

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Asbestos (40 CFR Part 61, Subpart M) (Renewal)**

**1. Identification of the Information Collection**

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

NESHAP for Asbestos (40 CFR Part 61, Subpart M) (Renewal), EPA ICR Number 0111.16, OMB Control Number 2060-0101.

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

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos (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 both the demolition and renovation of facilities; the disposal of asbestos waste; asbestos milling, manufacture and fabrication; 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 required to be submitted are submitted through the EPA's Central Data Exchange (CDX), where the delegated state or local authority can review them. If there is no such delegated authority, the EPA regional office can review them. All other reports are sent to the delegated state or local authority. If there is no such delegated authority, the reports are sent directly to the EPA's regional offices. The use of the term "Designated Administrator" throughout this document refers to the U.S. EPA or a delegated authority such as a state agency. The term "Administrator" alone refers to the U.S. EPA Administrator.

On May 30, 2019, EPA approved 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 approval of this AWP and its requirements are published in the *Federal Register* (84 FR 26852). 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 include these changes in reporting and recordkeeping from the final approved AWP.

The “Affected Public” includes owners and 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 below in Table 1: Annual Respondent Burden and Cost – NESHAP for Asbestos (40 CFR Part 61, Subpart M) (Renewal). The Federal Government’s ‘burden’ is attributed entirely to work performed by either Federal employees or government contractors and refers below to Table 2: Average Annual EPA Burden and Cost – NESHAP for Asbestos (40 CFR Part 61, Subpart M) (Renewal). There are approximately 9,771 facilities, which are owned and operated by industry. None of these 9,771 facilities in the United States are owned by either state, local, or tribal entities or by 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 are an average of one affected facilities 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 9,771 respondents per year will be subject to these standards, while 38 additional respondents per year will become subject to these same standards, and 10 respondents will no longer be subject to these same standards due to facility closures.

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 112 of the Clean Air Act, as amended, to establish the 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, 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-on materials either cause or contribute to air pollution that may reasonably be anticipated to endanger public health and/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 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 these standards are used to inform the Agency or delegated authority when a source becomes subject to the requirements of these regulations. The reviewing authority may then inspect the source to check if these same standards are 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. Non-duplication, Consultations, and Other Collection Criteria**

The requested recordkeeping and reporting are required under 40 CFR Part 61, Subpart M.

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

For reports required to be submitted electronically, the information is sent through the EPA's CDX, where the appropriate EPA regional office can review it, as well as by state and local agencies that have been delegated this authority. If a state or local agency has adopted under its own authority its own standards for reporting or data collection, then adherence to those non-Federal requirements does not constitute duplication.

For all other reports, if the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, this information is sent directly to the delegated state or local agency. If a state or local agency has adopted its own 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 19256) on April 13, 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 9,771 existing respondents per year will be subject to these standards, 38 additional respondents per year will become subject to these same standards, and 10 respondents will no longer be subject to these same standards 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 these standards when it was being developed and further amended, and these same standards has been reviewed previously to determine the minimum information needed for compliance purposes. In developing this ICR, the EPA contacted both the Asphalt Roofing Manufacturers Association (ARMA), at (443) 640-1075, and the 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 for those submitted in response to the first *Federal Register* notice. In this case, no comments were received.

### **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 that 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 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 (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 demolition and renovation of asbestos containing structures, ACPRPs, asbestos waste disposal, asbestos milling, manufacturing and fabricating, asbestos on roadways, asbestos waste converting, and asbestos spray-on 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>40 CFR Part 61, Subpart M</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
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Motor Vehicle Brake System Manufacturing	3292	33634
Hard Surface Floor Coverings, Nec	3996	326199
Alkalies and Chlorine Manufacturing	2812	325180
Site Preparation Contractors	1795	238910
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, 1752	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 Landfills	4953	562212
Water Supply and Irrigation Systems	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
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 are recorded or reported is required by the NESHAP for Asbestos (40 CFR Part 61, Subpart M).

A source must make the following reports:

<b>Notifications</b>	
Anticipated date of initial startup.	§61.09(a)(1)
Actual startup.	§61.09(a)(2)
Physical or operational change which may increase emission rate.	§61.15
Performance test.	§61.13(c)
Notification and application for construction or modification (applicable to asbestos converting sites)	§61.06, §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)	§ 61.145(b)
Notification of commencement of operations using spray-on materials containing more than 1-percent asbestos (applicable to	§ 61.146(b)



<b>Notifications</b>	
spray operation sites)	
Notification of excavation of asbestos materials (applicable to waste disposal sites)	§ 61.151(d), § 61.154(j)

<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)
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 Close-Tolerance Pipe Slurrification alternative work practice), see notice of approval	Section IV.C.4, 84 FR 26852, May 30, 2019 <sup>a</sup>

<sup>a</sup>Available at: <https://www.govinfo.gov/content/pkg/FR-2019-06-10/pdf/2019-12085.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)
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 approval once inactive (applicable to waste disposal sites)	§ 61.151(e) OR Section IV.E.3, 84 FR 26852, May 30, 2019 <sup>a</sup>
Slurry Samples and test results	Section IV.C.2, 84 FR 26852, May 30, 2019 <sup>a</sup>

<sup>a</sup>Available at: <https://www.govinfo.gov/content/pkg/FR-2019-06-10/pdf/2019-12085.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.

**(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 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.

**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 these emission standards and to 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.

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. 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 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 at the end of this document in Table 1: Annual Respondent Burden and Cost – NESHAP 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 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 297,000 hours (Total Labor Hours from Table 1 below). These hours are based on Agency studies and background documents from the development of these regulations, Agency knowledge and experience with the NESHAP program, the previously-approved ICR, and any comments received.

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

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

This ICR uses the following labor rates:

Managerial	\$153.55 (\$73.12 + 110%)
Technical	\$122.20 (\$58.19 + 110%)
Clerical	\$61.51 (\$29.29 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2021, “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 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 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 \$1,960,000.

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 – Table 2: Average Annual EPA Burden and Cost – NESHAP 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 three years, approximately 9,771 existing respondents will be subject to these standards. It is estimated that an additional 38 respondents per year will become subject to these same standards, and that 10 respondents will no longer be subject to these same standards due to facility closures. The overall average number of respondents, as shown in the table below, is 9,771 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>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	9,715	0	10	9,743
2	38	9,743	0	10	9,771
3	38	9,771	0	10	9,799
Average	38	9,743	0	10	9,771

<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 three 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 three-year period of this ICR is 9,771 respondents.

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>				
<b>Demolition/renovation</b>				
Notification by US mail of intent to demolish or renovate	8,781	9	0	79,029
Re-notification due to change	8,781	2	0	17,562
Malfunction Reports for owners/operators of ACPRPs using CTPS AWP <sup>a</sup>	20	2	0	40
Excepted waste shipment report	8,781	3	0	26,343
<b>Milling, manufacturing, and fabricating</b>				
Control device maintenance plan	40	1	0	40
Semiannual visible emissions report	400	2	0	800
Expected 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	126,482

The number of Total Annual Responses is 126,482 responses.

The total annual labor costs are \$35,100,000. Details regarding these estimates may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – NESHAP 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 at the end of this document, respectively, and summarized below.

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



The total annual labor hours are 297,000 hours. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Asbestos (40 CFR Part 61, Subpart M) (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 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 next three years is estimated to be 39,300 labor hours at a cost of \$1,960,000; see below in Table 2: Average Annual EPA Burden and Cost – NESHAP for Asbestos (40 CFR Part 61, Subpart M) (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 an increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The change is due to the removal of burden associated with electronic reporting by either the demolition or renovation of facilities. The previous ICR renewal introduced a pilot program for demolition/renovation facilities, which allowed for voluntary submission of certain notifications using electronic reporting, as available. However, there are no regulatory requirements for electronic submission of reports in 40 CFR part 61, subpart M; therefore, this ICR does not assign a regulatory burden for electronic submittal of reports. We have also updated the number of respondents to accurately reflect industry growth from the prior renewal, and updated the respondent and Agency labor rates, which are referenced from the Bureau of Labor Statistics and OPM, respectively. The overall result is an increase in burden.

### **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 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-2021-0096. 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. Due to COVID-19 precautions, entry to the Reading Room is available by appointment only. Please contact personnel in the Reading Room to schedule an appointment. 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-2021-0096 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 – NESHAP 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 (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. 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	\$5,169.08
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	\$2,176.46
ii. Spraying operations <sup>c</sup>								
Notification of commencement of operations using materials containing >1% asbestos	N/A							
Excepted waste shipment	N/A							

report <sup>d</sup>									
iii. Demolition/renovation									
Notification by US Mail of intent to demolish or renovate	1	9	9	8,781	79,029	3,951.45	7,902.9	\$10,750,196.33	
Renotification due to change	0.25	2	0.5	8,781	4,390.5	219.53	439.05	\$597,233.13	
Excepted waste shipment report <sup>d</sup>	1	3	3	8,781	26,343	1,317.15	2,634.3	\$3,583,398.78	
Malfunction report if using CTPS AWP	2	2	4	20	80	4.00	8.0	\$10,882.28	
iv. Milling, manufacturing, and fabricating									
Control device maintenance plan <sup>e</sup>	1	1	1	40	40	2	4	\$5,441.14	
Semiannual visible emissions report	1	2	2	400	800	40	80	\$108,822.80	
Excepted waste shipment report <sup>d</sup>	0.1	1	0.1	400	40	2	4	\$5,441.14	
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	\$1,360.29	
Waste generator reports	0.67	1	0.67	560	375.2	18.76	37.52	\$51,037.89	
Waste disposal discrepancy report <sup>f</sup>	1.5	1	1.5	560	840	42	84	\$114,263.94	
Improperly contained waste report <sup>g, h</sup>	1.17	2	2.34	560	1,310.4	65.52	131.04	\$178,251.75	
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	\$2,720.57	
<b>Reporting Subtotal</b>						<b>130,332</b>		<b>\$15,416,396</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	\$0.00
Waste shipment records	0.1	12	1.2	2	2.4	0.12	0.24	\$326.47
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	8,781	21,074.40	1,053.72	2,107.44	\$2,866,719.02
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	8,781	2,634.3	131.7	263.43	\$358,339.88
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	\$3,468,726.75
Weekly inspection of air cleaning devices <sup>l</sup>	0.25	127.5	31.88	400	12,750	637.5	1,275	\$1,734,363.38
Waste shipment records	0.1	51	5.1	400	2,040	102	204	\$277,498.14
Excepted waste shipment	0.1	1	0.1	400	40	2	4	\$5,441.14

report <sup>d</sup>								
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	\$1,371,167.28
Waste management data retention until landfill closure	0.5	1	0.5	10	5	0.25	0.5	\$680.14
Record of deed OR utility record notation (if using CTPS AWP) once inactive	0.5	1	0.5	20	10	0.50	1.0	\$1,360.29
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	8,809	70,472	3,523.6	7,047.2	\$9,586,200.45
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>166,299</b>		<b>\$19,670,823</b>
<b>TOTAL ANNUAL BURDEN AND COST (ROUNDED) <sup>p</sup></b>						<b>297,000</b>		<b>\$35,100,000</b>
<b>TOTAL ANNUAL CAPITAL AND O&amp;M COST (SEE SECTION 6(b) (iii)) <sup>p</sup></b>								<b>\$0</b>
<b>GRAND TOTAL (LABOR, CAPITAL, AND O&amp;M) <sup>p</sup></b>								<b>\$35,100,000</b>

**Assumptions:**

a EPA estimates an average of 9,743 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 9,771 sources per year (9,743 + 38 - 10 = 9,771).

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

- 1) 2 existing asbestos converting sources. No new sources are expected.
- 2) 8,781 existing asbestos demolition/renovation sources. EPA assumes an increase of 28 new sources per year.
- 3) An annual average of 20 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.
- b This ICR uses the following labor rates: \$122.20 (technical), \$153.55 (managerial), and \$61.51 (clerical). These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2021, "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.
- c EPA does not expect any spray operation sources will become subject to the rule over the next three years.
- d 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.
- e 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.
- f Sources are required to submit reports if discrepancies between designated waste shipment and actual received quantities are not resolved with waste generators.
- g 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.
- h EPA assumes respondents will submit reports for improperly contained waste twice per year.
- i EPA assumes asbestos-containing waste will not be excavated at any disposal site.
- j 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.
- k 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.
- l 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.
- m EPA assumes all existing contractors (8,781) and new contractors entering the market for the first time (28) will spend resources annually on training due to employee turnover and new hires.
- n EPA anticipates there will be no direct costs to respondents to train inspectors for Method 9 certification for daily visible emissions monitoring.

- o EPA anticipates there will be no burden for waste disposal-related training.
- p Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.



**Table 2: Average Annual EPA Burden and Cost – NESHAP for Asbestos (40 CFR Part 61, Subpart M) (Renewal)**

Burden item	A	B	C	D	E	F	G	H
	EPA person-hours per occurrence	Annual occurrences per respondent	EPA person-hours per respondent per year (AxB)	Respondents per year <sup>a</sup>	Technical hours per year (Cx D)	Management hours per year (Ex0.05)	Clerical hours per year (Ex0.10)	Annual cost (\$) <sup>b</sup>
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	\$229.82
2. Spraying operations <sup>c</sup>								
A. Notification of commencement of operations using materials containing >1% asbestos	N/A							
B. Excepted waste shipment report	N/A							
3. Demolition/renovation								
A. Notification by US Mail of intent to demolish or renovate	0.25	6	1.50	8,781	13,171.50	658.58	1,317.15	\$756,768.53

C. Renotification due to change	0.25	2	0.5	8,781	4,390.5	219.53	439.05	\$252,256.18
D. Excepted waste shipment report	0.5	3	1.5	8,781	13,171.5	658.58	1,317.15	\$756,768.53
E. CTPS AWP Malfunction report	0.25	2	0.5	20	10.0	0.50	1.00	\$574.55
4. Milling, manufacturing, and fabricating								
A. Control device maintenance plan	0.25	1	0.25	40	10	0.5	1	\$574.55
B. Semiannual visible emissions report	0.1	2	0.2	400	80	4	8	\$4,596.40
C. Excepted waste shipment report	0.5	1	0.5	400	200	10	20	\$11,491.00
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	\$287.28
B. Waste generator reports	4	1	4	560	2,240	112	224	\$128,699.20
C. Waste disposal discrepancy report	0.5	1	0.5	560	280	14	28	\$16,087.40
D. Improperly contained waste report	0.5	2	1	560	560	28	56	\$32,174.80
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	\$574.55
<b>TOTAL ANNUAL BURDEN AND COST<sup>d</sup></b>					<b>39,300</b>			<b>\$1,960,000</b>

**Assumptions:**

a EPA estimates an average of 9,743 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 9,771 sources per year

(9,743 + 38 - 10 = 9,771).

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

- 1) 2 existing asbestos converting sources. No new sources are expected.
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- 3) An annual average of 20 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.
  - b This ICR uses the following labor rates: \$51.23 (technical), \$69.04 (managerial), and \$27.71 (clerical). 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.
  - c EPA does not expect any spray operation sources will become subject to the rule over the next three years.
  - d Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.