

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Primary Copper Smelting
(40 CFR Part 63, Subpart QQQ) (Proposed Amendments)**

Part A of the Supporting Statement

1. Identification of the Information Collection

1(a) Title of the Information Collection

“National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting (Proposed Amendments),” EPA Information Collection Request (ICR) Number 1850.10, OMB Control Number 2060-0476.

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Copper Smelters (40 CFR Part 63, Subpart QQQ) were proposed on April 20, 1998, and promulgated on June 6, 2002. Amendments to the NESHAP are being proposed as a result of the residual risk and technology review (RTR) required under the Clean Air Act (CAA). These regulations apply to each existing and new copper concentrate dryer, smelting furnace, slag cleaning vessel, copper converter department, and the entire group of fugitive emission sources located at a primary copper smelter facility that is a major source of hazardous air pollutant (HAP) emissions. Major sources of HAP emissions are sites that emit, or have the potential to emit, any single HAP at a rate of 10 tons or more per year or any combination of HAPs at a rate of 25 tons or more per year. New facilities include those that commenced construction or reconstruction after the date of the original proposal (April 20, 1998). This information is being collected to assure compliance with 40 CFR Part 63, Subpart QQQ.

In general, all NESHAP require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. Owners/operators are also required to maintain records of the occurrence and duration of any failures to meet applicable standards, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NESHAP. Annual and semiannual reports are required.

Any owner or operator subject to the provisions of this part shall maintain a file of these documents and retain the file for at least 5 years following the date of such reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

The proposed RTR amendments would remove the startup, shutdown, and malfunction (SSM) exemption and specify that standards will apply at all times; remove the SSM plan requirement; and require electronic reporting of performance test results and notification of

compliance reports. The proposed amendments would add emission limits for particulate matter (PM) as a surrogate for HAP metals, for anode refining furnace point source emissions and process fugitive emissions from rooflines from anode furnaces, smelting vessels, and converters. The proposed amendments would also add limits for mercury emissions from the combination of point source emissions from copper concentrate dryers, converters, smelting furnaces, and anode refining.

All the primary copper smelting facilities in the United States are owned and operated by the primary copper smelter industry (aka: the “Affected Public”). None of these facilities in the United States are owned by any government entities, including state, local, tribal, and federal governments. They are all privately-owned, for-profit commercial businesses. We assume that they will all respond to EPA inquiries. The “burden” to the “Affected Public” may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ). The “burden” to the federal government is attributed entirely to work performed by either federal employees or government contractors and can be found below in Table 2: Average Annual EPA Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ).

There are two major source facilities subject to the standard. This estimate is based on the research conducted by the EPA during the subpart QQQ RTR rulemaking and consultation with the industry.

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

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

Section 112 of the CAA requires the EPA to establish NESHAP for major sources of HAP that are listed for regulation under CAA section 112(c). A major source is a stationary source that emits or has the potential to emit more than 10 tons per year of any single HAP or more than 25 tons per year of any combination of HAP. For major sources, the NESHAP includes technology-based standards that must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). The NESHAP are commonly referred to as maximum achievable control technology (MACT) standards. In the Administrator's judgment, HAP emissions from primary copper smelters 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, Subpart QQQ.

Section 112(d)(6) of the CAA requires the EPA to review the technology-based MACT standards and revise them “as necessary (taking into account developments in practices, processes, and control technologies)” no less frequently than every 8 years. In addition, section 112(f) of the CAA requires the EPA to determine whether the MACT emissions limitations provide an ample margin of safety to protect public health. For MACT standards for HAP “classified as a known, probable, or possible human carcinogen” that “do not reduce lifetime

excess cancer risks to the individual most exposed to emissions from a source in the category or subcategory to less than 1-in-1 million,” the EPA must promulgate residual risk standards for the source category (or subcategory) as necessary to provide an ample margin of safety to protect public health. In doing so, EPA may adopt standards equal to existing MACT standards, if the EPA determines that the existing standards are sufficiently protective. The EPA must also adopt more stringent standards, if necessary, to prevent an adverse environmental effect, but must consider cost, energy, safety, and other relevant factors in doing so. Certain records and reports are necessary for the Administrator to confirm the compliance status of sources subject to NESHAP, identify any new or reconstructed sources subject to the standards, and confirm that the standards are being achieved on a continuous basis. These recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414) and set out in the part 63 NESHAP General Provisions (40 CFR Part 63, Subpart A). CAA Section 114(a) states that the Administrator may require any owner or operator subject to any requirement of this Act to:

(A) Establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods; (D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Administrator shall prescribe); (E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (F) submit compliance certifications in accordance with Section 114(a)(3); and (G) provide such other information as the Administrator may reasonably require.

2(b) Practical Utility/Users of the Data

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

Performance tests are required to determine an affected facility’s initial and ongoing capability to comply with the emission standards. Continuous monitoring systems 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 or more frequent performance tests.

The notifications required in these standards are used to inform the Agency or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated, leaks are being detected and repaired, and that these same standards are being met. The performance tests may also be observed.

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

3. Nonduplication, Consultations, and Other Collection Criteria

The recordkeeping and reporting requested is required under 40 CFR Part 63, Subpart QQQ.

3(a) Nonduplication

If the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent to both the delegated state or local agency and the appropriate EPA regional office. The submission process can be simplified through the electronic reporting included in this rule. As owners and operators of affected facilities are required to submit their specified reports electronically to the Compliance and Emissions Data Reporting Interface (CEDRI), air agency staff at the regional, state and local levels will all have access to data within their jurisdiction immediately upon submittal if they are registered in CEDRI. For those who choose not to register, the data can be accessed following a processing period in CEDRI via the EPA's Web Factor and Information Retrieval (WebFIRE) database, where it is publicly accessible. Therefore, duplication does not exist.

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

The ICR will be available for public review during the public comment period following publication of the proposed Subpart QQQ RTR amendments in the *Federal Register*.

3(c) Consultations

The Agency has consulted each of the affected primary copper smelting facilities as well as the Arizona Department of Environmental Quality, EPA region 9, and Indian tribal officials to project the number of affected facilities and industry growth over the next three years. The growth rate for the industry is based on our consultations industry representatives as well as with the Agency's internal industry experts. Further stakeholder and public input are expected through public comment following publication of the proposed RTR amendments to Subpart QQQ in the Federal Register and follow-up meetings with interested stakeholders.

3(d) Effects of Less Frequent Collection

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied, and emission limitations are met. If the information required by these standards and the proposed RTR amendments 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 and the proposed RTR amendments do not violate any of the regulations established by OMB under 5 CFR 1320.5.

These standards require the respondents to maintain all records, including reports and notifications for at least 5 years. This is consistent with the General Provisions as applied to these standards. EPA believes that the 5-year records retention requirement is consistent with the Part 70 permit program and the 5-year statute of limitations on which the permit program is based. The retention of records for 5 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 5 years. In addition, EPA would be prevented from pursuing the violators due to the destruction or nonexistence of essential records in the absence of the 5-year maintenance requirement.

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

None of the reporting or recordkeeping requirements or the proposed RTR amendments contain sensitive questions.

4. The Respondents and the Information Requested

4(a) Respondents/NAICS Codes

The respondents to the recordkeeping and reporting requirements and the proposed RTR amendments are primary copper smelting facilities. The United States Standard Industrial Classification (SIC) code for the respondents affected by the standards is SIC 3331 which corresponds to the North American Industry Classification System (NAICS) 331410 for Nonferrous Metal (except Aluminum) Smelting and Refining.

Standard (40 CFR Part 63, Subpart QQQ)	NAICS Codes
Primary Copper Smelting	331410

4(b) Information Requested

(i) Data Items

All data in this ICR that are recorded and/or reported are required by 40 CFR Part 63, Subpart QQQ or would be required under the proposed RTR amendments. Subpart QQQ references 40 CFR Part 63, Subpart A for several general reporting and recordkeeping requirements that apply for all NESHAP.

A source must make the following notifications and reports:

Notifications	
Initial notification	63.1454(a)-(c), 63.7(b)-(c) 63.8(f) (4), 63.9(b)-(h)
Notification of performance test	63.1454(a) 63.1454(d), 63.7(b)
Notification of compliance status	63.1454(e), 63.9(h)

Reports	
Performance test reports	63.1455(e), 63.10(d) (but not 63.10(d)(5))
Semiannual compliance reports	63.1455(a)-(c) 63.10(a)
Part 70 monitoring report	63.1455(d), 70.6, 71.6
Fugitive dust control plan	63.1445(d)
Performance Test, CEMS Performance Evaluation Reports, and Electronic Reporting	63.1455(e)-(h), 63.2

A source must keep the following records:

Recordkeeping	
Records of each notification and report submitted	63.1456(a)(1), 63.10(b)(2)
Records of performance tests, performance evaluations, and other supporting documentation used to demonstrate compliance with opacity limits, filterable particulate matter emission limits, nonsulfuric acid particulate matter emission limits, and mercury emission limit under the rule	63.1456(a)(3)-(5), 63.10(b)(2)
Records of alarms for each bag leak detection system and description of corrective actions taken following each bag leak detection alarm	63.1456(a)(6), 63.1453(c)(2), 63.10(b)(2)
Records to support selection of site-specific operating limits for each control device that is not a baghouse or venturi scrubber	63.1456(a)(7)
Maintain records for 5 years	63.1456(c), 63.10(b) (1)
Records of monitoring system deviations	63.1456(a)(4)

Recordkeeping	
Records of air pollution control equipment maintenance, malfunctions, and corrective actions	63.1448(b)
Records of control device operating parameter monitoring system performance, calibration, and maintenance	63.1450(a), 63.1456(a)(4), 63.10(b)(2)
Written operation and maintenance plan	63.1447(b)
Copy of site-specific smelter fugitive dust control plan	63.1445

Electronic Reporting

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

(ii) Respondent Activities

The respondent activities required by Subpart QQQ are listed in the following table.

Respondent Activities
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate monitoring devices for capture system parameters, bag leak detection systems, CPMS to monitor venturi scrubber parameters, and monitoring devices to monitor operating parameters for any other control device other than a baghouse or venturi scrubber.
Conduct performance tests and repeat performance tests if necessary.
Write the notifications and reports listed above.
Enter information required to be recorded above.
Submit the required reports developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.

Respondent Activities
Develop, acquire, install, and utilize technology and systems for the purpose of 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 Integrated Compliance Information System (ICIS).

5(b) Collection Methodology and Management

Following notification of startup, the reviewing authority could inspect the source to determine whether the pollution control devices are properly installed and operated. Performance test reports are used by the Agency to discern a source's initial capability to comply with the emission standard and note the operating conditions under which compliance was achieved. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

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

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

5 years.

5(c) Small Entity Flexibility

All the respondents are large entities (i.e., large businesses). There are no small businesses operating Primary Copper Smelting facilities.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown below in Table 1: Average Annual Respondent Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments).

6. Estimating the Burden and Cost of the Collection

Table 1 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry for the subpart included in this ICR. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

6(a) Estimating Respondent Burden

The average annual burden to industry over the next 3 years from these recordkeeping and reporting requirements and the proposed RTR amendments is estimated to be 5,500 hours per year (Total Labor Hours from Table 1). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NESHAP program, the previously approved ICR for Subpart QQQ, and any comments received.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates:

Civilian Worker Rates	Labor Rates, \$/hr^a	110% Overhead	Total, \$/hr
Managerial	\$69.73	\$76.70	\$146.43
Technical	\$57.48	\$63.23	\$119.71
Clerical	\$28.23	\$31.05	\$59.28

^a https://www.bls.gov/news.release/archives/ecec_03192020.pdf

These rates are from the United States Department of Labor, Bureau of Labor Statistics,

December 2019, Employer Costs for Employee Compensation – December 2019, Table 2. Employer Costs for Employee Compensation for 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 O&M Costs

The type of industry costs associated with the information collection activities in the subject standard are both labor costs (which are addressed elsewhere in this ICR) and the costs associated with continuous monitoring and other compliance activities. The capital/startup costs are one-time costs when a facility becomes subject to the regulation and include startup cost for continuous monitoring systems (CMS). The annual O&M costs are the ongoing costs to maintain the CMS. No O&M costs are being attributed to industry as a result of this rule because the use of CMS on control devices are necessary to determine whether they are operating properly.

(iii) Capital/Startup vs. O&M Costs

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

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are costs associated with observation of the initial performance tests and analysis of the reported information. Publication and distribution of the information are part of the ECHO program. Examination of records to be maintained by the respondents will occur as part of the periodic inspection of sources, which is part of the EPA’s overall compliance and enforcement program. The average annual Agency cost during the 3 years of the ICR is estimated to be \$17,800.

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

Agency Worker Rates	Labor Rates, \$/hr ^a	60% Overhead	Total, \$/hr
Managerial (GS-13, step 5)	\$41.64	\$24.98	\$ 66.62
Technical (GS-12, step 1)	\$30.90	\$18.54	\$49.44
Clerical (GS-6, step 3)	\$16.72	\$10.03	\$26.75

^a https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf

These rates are from the Office of Personnel Management (OPM), 2019 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. Details upon which this estimate is based appear below in Table 2: Average Annual EPA Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments).

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

Based on our research for this ICR, there are two existing sources currently subject to the

NESHAP, all of which will keep records and submit reports. The average number of respondents is calculated using the following table that addresses the 3 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 ^a	(B) Number of Existing Respondents	(C) Number of Existing Respondents that keep records but do not submit reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	2	0	0	2
2	0	2	0	0	2
3	0	2	0	0	2
Average	0	2	0	0	2

^a New respondents include sources with constructed and reconstructed affected facilities.

Column D is subtracted to avoid double-counting respondents. As shown above, the average Number of Respondents over the 3-year period of this ICR is 2.

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 applicability	0	0	0	0
Notification of compliance status	0	0	0	0
Notification of intent to construct a major source and review application	0	0	0	0
Notification of actual startup	0	0	0	0
Notification of performance test	2	1	0	2
Semiannual compliance reports	2	2	0	4
Report of performance test (through CEDRI using ERT)	2	1	0	2
			Total	8

^a Notifications and semiannual reports submitted through CEDRI. Report of performance test/retest submitted through ERT.

The number of Total Annual Responses is 8, all of which will be submitted electronically.

The total annual labor costs are \$750,000. Details regarding these estimates may be found below in Table 1: Average Annual Respondent Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments).

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 below, respectively, and summarized below.

(i) Respondent Tally

The total annual labor hours are 5,500 at a cost of \$750,000. Details regarding these estimates may be found in Table 1: Average Annual Respondent Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments).

We assume that burdens for managerial tasks take 5 percent 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 percent 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 324 hours per response.

(ii) The Agency Tally

The average annual Agency burden and cost over the next 3 years are estimated to be 369 labor hours and \$17,800. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments).

We assume that burdens for managerial tasks take 5 percent 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 percent of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies, and maintain records.

6(f) Reasons for Change in Burden

This ICR is prepared for proposed RTR amendments to the NESHAP for Primary Copper Smelting (40 CFR, Part 63, Subpart QQQ). These proposed RTR amendments: (1) adjust references to the Part 63 General Provisions (40 CFR, Part 63, Subpart A) and revise provisions in the NESHAP (40 CFR Part 63, Subpart QQQ) to remove the SSM exemption and SSM plan requirement; (2) add electronic submittal of notifications of compliance and performance test reports; (3) add emission limits for particulate matter (PM), as surrogate for HAP metals, for anode refining furnace point source emissions; (4) added emission limits for PM, a surrogate for

HAP metals, for new converters; (5) add emission limits for PM, as surrogate for HAP metals, for process fugitive emissions from anode furnaces, smelting furnaces and converters; and (6) add limits for mercury emissions from the combination of point source emissions from converters, smelting furnaces, and anode refining. Where applicable, adjustments for these proposed RTR amendments are reflected in Tables 1 and 2 of this ICR.

There are currently two facilities subject to subpart QQQ. At the time of the last renewal ICR there were three facilities. The labor rates that were used reflect rates for 2019 instead of 2018. The burden estimate for familiarizing with regulatory requirements was increased to reflect the time it would take industry to review the proposed amendments. Additional performance testing is required under the proposed rule. Many of the other burden items are one-time requirements that would apply only to new respondents and there no new respondents are estimated over the 3-year period of this ICR. Costs charged by testing contractors for Method 5 PM performance tests increase over time. There is no additional burden associated with electronic reporting beyond reading the rule and any technical memoranda. Cost of reporting are included with the performance test costs. Any burden associated with developing SSM plans and submitting periodic SSM reports were removed.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 324 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for EPA regulations are listed at 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2017-0664. 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 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 EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-

1744, and the telephone number for the docket center is (202) 566-1742. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503. Please include the EPA Docket ID Number EPA-HQ-OAR-2002-0083 and OMB Control Number 2060-0517 in any correspondence.

Part B of the Supporting Statement

This part is not applicable because no statistical methods were used in data collection associated with the rule.

Table 1: Average Annual Respondent Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments)

Burden item	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Person hours per occurrence	No. of occurrences per respondent per year	Person hours per respondent per year (C=AxB)	Respondents per year ^a	Technical person-hours per year (E=CxD)	Management person hours per year (Ex0.05)	Clerical person hours per year (Ex0.1)	Total Cost Per year ^{b c}
1. Applications	N/A							
2. Survey and Studies	N/A							
3. Reporting Requirements								
A. Familiarization with rule requirements								
i. Current requirements ^d	16	1	16	2	32	1.6	3.2	\$4,255
ii. Proposed requirements	2	2	4	2	8	0.4	0.8	\$1,064
B. Required activities								
i. Conduct PM performance test ^e (current)	120	4.5	540	2	1080	54	108	\$143,596
ii. Conduct copper converter building performance test ^f (current)	240	1	240	2	480	24	48	\$63,821
iii. PM performance test, anode refining point source proposed) ^g	-	1	-	1.0	-	-	-	\$18,000
iv. PM performance test, roof vents for converter operations, smelting furnaces, anode refining (new) ^h	-	3	-	1.0	-	-	-	\$31,667
v. Whole facility mercury test ⁱ	-	1	-	2.0	-	-	-	\$58,800
C. Create information	N/A							
D. Gather existing information	N/A							
E. Write report								
i. Initial Notifications ^j	2	1	2	0	0	0	0	\$0
ii. Notification of performance test (current + proposed) ^k	2	5.5	11	2	22	1.1	2.2	\$2,925
iii. Initial compliance determination (current + proposed) ^j	40	1	40	0	0			\$0
iv. Report of performance test (through CEDRI using ERT) ^l	8	1	8	2	16	1	2	\$2,127

Burden item	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Person hours per occurrence	No. of occurrences per respondent per year	Person hours per respondent per year (C=AxB)	Respondents per year ^a	Technical person-hours per year (E=CxD)	Management person hours per year (Ex0.05)	Clerical person hours per year (Ex0.1)	Total Cost Per year ^{b,c}
v. Semiannual compliance reports	40	2	80	2	160	8	16	\$21,274
Subtotal for Reporting Requirements						2,068		\$347,528
4. Recordkeeping Requirements								
A. Familiarization with rule requirements (current) ^d	40	1	40	2	80	4	8	\$10,637
B. Plan activities ^j	3	1	3	0	0	0	0	\$0
C. Implement Activities	16	1	16	0	0	0	0	\$0
i. Copper concentrate dryer								
Monitor control device parameters ^m (current)	0.5	365	182.5	2	365	18	37	\$48,530
ii. Smelting vessel								
Inspect tapping hood system ⁿ (current)	4	12	48	2	96	5	10	\$12,764
Monitor control device parameters ^m (current)	0.5	365	182.5	2	365	18	37	\$48,530
iii. Slag cleaning vessel								
Inspect tapping hood system ^{n,o}	4	12	48	1	48	2	5	\$6,382
Monitor control device parameters ^{m,o}	0.5	365	182.5	1	183	9	18	\$24,265
iv. Batch copper converters								
Inspect converter hood system ⁿ	4	12	48	2	96	5	10	\$12,764
Monitor hood system ventilation parameters ^m	0.5	365	182.5	2	365	18	37	\$48,530
Monitor control device parameters ^m	0.5	365	182.5	2	365	18.25	36.5	\$48,530
v. Prepare fugitive dust control plan	100	1	100	0	0	0	0	\$0
vi. Monitor roof vents - CPMS on converter operations, smelting furnaces, anode refining ^p								
Daily for first 30 days	0.5	30	15	2	30	1.5	3	\$3,989

Burden item	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Person hours per occurrence	No. of occurrences per respondent per year	Person hours per respondent per year (C=AxB)	Respondents per year ^a	Technical person-hours per year (E=CxD)	Management person hours per year (Ex0.05)	Clerical person hours per year (Ex0.1)	Total Cost Per year ^{b,c}
Weekly for remaining 48 weeks	0.5	48	24	2	48	2.4	4.8	\$6,382
vii. Monitoring processes and control devices for mercury compliance ^q	1	12	12	2	24	1.2	2.4	\$3,191
D. Develop record system ^j (current)	100	1	100	0	0	0	0	\$0
E. Time to enter information ^t (current)	1	365	365	2	730	36.5	73	\$97,060
F. Time to train personnel ^s (current)	100	1	100	2	200	10	20	\$26,592
Subtotal for Recordkeeping Requirements						3,444		\$398,147
TOTAL LABOR BURDEN AND COST (unrounded)								\$745,675
TOTAL LABOR BURDEN AND COST (rounded) ^t						5,500		\$750,000

Assumptions:

^a There are 2 existing sources currently subject to this rule. We estimate there will be no additional new source that will become subject to the rule over the 3-year period of this ICR.

^b This ICR uses the following labor rates: \$146.43 per hour for Executive, Administrative, and Managerial labor; \$119.71 per hour for Technical labor, and \$59.285 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2018, "Table 2. Civilian Workers, by Occupational and Industry group." The rates are from column 1, "Total Compensation." The rates have been increased by 110% to account for the benefit packages available to those employed by private industry.

^c The burden associated with the existing NESHAP for primary copper smelting is from the Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Primary Copper Smelters (Renewal). A Notice by the Environmental Protection Agency on 10/11/2018 (<https://www.federalregister.gov/documents/2018/10/11/2018-22069/information-collection-request-submitted-to-omb-for-review-and-approval-comment-request-neshap-for>). In some cases, it was necessary to modify the existing burden estimates due to changes in the affected respondents. At the time of the renewal burden estimate there were 3 facilities affected by the rule. At the time of this rulemaking, there are only 2 operating facilities. Therefore, the existing burden estimates were revised to reflect the changes in the number of affected facilities.

^d We have assumed that all respondents will have to familiarize themselves with the regulatory requirements each year.

^e We have assumed that each of the two respondents will take 120 hours, 4.5 times per year to conduct performance tests for PM as required under 40 CFR 63.1453.

^f We have assumed that each of the three respondents will take 240 hours to conduct copper converter building performance test once per year.

^g PM testing - Contractor cost based on the following: Testing anode refining point source at Asarco only. Includes initial performance test 1 year after

promulgation of rule and test annually thereafter for a total of 2 tests during 3-yr period. Annual average cost = $(1 \text{ test/yr} \times 2\text{yr} \times \$27000/\text{test})/3 = \$18,000/\text{yr}$.

^h PM testing - Contractor cost based on the following: 3 tests, 1 test each on the roof vents for the converter operations, smelting furnaces, and anode refining at Asarco. Includes the 3 initial performance tests 2 years after promulgation of rule for a total of one test during the 3-year period. Testing costs is estimated to be \$95,000 and includes associated recordkeeping and reporting. Annual average cost = $\$95,000/3 = 31,667$.

ⁱ Mercury testing - Contractor cost based on the following: 3 Method 29 tests to be conducted on smelting furnaces, converters, and anode refining at both of the 2 copper smelting facilities. The initial tests are required 1 year after rule is promulgation and annually thereafter for a total of 2 tests per facility over the 3-year period of this ICR. At a cost of \$44,100 per facility per year, total cost for the 3-year period = $(\$44,100/\text{test}/\text{facility}/\text{yr} \times 2 \text{ facilities} \times 2 \text{ test over the 3-yr ICR period})/3 = \$58,800/\text{yr}$.

^j These requirements are one-time requirements that apply to new respondents. There are no new respondents estimated over the 3-year period of this ICR.

^k It is assumed that the number of notices given for the performance tests under the existing rule will include notices given for the new testing required.

^l Submittal of performance test data through the EPA's CEDRI in ERT format is estimated to require 8 hours annually, includes keeping records of failures to meet the standards and the actions taken to minimize emissions. Electronic reporting replaces the manual reporting of performance testing.

^m Recordkeeping requirements are required daily on all monitor control device parameters.

ⁿ We have assumed that inspections on all hood systems are done on a monthly basis.

^o We have assumed that one of the two existing sources will be equipped with a slag cleaning vessel.

^p We assumed each roof vent would be monitored daily for visible emissions using Method 22. After monitoring for 30 days with no visible emissions, the facility can reduce monitoring to once per week. The person hours per occurrence includes time to take the reading and to record the information.

^q We assumed that each facility would monitor the operating parameters established during their performance test for mercury from the smelting furnace, converter, and anode refining. Monitoring would consist of checking the parameters once per month at each facility. It is estimated that 1 hour per month would be required at each facility.

^r Each respondent is required to record information on a daily basis.

^s We have assumed that it will take each of the respondent 100 hours to train personnel once a year

^t 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 Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Proposed Amendments)

Activity	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	EPA person-hours per occurrence ^e	No. of occurrences per plant per year	EPA person-hours per plant per year (C=AxB)	Plants per year ^a	Technical person-hours per year (E=CxD)	Management person-hours per year (F=Ex0.05)	Clerical person-hours per year (G=Ex0.1)	Cost (\$) ^b
Activity	N/A							
Review reports								
a. Initial notifications	2	1	2	0	0	0	0	\$0
b. Notification of performance test ^c	2	5.5	11	2	22	1.1	2.2	\$1,219.81
c. Performance test reports ^d	16	7.5	120	2	240	12	24	\$13,307.04
d. Performance test reports (Asarco only) ^e	16	1.7	27.2	1	27.2	1.36	2.72	\$1,508.13
e. Semiannual compliance reports ^f	8	2	16	2	32	1.6	3.2	\$1,774.27
f. Initial compliance determination ^h	8	1	8	0	0	0	0	\$0
TOTAL ANNUAL BURDEN AND COST (rounded) ^g						369		\$17,800

Assumptions:

^a We have assumed that there are two sources that are subject to the standard, with no new additional sources expected over the next three years.

^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 \$66.62 (GS-13, Step 5, \$41.07 + 60%), Technical rate of \$49.44 (GS-12, Step 1, \$30.47 + 60%), and Clerical rate of \$26.75 (GS-6, Step 3, \$16.49 + 60%). These rates are from the Office of Personnel Management (OPM) "Salary Table 2019-GS" which excludes locality rates of pay.

^c We have assumed that EPA will take two hours to review each notification of performance test.

^d We have assumed that EPA will take 16 hours to review each performance test report. Number of occurrences/yr (i.e., number of test reports to review each year) = 5.5 (current inventory) + 2 (Mercury tests for smelter, converter, and anode refining at each facility. 3 tests/facility/yr for 2 of the 3-yr ICR period = 3 test/yr/facility x 2 yr = 6 test/3 yr/ICR period/facility = 2 test/yr/facility) = 7.5 tests/yr/facility.

^e We have assumed that EPA will take 16 hours to review each performance test report. Number of occurrences/yr (i.e., number of test reports to review

each year) = **0.67** (test for anode refining point source at Asarco only: 2 tests/3 yr period = 0.67 test/yr) + **1** (test roof vents from smelting, converter, anode refining at Asarco only 2 yrs after promulgation for 1 series of test for the 3 yr period: 3 tests/3-yr period = 1 test/yr) = 1.67 test/yr/facility.

^f We have assumed that EPA will take eight hours to review each semiannual compliance report.

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

^h These requirements are one-time requirements that apply to new respondents. There are no new respondents estimated over the 3-year period of this ICR.