SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY

NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (Renewal)

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (Renewal), EPA ICR Number 1790.10, OMB Control Number 2060-0361.

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) were proposed on December 27, 1996; promulgated on June 10, 1999; and amended on: June 12, 2002; April 20, 2006; August 19, 2015; September 28, 2017; and November 3, 2020. These regulations apply to both new and existing phosphoric acid manufacturing facilities and phosphate fertilizers production facilities that are major sources of hazardous air pollutants (HAPs). The rule applies to component processes at these facilities and to any new, or modified, or reconstructed sources. Component processes include the following facilities: wet process phosphoric acid plants, super-phosphoric acid plants, purified phosphoric acid plants, phosphate rock dryers, phosphate rock calciners, diammonium and monoammonium phosphate plants, and granular triple superphosphate (GTSP) plants. The EPA most-recently finalized rule amendments on November 9, 2020 (85 FR 69508). The final rule included a narrow revision to 40 CFR part 63, subpart AA to revise the mercury MACT floor for existing calciners. This ICR incorporates the amendments from the final rule, however, these amendments included no changes to the projected costs and hour burden from the information collection requirements of the 2015 final rule. New facilities include those that commenced either construction, or modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR Part 63, Subparts AA and BB.

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 five years following the date of such measurements, maintenance reports, and records. All reports required to be submitted electronically are submitted through the EPA's Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI), where the delegated state or local authority can

review them. If there is no such delegated authority, the EPA's regional offices 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 various 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.

The "Affected Public" are owners or operators of phosphoric acid and phosphate fertilizer production facilities. The "burden" to the Affected Public may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (Renewal). 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 Table 2: Average Annual EPA Burden and Cost – NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (Renewal). There are approximately 13 phosphoric acid and phosphate fertilizer facilities. None of the facilities in the United States are owned by either state, local, or tribal entities, or by the Federal governments. 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 facility 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 13 respondents (facilities) per year will be subject to these standards, and no additional respondents per year will become subject to these same standards. At these 13 facilities, there are 12 phosphoric acid units and 11 phosphate fertilizer units, for a total of 23 process units.

The active (previous) ICR had the following Terms of Clearance (TOC):

> "Upon resubmission, the agency must update the burden estimates to accurately reflect the number of respondents in industry and verify that there are no reporting or recordkeeping requirements for States in 40 CFR part 63, subpart AA and BB. The agency must also ensure that burden is calculated for all of the requirements and that the requirements and burden tables are consistent throughout the supporting statement. The agency must provide screen shots of the electronic mode of collection that is used for this information collection. In addition, the agency must have a burden statement that aligns with the requirements under 5 CFR 1320.8(b)(3) and placement of the OMB control number for on-line submissions on the initial screen per 5 CFR 1320.3(f)(2)."

In renewing the currently-approved ICR, the agency has reviewed the number of respondents in industry and updated the burden estimates accordingly. In this case, we did not

identify any changes to the number of respondents in the currently approved ICR. There are no reporting requirements for states. 'Burden' has been calculated for all requirements, which are reflected in the burden tables in the supporting statement. All electronic collection in this information collection is submitted through EPA's CEDRI or ERT, as discussed in section 4(b)(i) of this document. Additional Paperwork Reduction Act requirements for CEDRI and ERT, including the burden statement and OMB control number, are available at: *https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert*.

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 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, HAP emissions from phosphoric acid manufacturing and phosphate fertilizers production facilities 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 63, Subparts AA and BB.

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 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 same 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 either the Agency or its 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 that the standards are being met. The performance test may also be observed.

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

Additionally, the EPA is requiring electronic reporting for certain notifications or reports. The EPA is requiring that owners or operators of affected sources would submit electronic copies of initial notifications required in 40 CFR 63.9(b), notification of change in information required in 40 CFR 63.9(j), performance test reports, and performance evaluation reports through the EPA's Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI). For the notifications required in 40 CFR 63.9(b) and 63.9(j), owners and operators would be required to upload a PDF of the required notifications.

CEDRI includes the Electronic Reporting Tool (ERT) software, which is used by facilities to generate electronic reports of performance tests. The EPA is also requiring that 40 CFR Part 63, Subpart AA performance test reports and performance evaluations and 40 CFR Part 63, Subpart BB performance test reports be submitted through the EPA's ERT.

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

The requested recordkeeping and reporting are required under 40 CFR Part 63, Subparts AA and BB.

3(a) Non-duplication

For reports required to be submitted electronically, the information is sent through the EPA's CDX, using CEDRI, where the appropriate EPA regional office can review it, as well as for state and local agencies that have been delegated authority. If a state or local agency has adopted under its own authority its own standards for reporting or data collection, 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, the 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 either 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* (87 FR 20847) on April 8, 2022. 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 13 respondents will be subject to these same standards over the three-year period covered by this ICR.

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 Association of Fertilizer and Phosphate Chemists, at 2740 Causeway Center Dr, Tampa, FL 33619, and The Fertilizer Institute, at (202) 962-0490.

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.

These standards require the respondents to maintain all records, including reports and notifications for at least five years. This is consistent with the General Provisions as applied to these standards. 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 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, EPA would be prevented from pursuing the violators due to either the destruction or nonexistence of essential records.

3(f) Confidentiality

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B - Confidentiality of Business Information (CBI) (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

3(g) Sensitive Questions

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 United States Standard Industrial Classification (SIC) code for the respondents affected by the standards is SIC 2874, which corresponds to the North American Industry Classification System (NAICS) 325312 for Phosphatic Fertilizer Manufacturing.

4(b) Information Requested

(i) Data Items

In this ICR, all the data that are recorded or reported is required by the NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts

AA and BB).

A source must make the following reports:

Notifications	
Notification and application of construction/reconstruction	§63.5(d)
Notification of initial startup	§§63.9(b), 63.607(a), 63.627(a)
Notification of initial performance test	§§63.7(b), 63.9(e), 63.607(a), 63.627(a)
Extension of compliance	§§63.607(a), 63.627(a), 63.9(c)
Special compliance requirements	§§63.607(a), 63.627(a), 63.9(d)
Waiver of performance testing	§63.7(h)
Notification of compliance status	§§63.607(a), 63.627(a), 63.9(h)
Notification of changes in information (reclassification to area source status or to revert to major source status) (electronic submission)	§63.9(b), §63.9(j)

Reports	
Initial performance test report	§§63.607(b)(2), 63.627(b)(2), 63.10(d)
Semiannual report	§§63.10(e), 63.607(b)(3), 63.607(b)(5), 63.627(b)(3), 63.627(b)(5)
Quarterly report	§§63.10(e), 63.607(b)(3), 63.627(b)(3)
Annual report	§§63.10(e), 63.607(b)(2), 63.627(b)(2)
Develop monitoring plan	§§63.608(c),

Reports	
	63.628(c)
Prepare gypsum stack management plan	§§63.602(d)-(e)
Performance test and evaluation reports (electronic submission)	§§63.607(e)-(f), 63.627(e)

A source must keep the following records:

Recordkeeping	
Performance test report	§§63.607(b)(1), 63.627(b)(1), and 63.10(b)
Excess emissions report	§§63.607(b)(1), 63.627(b)(1), and 63.10(b)
Summary report	§§63.607(b)(5), 63.627(b)(5), and 63.10(b)
Reports and notifications	§63.10(b)
Records retained for 5 years	§63.10(b)(1)

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.

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), which can be accessed through the EPA's Central Data Exchange (CDX) (https://cdx.epa.gov/). 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. Respondents are also required to submit electronic copies of notifications and certain reports through EPA's CEDRI. The notification is an upload of their currently required notification in portable document format (PDF) file. The OMB Control Number is displayed on the Welcome page of the template, with a

link to an online repository that contains the PRA requirements. For purposes of this ICR, it is assumed that there is no additional burden associated with the proposed requirement for respondents to submit the notifications and reports electronically.

Electronic copies of records may also be maintained in order to satisfy Federal recordkeeping requirements. For additional information on the Paperwork Reduction Act requirements for CEDRI and ERT for this rule, see: *https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert*.

(ii) Respondent Activities

Respondent Activities
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate CMS for pressure drop and liquid supply pressure for control device.
Perform initial performance test, Reference Methods 5 and 13 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, 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. 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 five years.

5(c) Small Entity Flexibility

There are no small entities (i.e., small businesses) affected by this regulation. However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of these regulations. 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 Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (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 each of the subparts 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 2,200 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	$157.61 ($75.05 + 110%)
Technical	$123.94 ($59.02 + 110%)
Clerical	$62.52 ($29.77 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 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 varying industry wage rates and the additional overhead business costs of employing workers beyond their wages and benefits, including business expenses associated with hiring, training, and equipping their employees.

(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 these regulations. 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

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)
Temperature monitoring device	$2,891	0	$0	$949	13	$12,333
Mercury testing [a]	$0	0	$0	$8,566	6	$51,937
TF testing [a, b]	$0	0	$0	$5,966	9	$53,966
Performance evaluation [c]	$0	0	$0	$2,142	23	$49,255
BLDS alarm[d]	$26,983	0	$0	$10,601	3	$31,082
		Total [f]	**$0**		**Total [d]**	**$199,000**

a Based on the 2015 RTR, we estimate there are 6 phosphate rock calciners that are subject to Hg and TF testing.
b Based on the 2015 RTR, we estimate there are 3 oxidation reactors subject to TF testing.
c Facilities must follow performance evaluation criteria (calibrations) for control devices. There are 23 process units at the 13 facilities.
d Based on the 2015 RTR, we estimate there are 3 BLDS alarms. We assumed capital costs were incurred during the first year of the amendment.
e Costs have been adjusted from $2015 to $2020 using the annual Chemical Engineer Plant Cost Index (CEPCI).
f 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 $199,000. 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 $199,000. 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 $69,800.

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

Managerial	$70.56 (GS-13, Step 5, $44.10 + 60%)
Technical	$52.37 (GS-12, Step 1, $32.73 + 60%)
Clerical	$28.34 (GS-6, Step 3, $17.71 + 60%)

These rates are from the Office of Personnel Management (OPM), 2022 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 at the end of this document in Table 2: Average Annual EPA Burden and Cost – NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (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 13 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 13 per year.

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

Number of Respondents					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
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	(E) Number of Respondents (E=A+B+C-D)

Number of Respondents					
				Respondents	
1	0	13	0	0	13
2	0	13	0	0	13
3	0	13	0	0	13
Average	0	13	0	0	13

[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 13.

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
Notification of construction/reconstruction	0	0	0	0
Notification of initial performance test	0	0	0	0
Notification of compliance status	0	0	0	0
Annual performance test report	13.9	1	0	13.9
Quarterly reports of excess emissions	1.3	4	0	5.2
Semiannual report of no excess emissions	11.7	2	N/A	23.4
			Total (rounded)	43

The number of Total Annual Responses is 43 (rounded).

The total annual labor costs are $264,000. Details regarding these estimates may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (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 2,200 hours. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (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 52 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are $199,000. 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 1,370 labor hours at a cost of $69,800; see below in Table 2: Average Annual EPA Burden and Cost – NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (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 no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: 1) these regulations have not changed significantly over the past three years and are not anticipated to

change over the next three years; and 2) the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. We have updated the capital/startup or operation and maintenance (O&M) costs from 2015 dollars to 2020 dollars using the annual Chemical Engineering Plant Cost Index (CEPCI). There is a slight increase in labor costs, which is wholly due to the use of updated labor rates. This ICR uses labor rates from the most-recent Bureau of Labor Statistics report (September 2021) 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 52 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-2022-0086. 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-

EPA-HQ-OAR-2022-0086 and OMB Control Number 2060-0361 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 Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (Renewal)

Burden item	(A) Technical Hours per Occurrence	(B) Occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person hours per year (E=CxD)	(F) Managerial person hours per year (F=Ex0.05)	(G) Clerical person hours per year (G=Ex0.1)	(H) Total Cost per Year ($) [b]
1. Applications	N/A							
2. Survey and Studies	N/A							
3. Reporting Requirements								
A. Familiarize with regulatory requirements [c]	4	1	4	13	52	2.6	5.2	$7,179.77
B. Required activities								
Initial performance test	28	1	28	0	0	0	0	$0
Repeat initial performance test	28	0.1	2.8	0	0	0	0	$0
Startup, shutdown, malfunction plan	40	1	40	0	0	0	0	$0
Annual performance test	28	1	28	13	364	18.2	36.4	$50,258.39
Repeat annual performance test [d]	28	0.2	5.6	0.91	5.10	0.25	0.5	$703.62
Mercury testing - Calciners [e]	10	1	10	6	60	3	6	$8,284.35
TF testing								
a. Oxidation Reactors [f]	10	1	10	3	30	1.5	3	$4,142.18
b. Calciners [e]	10	1	10	6	60	3	6	$8,284.35
C. Create information	See 3B							
D. Gather existing information	See 3B							
E. Write report								
Notification of applicability	N/A							
Notification of construction./	2	1	2	0	0	0	0	$0

Burden item	(A) Technical Hours per Occurrence	(B) Occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person hours per year (E=CxD)	(F) Managerial person hours per year (F=Ex0.05)	(G) Clerical person hours per year (G=Ex0.1)	(H) Total Cost per Year ($) [b]
reconstruction								
Notification of actual startup	N/A							
Notification of compliance requirements	N/A							
Notification of performance test	2	1	2	0	0	0	0	$0
Notification of compliance status	4	1	4	0	0	0	0	$0
Report of performance test	see 3B							
Report monitoring exceedances [g]	16	4	64	1.3	83.2	4.16	8.32	$11,487.63
Report of no excess emissions [h]	8	2	16	11.7	187.2	9.36	18.72	$25,847.17
Startup/ shutdown/ malfunction report [i]	8	1	8	0	0	0	0	$0
Develop monitoring plan [j]	15	1	15	0	0	0	0	$0
Prepare gypsum stack management [j]	20	1	20	0	0	0	0	$0
Subtotal for Reporting					**968**			**$116,187**
4. Recordkeeping Requirements								
A. Familiarize with regulatory requirements	See 3A							
B. Plan activities	See 4E							
C. Implement activities	See 4E							
D. Develop record system	See 4E							
E. Time to enter information								
Records of operating parameters [k]	1.5	52	78	13	1014	50.7	101.4	$140,005.52
Records of Hg testing [e]	3	1	3	6	18	0.9	1.8	$2,485.31

Burden item	(A) Technical Hours per Occurrence	(B) Occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person hours per year (E=CxD)	(F) Managerial person hours per year (F=Ex0.05)	(G) Clerical person hours per year (G=Ex0.1)	(H) Total Cost per Year ($) [b]
Records of TF testing [e, f]	3	1	3	9	27	1.35	2.7	$3,727.96
Records of BLDS alarm [l]	5	1	5	3	15	0.75	1.5	$2,071.09
F. Time to train personnel	See 3B							
G. Time to comply with applicable requirements	See 3B							
H. Time for audits	N/A							
Subtotal for Recordkeeping					**1,235**			**$148,290**
TOTAL ANNUAL BURDEN and COST (rounded) [m]					**2,200**			**$264,000**
CAPITAL AND O&M COST (rounded) [m]								**$199,000**
GRAND TOTAL (rounded) [m]								**$463,000**

Assumptions

[a] Based on data collected during the 2020 final rule and consultation with internal agency experts, we estimate that 12 phosphoric acid units and 11 phosphate fertilizers, for a total of 23 processing units, located at 13 facilities will be subject to the rule. No additional respondents will become subject the rule over the three-year period of this ICR.

[b] This ICR uses the following labor rates: Managerial $157.61 ($75.05+ 110%); Technical $123.94 ($59.02 + 110%); and Clerical $62.52 ($29.77 + 110%). These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 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 varying industry wage rates and the additional overhead business costs of employing workers beyond their wages and benefits, including business expenses associated with hiring, training, and equipping their employees.

[c] We assume that all respondents will have to familiarize with the regulatory requirements each year.

[d] We have assumed that 7 percent of respondents will fail the performance test and must repeat it.

[e] Based on the 2015 RTR and 2020 final rule, we estimate there are 6 phosphate rock calciners that are subject to Hg and TF testing.

[f] Based on the 2015 RTR and 2020 final rule, we estimate there are 3 oxidation reactors subject to TF testing.

[g] We have assumed that 10 percent of sources will report exceedances. Respondents are required to report quarterly.

[h] We have assumed that 90 percent of sources will report no excess emissions semiannually.
[i] No longer applies.
[j] This is a one-time activity from the 2015 final rule. We assume the burden was already incurred during the first year of the amendment.
[k] We have assumed that it will take 1.5 hours per respondent to enter information and that information is entered one-time per week for 52 weeks per year.
[l] Records of BLDS alarms must be kept, we assume each fabric filter will warrant 5 hours of documenting for this requirement.
[m] 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 Phosphoric Acid Manufacturing and Phosphate Fertilizers Production (40 CFR Part 63, Subparts AA and BB) (Renewal)

Burden Item	(A) Person hours per occurrence	(B) Number of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person hours per year (E=CxD)	(F) Managerial person hours per year (F=Ex0.05)	(G) Clerical person hours per year (G=Ex0.1)	(H) Total Cost per Year ($) [b]
Initial performance test	40	1	40	0	0	0	0	$0
Repeat initial performance test								
Retesting preparation	8	1	8	0	0	0	0	$0
Retesting	40	1	40	0	0	0	0	$0
Excess emissions enforcement activities	N/A							
Report review								
Notification of applicability	2	1	2	0	0	0	0	$0
Notification of construction./reconstruction	N/A							
Notification of anticipated startup	N/A							
Notification of actual startup	N/A							
Notification of special compliance requirements	N/A							
Notification of initial performance test	2	1	2	0	0	0	0	$0
Notification of compliance status	2	1	2	0	0	0	0	$0
Observe stack tests [c]	20	1	20	3	60	3	6	$3,523.92
Annual performance test	40	1	40	13	520	26	52	$30,540.64
Repeat annual performance test [d]	40	1	40	0.91	36.4	1.82	3.64	$2,137.84

Burden Item	(A) Person hours per occurrence	(B) Number of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person hours per year (E=CxD)	(F) Managerial person hours per year (F=Ex0.05)	(G) Clerical person hours per year (G=Ex0.1)	(H) Total Cost per Year ($) [b]
Excess emissions report [e]	20	4	80	1.3	104	5.2	10.4	$6,108.13
No excess emissions report [f]	20	2	40	11.7	468	23.4	46.8	$27,486.58
Review monitoring plan [g]	10	1	10	0	0	0	0	$0
Review gypsum stack and cooling pond management plan [g]	8	1	8	0	0	0	0	$0
Waiver application	N/A							
Startup, shutdown, malfunction report [h]	20	1	20	0	0	0	0	$0.00
TOTAL ANNUAL BURDEN AND COST (rounded) [i]					**1,370**			**$69,800**

Assumptions:

[a] Based on data collected during the 2020 final rule and consultation with internal agency experts, we estimate that 12 phosphoric acid units and 11 phosphate fertilizers, for a total of 23 processing units, located at 13 facilities will be subject to the rule. No additional respondents will become subject the rule over the three-year period of this ICR.

[b] This cost is based on the following labor rates which incorporates a 1.6 benefits multiplication factor to account for government overhead expenses: Managerial rate of $70.56 (GS-13, Step 5, $44.10 + 60%), Technical rate of $52.37 (GS-12, Step 1, $32.73 + 60%), and Clerical rate of $28.34 (GS-6, Step 3, $17.71 + 60%). These rates are from the Office of Personnel Management (OPM) "2022 General Schedule" which excludes locality rates of pay.

[c] Assumes EPA will attend 20 percent of stack tests. Only considers facilities with new emission points.

[d] We have assumed that 7 percent of respondents will fail the initial performance test and must repeat it.

[e] We have assumed that 10 percent of respondent will report exceedances. Respondents are required to report quarterly.

[f] We have assumed that 90 percent of existing respondents report no excess emissions semiannually.

[g] This is a one-time activity. We assume the burden was already incurred during the first year of the amendment.

[h] No longer applies.

[i] Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.