

U.S. Environmental Protection Agency

Information Collection Request

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

OMB CONTROL NUMBER: 2060-0022

EPA ICR NUMBER: 1054.15

ABSTRACT:

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

In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NSPS.

Any owner/operator subject to the provisions of this part shall maintain a file 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 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. In the event that 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. In the event that there is no such delegated authority, the reports are sent directly to the EPA 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 petroleum refineries. The burden to the "Affected Public" may be found in Table 1: Annual Respondent Burden and Cost - NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal). The burden to the "Federal Government" is attributed entirely to work performed by federal employees or government contractors and may be found in Table 2: Average Annual EPA Burden

and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal). There are approximately 130 petroleum refinery facilities. None of the 130 facilities in the United States are owned by state, local, tribal or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. We assume that they will all respond.

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 130 respondents per year will be subject to the standard, and no additional respondents per year will become subject to the standard.

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION:

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

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

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

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

In addition, section 114(a) states that the Administrator may require any owner/operator subject to any requirement of this Act to:

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

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

2. PRACTICAL UTILITY/USERS OF THE DATA:

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

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 the standards at all times. During the performance test a record of the operating parameters under which compliance was achieved may be recorded and used to determine compliance in place of a continuous emission monitor.

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

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

3. USE OF TECHNOLOGY:

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

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.

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>.

4. EFFORTS TO IDENTIFY DUPLICATION:

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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 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 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.

5. MINIMIZING BURDEN ON SMALL ENTITIES:

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

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

The impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation. Due to technical considerations involving the process operations and the types of control equipment employed, the recordkeeping and reporting requirements are the same for both small and large entities. The Agency considers these to be the minimum requirements needed to ensure compliance and, therefore, cannot reduce them further for small entities. To the extent that larger businesses can use economies of scale to reduce their burden, the overall burden will be reduced.

6. EFFECTS OF LESS FREQUENT COLLECTION:

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

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 was collected less frequently, the proper operation and maintenance of control equipment and the possibility of detecting violations would be less likely.

7. GENERAL GUIDELINES:

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with PRA Guidelines at 5 CFR 1320.5(d)(2).

With the following exception, these reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR Part 1320, Section 1320.5.

8. PUBLIC COMMENT AND CONSULTATIONS:

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

An announcement of a public comment period for the renewal of this ICR was published in the *Federal Register* (88 FR 31748) on May 18, 2023. No comments were received on the burden published in the *Federal Register* for this renewal.

8b. Consultations

Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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 the standard, is the Integrated Compliance Information System (ICIS). ICIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. The growth rate for the industry is based on our consultations with the Agency's internal industry experts. Approximately 130 respondents will be subject to the standard over the three-year period covered by this ICR.

Industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with the standard as it was being developed and the standard has been previously reviewed to determine the minimum information needed for compliance purposes. In developing this ICR, we contacted both the American Petroleum Institute, at (202) 682-8000, and the American Fuel & Petrochemical Manufacturers (AFPM), at (202) 457-0480. In this case, no comments were received.

It is our policy to respond after a thorough review of comments received since the last ICR renewal as well as those submitted in response to the first Federal Register notice. In this case, no comments were received.

9. PAYMENTS OR GIFTS TO RESPONDENTS:

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

The Agency does not intend to provide payments or gifts to respondents as part of this collection.

10. PROVISIONS FOR PROTECTION OF INFORMATION:

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

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 (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).

11. JUSTIFICATION FOR SENSITIVE QUESTIONS:

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The reporting or recordkeeping requirements in the standard do not include sensitive questions.

12. RESPONDENT BURDEN HOURS AND LABOR COSTS:

Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.*
 - If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
 - Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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12a. RESPONDENTS/NAICS CODES

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

Based on our research for this ICR, on average over the next three years, approximately 130 existing respondents will be subject to the standard. It is estimated that an additional 0 respondents per year will become subject. The overall average number of respondents, as shown in the table below, is 130 per year.

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

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 Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	130	0	0	130
2	0	130	0	0	130
3	0	130	0	0	130
Average	0	130	0	0	130

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 130.

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 or modification	0	1	0	0
Notification of performance test	0	1	0	0
Report of performance test	0	1	0	0
Semiannual report	130	2	0	260
			Total	260

The number of Total Annual Responses is 260.

12b. INFORMATION REQUESTED

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

A source must make the following reports:

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

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

A source must keep the following records:

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

Recordkeeping	
Records of data obtained from the fluid catalytic cracking unit daily feed sulfur tests (if complying with §60.104(b)(3)).	§60.107(b)(3)
Records of each 7-day rolling average compliance determination.	§60.107(b)(4)
Records of COMS results during initial performance test.	§60.11(e)(4)
Records of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; and adjustments and maintenance performed on these systems or devices.	§60.7(f)

12c. RESPONDENT ACTIVITIES

- Familiarization with the regulatory requirements.
- Install, calibrate, maintain, and operate CMS for opacity, CO, SO₂, and O₂.
- Perform initial performance test, Reference Methods 1, 2, 3 or 3A, 3B, 4, 5B or 5F, 6, 6B, 6C, 8, 9, 10, 10A, 11, 15, 15A, or 16, ANSI/ASME PTC 19.10-1981, ASTM D129-64, 78, or 95, ASTM D1552-83 or 95, ASTM D2622-87, 94, or 98, or ASTM D1266-87, 91, or 98 tests, and repeat performance tests if necessary.
- Write the notifications and reports listed above.
- Enter information required to be recorded above.
- Submit the required reports developing, acquiring, installing, and utilizing technology and systems for collecting, validating, and verifying information.
- Develop, acquire, install, and utilize technology and systems for processing and maintaining information.
- Develop, acquire, install, and utilize technology and systems for disclosing and providing information.
- Train personnel to be able to respond to a collection of information.
- Transmit, or otherwise disclose the information.

The specific frequency for each information collection activity within this request is shown at the end of this document in Table 1: Annual Respondent Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

12d. RESPONDENT BURDEN HOURS AND LABOR COSTS

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 13,800 (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 NSPS program, the previously approved ICR, and any comments received.

This ICR uses the following labor rates:

Managerial	\$163.17 (\$77.70 + 110%)
Technical	\$130.28 (\$62.04 + 110%)
Clerical	\$65.71 (\$31.29 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, "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.

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

We assume that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 53 hours per response.

13. RESPONDENT CAPITAL AND O&M COSTS:

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

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

Capital/Startup vs. Operation and Maintenance (O&M) Costs						
(A) Continuous Monitoring Device	(B) Capital/ Startup Cost for One Respondent ^a	(C) Number of New Respondents	(D) Total Capital/Startu p Cost, (B X C)	(E) Annual O&M Costs for One Respondent ^a	(F) Number of Respondent s with O&M	(G) Total O&M, (E X F)
Opacity	\$45,412	0	\$0	\$2,271	130	\$295,221
CO	\$15,421	0	\$0	\$1,542	130	\$200,514
SO ₂ /H ₂ S	\$22,706	0	\$0	\$2,271	130	\$295,221
O ₂	\$10,644	0	\$0	\$2,271	130	\$295,221
Totals ^b			\$0			\$1,090,000

a Costs are based on the EPA Cost Control Manual (Sixth Edition, EPA/452/B-02-001), adjusted using the Chemical Engineering Index for process instruments from 2005 to 2022.

b 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 \$1,090,000. 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 \$1,090,000. These are recordkeeping costs.

14. AGENCY COSTS:

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

14a. Agency Activities

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

- 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.

14b. Agency Burden and Labor 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 \$23,800.

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

Managerial	\$73.456 (GS-13, Step 5, \$45.91 + 60%)
Technical	\$54.512 (GS-12, Step 1, \$34.07 + 60%)
Clerical	\$29.50 (GS-6, Step 3, \$18.44 + 60%)

These rates are from the Office of Personnel Management (OPM), 2023 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 – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

14c. Agency Non-Labor Costs

There are no anticipated non-labor costs for the Agency.

14d. Agency Total Costs

The average annual Agency burden and cost over next three years is estimated to be 449 labor hours at a cost of \$23,800. See Table 2: Average Annual EPA Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal).

We assume that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

15. CHANGE IN BURDEN:

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

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. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. There is a slight increase in 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 2022) to calculate respondent burden costs. There is an increase in capital and operation & maintenance costs due to an adjustment to increase from 2005 to 2022 \$ using the CEPCI Equipment Cost Index. Capital and operation & maintenance costs were previously adjusted from 2005 to 2019 \$.

16. PUBLICATION OF DATA:

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

All non-CBI data submitted electronically to the Agency through CEDRI are available to the public for review and printing and are accessible using WebFIRE. Electronically submitted emissions data from performance testing or performance evaluations using the Electronic Reporting Tool or templates attached to CEDRI, as well as data from reports from regulations with electronic templates, are tabulated; data submitted as portable document format (PDF) files attached to CEDRI are neither tabulated nor subject to complex analytical techniques. Electronically submitted emissions data used to develop emissions factors undergo complex analytical techniques and the draft emissions factors are available on the Clearinghouse for Inventories and Emission Factors listserv at <https://www.epa.gov/chief/chief-listserv> for public review and printing. Electronically submitted emissions data, as well as other data, obtained from one-time or sporadic information collection requests often undergo complex analytical techniques; results of those activities are included in individual rulemaking dockets and are available at <https://www.regulations.gov/> for public review and printing.

17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS:

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT:

Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

ADDITIONAL TABLES AND APPENDICES

Table 1: Annual Respondent Burden and Cost – NSPS for Petroleum Refineries (40 CFR Part 60, Subpart J) (Renewal)

Burden item	(A) Person hours per occurrenc e	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year ^a	(E) Technical person- hours per year (E=CxD)	(F) Management person hours per year (Ex0.05)	(G) Clerical person hours per year (Ex0.1)	(H) Total Cost per year ^b
1. Applications	N/A							\$0
2. Survey and Studies	N/A							\$0
3. Reporting requirements								\$0
A. Familiarize with Regulatory Requirements ^c	1	1	1	130	130	6.5	13	\$18,851.24
B. Required activities								\$0
Performance Tests								\$0
a. Relative Accuracy Test Audit ^d	146	2	292	0	0	0	0	\$0
b. CEMS audits (RAA or CGA) ^e	160	3	480	0	0	0	0	\$0
C. Create information	See 3B							
D. Gather existing information	See 3B							
E. Write Reports								
i. Notification of construction /reconstruction ^f	2	1	2	0	0	0	0	\$0
ii Notification of performance test ^f	2	1	2	0	0	0	0	\$0
iii. Report of performance test ^f	2	1	2	0	0	0	0	\$0
iv. Semiannual emission reports ^g	2	2	4	130	520	26	52	\$75,404.94
Subtotal for Reporting Requirements					748			\$94,256
4. Recordkeeping requirements								
A. Familiarize with Regulatory Requirements	See 3A							
B. Plan activities	See 3A							
C. Implement Activities	See 3B							
D. Develop record system	N/A							
E. Time to enter information								
Records of Operating Parameters ^h	0.25	350	87.5	130	11,375	568.75	1,137.5	\$1,649,483.06
F. Time to train personnel	N/A							

G. Time for audits	N/A							
Subtotal for Recordkeeping Requirements						13,081		\$1,649,483
TOTAL LABOR BURDEN AND COSTS (rounded) ⁱ						13,800		\$1,740,000
TOTAL CAPITAL AND O&M COST (rounded) ⁱ								\$1,090,000
GRAND TOTAL (rounded) ⁱ								\$2,830,000

Assumptions:

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

^b This ICR uses the following labor rates: \$163.17 (\$77.70 + 110%) per hour for Executive, Administrative, and Managerial labor; \$130.28 (\$62.04 + 110%) per hour for Technical labor, and \$65.71 (\$31.29 + 110%) per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, "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 have assumed each respondent will have to familiarize with the regulatory requirements each year. This is estimated to take one hour.

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

^f One-time requirement. Not applicable during this year.

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

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

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

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

Activity	(A) EPA person- hours per occurrence	(B) No. of occurrences per plant per year	(C) EPA person hours per plant per year (AxB)	(D) Plants per year ^a	(E) Technical person- hours per year (CxD)	(F) Management person-hours per year (Ex0.05)	(G) Clerical person- hours per year (Ex0.1)	(H) Cost, \$ ^b
1. Review reports								
a. Notification of construction/reconstruction ^c	0.5	1	0.5	0	0	0	0	\$0
b. Notification of performance test ^d	0.5	1	0.5	0	0	0	0	\$0
c. Semiannual emission reports ^e	1.5	2	3	130	390	19.5	39	\$23,841.87
TOTAL (rounded) ^f						449		\$23,800

Assumptions:

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

b The cost is based on the following labor rates: Managerial rate of \$73.456 (GS-13, Step 5, \$45.91 + 60%), Technical rate of \$54.512 (GS-12, Step 1, \$34.07 + 60%), and Clerical rate of \$29.50 (GS-6, Step 3, \$18.44 + 60%). These rates are from the Office of Personnel Management (OPM), 2023 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 We have assumed that it will take 0.5 hours once a year to review report from new sources; however there are no new sources estimated.

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

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

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