determination.	§60.107(b)(4)
Records of COMS results during initial performance test.	§60.11(e)(4)
Records of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; and adjustments and maintenance performed on these systems or devices.	§60.7(f)

### Electronic Reporting

Some of the respondents are using monitoring equipment that automatically records parameter data. Although personnel at the affected facility must still evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at a plant site.

## (ii) Respondent Activities

<b>Respondent Activities</b>
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate CMS for opacity, CO, SO <sub>2</sub> , and O <sub>2</sub> .
Perform initial performance test, Reference Methods 1, 2, 3 or 3A, 3B, 4, 5B or 5F, 6, 6B, 6C, 8, 9, 10, 10A, 11, 15, 15A, or 16, ANSI/ASME PTC 19.10-1981, ASTM D129-64, 78, or 95, ASTM D1552-83 or 95, ASTM D2622-87, 94, or 98, or ASTM D1266-87, 91, or 98 tests, 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:

<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 the 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 standards 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. The 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 two years.

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

The majority of the respondents are large entities (i.e., large businesses). However, it is anticipated that some small entities will be affected by this ICR. According to a fact sheet that was developed for the refinery NESHAP in October 2016<sup>2</sup>, there are 36 small businesses that own petroleum refineries. Assuming that each of these small entities has at least one affected source still complying with Subpart J, we estimate 36 small entities affected by this ICR.

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 at the end of this document in Table 1: Annual Respondent Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

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

<sup>2</sup> Available at:

[https://www.epa.gov/sites/production/files/2016-10/documents/fact\\_sheet\\_reconsideration\\_proposal.pdf](https://www.epa.gov/sites/production/files/2016-10/documents/fact_sheet_reconsideration_proposal.pdf)

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 neither conduct nor 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 13,800 hours (Total Labor Hours from Table 1 below). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NSPS program, the previously-approved ICRs, and any comments received.

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

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

This ICR uses the following labor rates:

Managerial	\$149.84 (\$71.35 + 110%)
Technical	\$122.66 (\$58.41 + 110%)
Clerical	\$60.88 (\$28.99 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2020, “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 Costs**

The type of industry costs associated with the information collection activities in the subject standards 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 costs are the ongoing costs to maintain the monitors and other costs such as photocopying and postage.

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

<b>Capital/Startup vs. Operation and Maintenance (O&amp;M) Costs</b>						
(A) Continuous Monitoring Device	(B) Capital/Startup Cost for One Respondent <sup>a</sup>	(C) Number of New Respondents	(D) Total Capital/Startup Cost, (B X C)	(E) Annual O&M Costs for One Respondent <sup>a</sup>	(F) Number of Respondents with O&M	(G) Total O&M, (E X F)
Opacity	\$33,808	0	\$0	\$1,691	130	\$219,787
CO	\$11,480	0	\$0	\$1,148	130	\$149,280
SO <sub>2</sub> /H <sub>2</sub> S	\$16,904	0	\$0	\$1,691	130	\$219,787
O <sub>2</sub>	\$7,924	0	\$0	\$1,691	130	\$219,787
<b>Totals <sup>b</sup></b>			<b>\$0</b>			<b>\$809,000</b>

<sup>a</sup> Costs are based on the EPA Cost Control Manual (Sixth Edition, EPA/452/B-02-001), adjusted using the *Chemical Engineering Index* for process instruments from 2005 to 2019.

<sup>b</sup> 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 \$809,000. 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 \$809,000. These are the 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 such activities 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 \$22,400.

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

Managerial	\$69.04 (GS-13, Step 5, \$43.15 + 60%)
Technical	\$51.23 (GS-12, Step 1, \$32.02 + 60%)
Clerical	\$27.73 (GS-6, Step 3, \$17.33 + 60%)

These rates are from the Office of Personnel Management (OPM), 2021 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to

account for the benefit packages available to Federal government employees. Details upon which this estimate is based appear at the end of this document in Table 2: Average Annual EPA Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

### 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 130 existing respondents will be subject to these standards. It is estimated that no additional respondents per year will become subject to these same standards. The overall average number of respondents, as shown in the table below, is 130 per year.

The number of respondents is calculated using the following table that addresses the three 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>a</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	130	0	0	130
2	0	130	0	0	130
3	0	130	0	0	130
Average	0	130	0	0	130

<sup>a</sup> There are no new respondents. Sources which construct, reconstruct and modify affected facilities become subject to NSPS Subpart Ja.

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 130.

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 construction or	0	1	0	0

<b>Total Annual Responses</b>				
modification				
Notification of performance test	0	1	0	0
Report of performance test	0	1	0	0
Semiannual report	130	2	0	260
			<b>Total</b>	<b>260</b>

The number of Total Annual Responses is 260.

The total annual labor costs are \$1,640,000. Details regarding these estimates may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (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 at the end of this document, respectively, and summarized below.

#### **(i) Respondent Tally**

The total annual labor hours are 13,800 hours. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

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 53 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are \$809,000. 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 449 labor hours at a cost of \$22,400; see below in Table 2: Average Annual EPA Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

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**

There is a decrease in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to a decrease in the number of respondents subject to Subpart J. The estimated number of respondents is based on EPA's Enforcement and Compliance History Online (ECHO) database, data collected per the Agency's industry analysis in its recent 2018 and 2020 rulemakings and confirmed through industry consultations. The regulations have not changed over the past three years and are not anticipated to change over the next three years. The growth rate for this industry is either very low or non-existent. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are no changes in the capital/startup costs. There is a decrease in operation and maintenance (O&M) costs due to a decrease in the number of respondents with these costs. O&M costs have been updated from 2005 to 2019 using the CEPCI Index. There is a slight increase in costs due to the use of updated labor rates. This ICR uses labor rates from the most-recent Bureau of Labor Statistics report (September 2020) to calculate respondent burden costs.

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

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 53 hours per response. 'Burden' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information either 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 neither conduct nor 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, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2020-0627. 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), WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the docket center is (202) 566-1752. 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-2020-0627 and OMB Control Number 2060-0022 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 – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal)**

Burden item	(A) Person hours per occurrenc e	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year <sup>a</sup>	(E) Technical person- hours per year (E=CxD)	(F) Management person hours per year (Ex0.05)	(G) Clerical person hours per year (Ex0.1)	(H) Total Cost per year <sup>b</sup>
1. Applications	N/A							\$0
2. Survey and Studies	N/A							\$0
3. Reporting requirements								\$0
A. Familiarize with Regulatory Requirements <sup>c</sup>	1	1	1	130	130	6.5	13	\$17,711.20
B. Required activities								\$0
Performance Tests								\$0
a. Relative Accuracy Test Audit <sup>d</sup>	146	2	292	0	0	0	0	\$0
b. CEMS audits (RAA or CGA) <sup>e</sup>	160	3	480	0	0	0	0	\$0
C. Create information	See 3B							
D. Gather existing information	See 3B							
E. Write Reports								
i. Notification of construction /reconstruction <sup>f</sup>	2	1	2	0	0	0	0	\$0
ii. Notification of performance test <sup>f</sup>	2	1	2	0	0	0	0	\$0
iii. Report of performance test <sup>f</sup>	2	1	2	0	0	0	0	\$0
iv. Semiannual emission reports <sup>g</sup>	2	2	4	130	520	26	52	\$70,844.80
<b>Subtotal for Reporting Requirements</b>						<b>748</b>		<b>\$88,556</b>
4. Recordkeeping requirements								
A. Familiarize with Regulatory Requirements	See 3A							
B. Plan activities	See 3A							
C. Implement Activities	See 3B							
D. Develop record system	N/A							
E. Time to enter information								
Records of Operating Parameters <sup>h</sup>	0.25	350	87.5	130	11,375	568.75	1,137.5	\$1,549,730.0 0

F. Time to train personnel	N/A							
G. Time for audits	N/A							
<b>Subtotal for Recordkeeping Requirements</b>						<b>13,081</b>		<b>\$1,549,730</b>
<b>TOTAL LABOR BURDEN AND COSTS (rounded)<sup>i</sup></b>						<b>13,800</b>		<b>\$1,640,000</b>
<b>TOTAL CAPITAL AND O&amp;M COST (rounded)<sup>i</sup></b>								<b>\$809,000</b>
<b>GRAND TOTAL (rounded)<sup>i</sup></b>								<b>\$2,450,000</b>

**Assumptions:**

<sup>a</sup> We have assumed that there are approximately 130 respondents, with no additional new, modified or reconstructed sources becoming subject to NSPS Subpart J over the next three years since any of these events would trigger NSPS Subpart Ja applicability. In addition, we have assumed that there is an average of one affected facility subject to Subpart J at each petroleum refinery plant.

<sup>b</sup> This ICR uses the following labor rates: \$149.84 per hour for Executive, Administrative, and Managerial labor; \$122.66 per hour for Technical labor, and \$60.88 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2020, Table 2. Civilian Workers, by Occupational and Industry groups. 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.

<sup>c</sup> We have assumed each respondent will have to familiarize with the regulatory requirements each year. This is estimated to take one hour.

<sup>d</sup> We have assumed that the CEMS accuracy assessment (i.e., relative accuracy test or RATA) are conducted twice a year and take 146 hours per response. It is assumed that the RATA are typically conducted at the same time as the CGA to save costs. However, all respondents are estimated to comply with the CEMS requirements of 40 CFR Part 60, Subpart Ja and therefore there is no burden associated with this requirement under Subpart J.

<sup>e</sup> We have assumed that CEMS audits (Relative Accuracy Audits or Cylinder Gas Audits) are conducted three times per year (Appendix F of Part 60 allows for 3 of 4 quarters, but no more than three quarters in succession) and will take 160 hours per occurrence. We have assumed that each respondent has at least one monitor for each parameter requiring monitoring under the standards. However, all respondents are estimated to comply with the CEMS requirements of 40 CFR Part 60, Subpart Ja and therefore there is no burden associated with this requirement under Subpart J.

<sup>f</sup> One-time requirement. Not applicable during this year.

<sup>g</sup> We have assumed that it will take two hours for each respondent to write semiannual emissions reports twice per year.

<sup>h</sup> We have assumed that each respondent will take 0.25 hours per day, and an estimated operational schedule of 350 days per year to enter records of operating parameters.

<sup>i</sup> Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.

**Table 2: Average Annual EPA Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal)**

Activity	(A) EPA person- hours per occurrence e	(B) No. of occurrences per plant per year	(C) EPA person hours per plant per year (AxB)	(D) Plants per year <sup>a</sup>	(E) Technical person- hours per year (CxD)	(F) Management person- hours per year (Ex0.05)	(G) Clerical person- hours per year (Ex0.1)	(H) Cost, \$ <sup>b</sup>
1. Review reports								
a. Notification of construction/reconstruction <sup>c</sup>	0.5	1	0.5	0	0	0	0	\$0
b. Notification of performance test <sup>d</sup>	0.5	1	0.5	0	0	0	0	\$0
c. Semiannual emission reports <sup>e</sup>	1.5	2	3	130	390	19.5	39	\$22,407.45
<b>TOTAL (rounded)<sup>f</sup></b>					<b>449</b>			<b>\$22,400</b>

**Assumptions:**

<sup>a</sup> We have assumed that there are approximately 130 respondents, with no additional new or reconstructed sources becoming subject to the rule over the next three years. In addition, we have assumed that there is an average one affected facility subject to Subpart J at each petroleum refinery plant.

<sup>b</sup> This cost is based on the following hourly labor rates times a 1.6 benefits multiplication factor to account for government overhead expenses: \$69.04 for Managerial, \$51.23 for Technical and \$27.73 Clerical. These rates are from the Office of Personnel Management (OPM) “2021 General Schedule” which excludes locality rates of pay.

<sup>c</sup> We have assumed that it will take 0.5 hours once a year to review report from new sources; however there are no new sources estimated.

<sup>d</sup> We have assumed that it will take 0.5 hours once a year to review performance test report from new sources; however there are no new sources estimated.

<sup>e</sup> We have assumed that it will take 1.5 hours, twice per year, to review the excess emission reports.

<sup>f</sup> Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.