

U.S. Environmental Protection Agency

Information Collection Request

TITLE: NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal)

OMB CONTROL NUMBER: 2060-0041

EPA ICR NUMBER: 1057.16

ABSTRACT:

The New Source Performance Standards (NSPS) for the regulations published at 40 CFR Part 60, Subpart H were proposed on August 17, 1971; promulgated on December 23, 1971; and amended most-recently on February 27, 2014 (79 FR 11250). These regulations apply to existing facilities and new facilities. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. A sulfuric acid plant is any facility producing sulfuric acid (H₂SO₄) by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge. A sulfuric acid plant does not include facilities where conversion to sulfuric acid is used primarily as a means of preventing emissions to the atmosphere of sulfur dioxide (SO₂) or other sulfur compounds. This information is being collected to assure compliance with 40 CFR Part 60, Subpart H.

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 those facilities engaged in the manufacture of sulfuric acid. The burden to the "Affected Public" may be found in Table 1: Annual Respondent Burden and Cost – NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal). The 'burden' to the Federal Government is attributed entirely to work performed by either Federal employees or government contractors and may be found in Table 2: Average Annual EPA Burden and Cost – NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal).

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 53 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:

(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, SO₂ emissions from sulfuric acid plants 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 H.

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.

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, 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 53 respondents will be subject to the standard 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 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 Sulphur Institute at (202) 331-9660, Chemtrade Logistics at (416) 496-5856, and Dulany Industries at (912) 944-3740.

Comments provided by the Sulphur Institute and the EPA's responses are as follows:

- The Sulphur Institute indicated that the burden hours in Table 1 are generally in alignment with current practices.
- The Sulphur Institute stated that the operation & maintenance (O&M) costs for CMS is about \$6,000 for the annual RATA testing and an additional 200 hours of technical labor (about \$24,532). In response to this comment, the EPA adjusted the O&M costs associated with CMS from 2005 to 2022 \$ using the Chemical Engineering Plant Cost Index (CEPCI). Following the CEPCI adjustment, the CMS O&M costs per respondent are estimated to be \$7,843. The commenter did not provide additional information or justification for an increase of 200 hours for RATA testing costs, and another commenter provided a smaller cost estimate. Due to the uncertainty around the additional hours suggested by the commenter and the discrepancy between the two commenters, the EPA does not have enough information to justify increasing the burden in this ICR renewal.

Comments provided by Chemtrade Logistics and the EPA's responses are as follows:

- Chemtrade Logistics offered information about industry trends from the Chemtrade Logistics Income Fund Annual Information Form 2022. These trends generally acknowledge a decline in the industry. This supports the growth rate of 0 over the next three years.
- Regarding Capital and O&M costs, Chemtrade Logistics suggested capital and start-up cost of a new CMS system is approximately \$850,000 with a cost of \$150,000 for replacements parts every three years. Because capital costs are typically associated with new facilities, and no new facilities are expected during the 3-year period covered by this ICR renewal, the EPA has not included capital costs in the burden estimate for this ICR renewal. However, we adjusted the capital/startup costs for one respondent as shown in the table in Section 6(b)(ii) below to increase from 2005 to 2022 \$ using the Chemical Engineering Plant Cost Index (CEPCI).
- Chemtrade Logistics suggested annual RATA testing costs approximately \$15,000. As described above, the EPA adjusted the O&M costs associated with CMS from 2005 to 2022 \$ using the

Chemical Engineering Plant Cost Index (CEPCI). Following the CEPCI adjustment, the CMS O&M costs per respondent are estimated to be \$7,843. The commenter did not provide additional information or justification for an increase of \$15,000 for RATA testing costs. Due to the uncertainty around the additional hours suggested by the commenter and the discrepancy between the two commenters, the EPA does not have enough information to justify further increasing this cost in this ICR renewal.

- Chemtrade Logistics commented on the cost associated with familiarization with rule requirements in Table 1, indicating an additional service, costing \$12,000 per responder, for consultant services. These changes were not integrated into this renewal, because the EPA does not expect most facilities to need outside contractors to meet requirements.
- In reference to the costs of initial performance tests in Table 1, Chemtrade Logistics commented that the initial performance tests cost at least \$20,000 per test. Because initial performance tests are typically associated with new facilities, and no new facilities are expected during the 3-year period covered by this ICR renewal, the EPA did not include this estimate. Additionally, another commenter confirmed that the burden hours shown in column C of Table 1 are generally in alignment with current practices.
- Chemtrade Logistics suggested the costs associated with Method 9 testing in Table 1 require an annual certification of \$500 per person. Per §60.11, opacity testing using Method 9 is required to be conducted concurrently with the initial performance test. Since initial performance tests are typically associated with new facilities, and now new facilities are expected during the 3-year period covered by this ICR renewal, the EPA did not include this estimate.
- Regarding the semiannual report of excess emissions in Table 1, Chemtrade Logistics suggested an additional starting cost of \$20,000 per responder should be added. Since there are no new facilities subject to this subpart over the next 3 years covered by this ICR renewal, and starting costs are associated with new facilities, the EPA did not include this estimate.

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 sulfuric acid plants. The United States Standard Industrial Classification (SIC) code for the respondents affected by the standards is SIC 2819 which corresponds to the North American Industry Classification System (NAICS) 325180 for Other Basic Inorganic Chemical Manufacturing.

Based on our research for this ICR, on average over the next three years, approximately 53 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 53 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)

Number of Respondents					
1.	0	53	0	0	53
2.	0	53	0	0	53
3.	0	53	0	0	53
Average	0	53	0	0	53

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 53.

The total number of annual responses per year is calculated using the following table:

The number of Total Annual Responses is 106.

12b. INFORMATION REQUESTED

In this ICR, all the data that are recorded or reported is required by the NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H).

A source must make the following reports:

Notifications	
Notification of construction/reconstruction	§60.7(a)(1)
Notification of actual startup	§60.7(a)(3)
Notification of physical or operational change	§60.7(a)(4)
Notification of continuous monitoring system (CMS) demonstration	§60.7(a)(5)
Initial performance test results	§60.8(a)
Initial performance test	§60.8(d)
Reference Test Method 9	§60.11(b)

Reports	
Semiannual report of excess emissions	§60.7(c)

A source must keep the following records:

Recordkeeping	
Maintain records of startup, shutdown, or malfunction period where the continuous monitoring system is inoperative	§60.7(b)
Maintain records for two years	§60.7(f)
Maintain annual performance test, as required	§60.7(f)

12c. RESPONDENT ACTIVITIES

- Familiarization with the regulatory requirements.
- Install, calibrate, maintain, and operate CMS for opacity, or for pressure drop and liquid supply pressure for the scrubbers and fiber mist eliminators.
- Perform initial performance test, Reference Method 3, 8, and 9 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 Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (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 13,500 (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 13,500. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (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 127 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 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.

Capital/Startup vs. Operation and Maintenance (O&M) Costs						
Continuous Monitoring Device	Capital/Startup Cost for One Respondent ^a	Number of New Respondents	Total Capital/Startup Cost, (B X C)	Annual O&M Costs for One Respondent ^a	Number of Respondents with O&M	Total O&M, (ExF)
CMS	\$209,141	0	\$0	\$7,843	53	\$415,669
SO ₂ testing	\$13,943	0	\$0	\$0	0	\$0
Totals ^b			\$0			\$416,000

^a Capital/Startup and Annual O&M costs have been increased from 2005 to 2022 \$ using the CEPCI Index.

^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 \$416,000. 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 \$416,000. These are recordkeeping costs.

The total annual capital/startup and O&M costs to the regulated entity are \$416,000. The cost calculations are detailed in section Capital/Startup vs. Operation and Maintenance (O&M) 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.

- Observe initial performance tests and repeat performance tests if necessary.
- 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.

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.

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 \$25,900.

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

Managerial	\$73.46 (GS-13, Step 5, \$45.91 + 60%)
Technical	\$54.51 (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 Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal).

The average annual Agency burden and cost over next three years is estimated to be 488 labor hours at a cost of \$25,900. See Table 2: Average Annual EPA Burden and Cost – NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (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.

14c. Agency Non-Labor Costs

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

14d. Agency Total Costs

As listed within 14b, the only costs to the Agency are those costs associated with analysis of the reported information. The average annual Agency cost during the three years of the ICR is estimated to be \$25,900. See Table 2: Average Annual EPA Burden and Cost – NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal).

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.

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.

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.

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

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.

BURDEN STATEMENT

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 127 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, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2020-0628. 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), 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) 566-1927. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2020-0628 and OMB Control Number 2060-0041 in any correspondence.

ADDITIONAL TABLES AND APPENDICES

Table 1: Annual Respondent Burden and Cost – NSPS for Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal)

Burden item	(A) Person hours per occurrence	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C = A x B)	(D) Respondents per year ^a	(E) Technical person- hours per year (E = C x D)	(F) Management person hours per year (E x 0.05)	(G) Clerical person hours per year (E x 0.1)	(H) Total Cost Per year ^b
1. Applications	N/A							
2. Survey and Studies	N/A							
3. Reporting requirements								
A. Familiarization with rule requirements ^c	1	1	1	53	53	2.65	5.3	\$7,685.50
B. Required activities								
Initial performance tests ^d	300	1	300	0	0	0	0	\$0
Reference Method 9 test ^e	4	1	4	0	0	0	0	\$0
Repeat of performance tests ^f	300	1	300	0	0	0	0	\$0
C. Create information	See 3B							
D. Gather existing information	See 3B							
E. Write Report								
Application of construction or modification	2	1	2	0	0	0	0	\$0
Notification of actual startup	2	1	2	0	0	0	0	\$0

Notification of physical or operational change	2	1	2	0	0	0	0	\$0
Notification of demonstration of CMS	2	1	2	0	0	0	0	\$0
Notification of initial performance test	2	1	2	0	0	0	0	\$0
Semiannual report of excess emissions ^g	40	2	80	53	4,240	212	424	\$614,840.28
Subtotal for Reporting Requirements					4,937			\$622,526
4. Recordkeeping requirements								
A. Familiarization with rule requirements	See 3A							
B. Plan activities	See 3A							
C. Implement Activities	See 3A							
D. Develop record system	N/A							
E. Time to enter information								
Records of operating parameters ^h	0.25	350	87.5	53	4637.5	231.88	463.75	\$672,481.56
Record of conversion factors/calculation ^{j,k}	0.05	1,050	52.5	53	2782.5	139.13	278.25	\$403,488.93
F. Time to train personnel	N/A							
G. Time for audits	N/A							
Subtotal for Recordkeeping Requirements					8,533			\$1,075,970
Total Labor Burden and Costs (rounded) ^j					13,500			\$1,700,000
Total Capital and O&M Cost (rounded) ^j								\$416,000
GRAND TOTAL (rounded) ^j					13,500			\$2,110,000

Assumptions:

^a We have assumed that there are approximately 53 respondents, with no additional new or reconstructed sources becoming subject to the rule over the next three years.

^b This ICR uses the following labor rates: Managerial \$163.17 (\$77.70 + 110%); Technical \$130.28 (\$62.04 + 110%); and 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.

^c We have assumed that it will take one hour for each respondent to read instructions.

^d We have assumed that it will take 300 hours for each respondent to complete an initial performance test.

^e We have assumed that it will take four hours for each respondent to complete a reference Method 9 test.

^f We have assumed that it will take 300 hours to repeat performance test due to failures.

^g We have assumed that it will take 40 hours, twice a year, for each respondent to write an excess emission report.

^h We have assumed that each respondent will enter information on records of operating parameters 350 times per year.

ⁱ We have assumed that records of conversion factors will be recorded three times daily, at 350 days per year, for a total of 3 x 350 = 1,050 times per year.

^j 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 Sulfuric Acid Plants (40 CFR Part 60, Subpart H) (Renewal)

Activity	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	EPA person-hours per occurrence	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 (Ex0.05)	Clerical person-hours per year (Ex0.1)	Cost, \$ ^b
New facility								
Initial performance test ^c	50	1	50	0	0	0	0	\$0
Repeat performance test/observed ^d	24	1	24	0	0	0	0	\$0
Review reports								

Notification of construction	2	1	2	0	0	0	0	\$0
Notification of actual startup	0.5	1	0.5	0	0	0	0	\$0
Notification of initial test	0.5	1.2	0.6	0	0	0	0	\$0
Review test results	8	1.2	9.6	0	0	0	0	\$0
Notification of CMS demonstration	0.5	1	0.5	0	0	0	0	\$0
Existing facility	0.5	1	0.5	0	0	0	0	\$0
Excess emission reports ^e	4	2	8	53	424	21.2	42.4	\$25,920.39
TOTAL (rounded) ^f					488			\$25,900

Assumptions:

^a We have assumed that there are approximately 53 respondents, with no additional new or reconstructed sources becoming subject to the rule over the next three years.

^b This cost is based on the average hourly labor rate as follows: Managerial \$73.46 (GS-13, Step 5, \$45.91 + 60%); Technical \$54.51 (GS-12, Step 1, \$34.07 + 60%); and Clerical \$29.50 (GS-6, Step 3, \$18.44 + 60%). This ICR assumes that Managerial hours are 5 percent of Technical hours, and Clerical hours are 10 percent of Technical hours. 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 fifty hours for Agency observation of the initial performance test.

^d We have assumed that it will take twenty-four hours for Agency observation of a repeat of the performance test due to failure.

^e We have assumed that it will take four 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.