U.S. Environmental Protection Agency

Information Collection Request

# **TITLE:** NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Final Amendments)

# **OMB CONTROL NUMBER:** 2060-0476

# **EPA ICR NUMBER:** 1850.11

# **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. In January 2022 (87 FR 1616) and July 2023 (87 FR 47415), the EPA proposed amendments to the NESHAP as a result of the risk and technology review (RTR) performed under the Clean Air Act. These amendments to the NESHAP are being finalized. The final rule applies to each existing and new copper concentrate dryer, smelting vessel, slag cleaning vessel, copper converter department, anode refining department, process fugitive emission sources (*i.e.*, roofline vents), bypass stack 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. Copper concentrate dryers, smelting vessels, slag cleaning vessels and copper converter departments are considered new affected sources if they commenced construction or reconstruction after the date of the original proposal (April 20, 1998). The final rule adds previously unregulated affected sources, namely the anode refining department, process fugitive emission sources (i.e., roofline vents) and bypass stacks. The anode refining department and process fugitive emission sources (i.e., roofline vents) are considered new if they commenced construction or reconstruction after the date of the 2022 proposal. Bypass stacks are considered new if they commenced construction or reconstruction after the date of the 2023 supplemental proposal. 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 final amendments will 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, fugitive dust plans and notification of compliance reports. The final amendments will add emission limits for:

* Particulate matter (PM) for new converter departments;
* PM for new and existing anode refining departments;
* PM as a surrogate for HAP metals from the existing combined emissions stream of the Hoboken process fugitive capture system and the anode refining department;
* PM as a surrogate for HAP metals, for new and existing process fugitive emissions from rooflines from anode furnaces, smelting vessels, and converters;
* Mercury, benzene, toluene, hydrogen chloride, chlorine, polycyclic aromatic hydrocarbon including a separate naphthalene limit, and dioxins/furans emissions from the combination of new and existing point source emissions from copper concentrate dryers, converters, smelting furnaces, and anode refining;
* Lead for certain existing process fugitive emissions from rooflines from anode furnaces, smelting vessels, and converters;

The final rule will also provide design standards for the Peirce-Smith converter department, Inco flash furnace, and anode refining department. The final rule will also require updates the fugitive dust plan requirements, as applicable. Finally, the rule provides work practice standards and emission limits for bypass stacks.

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 in consultation with the industry.

**Supporting Statement A**

# **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.*

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.

# **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 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.

# **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.*

As part of the final 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), which can be accessed through the EPA’s Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The ERT is an application rather than a form, and the requirement to use the ERT is applicable to numerous subparts. The splash screen of the ERT contains a link to the Paperwork Reduction Act (PRA) requirements, such as the OMB Control Number, expiration date, and burden estimate for this and other subparts. 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.

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*](https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert).

# **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.*

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.

# **MINIMIZING BURDEN ON SMALL ENTITIES:**

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

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

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

# **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 exception of the following, the reporting or recordkeeping requirements 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.

# **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* (87 FR 1616) on January 11, 2022. No substantive comments about the proposed revisions to this information collection were received.

## **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.*

Stakeholder outreach occurred with tribal governments as well as with industry groups during the development of the proposed and final rule. Further stakeholder and public input was received during the public comment period following publication of the proposed amendments to 40 CFR part 63, subpart QQQ in the Federal Register.

# **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.

# **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).

# **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.

# **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.*

## **12a. RESPONDENTS/NAICS CODES**

## The respondents to the recordkeeping and reporting requirements 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 |

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 ResponsesE=(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 | 9.5 | 0 | 19 |
| Semiannual compliance reports | 2 | 2 | 0 | 4 |
| Report of performance test (through CEDRI using ERT) | 2 | 9.5 | 0 | 19 |
|  |  |  | **Total** | **42** |

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

The number of Total Annual Responses is 42, all of which will be submitted electronically.

## **12b. INFORMATION REQUESTED**

All data in this ICR that are recorded and/or reported are required by 40 CFR Part 63, Subpart QQQ or will be required under the final 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)-(f) |
| Performance Test, CEMS Performance Evaluation Reports, and Electronic Reporting | 63.1455(e), 63.2, 63.9(k) |

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, mercury, benzene, toluene, HCl, Cl, naphthalene, PAH, D/F, and lead emission limits, and bypass stack work practice standards under the rule | 63.1456(a)(3)-(5), and (8), 63.6(h), 63.8(d), 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) |
| 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 | 63.1456(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 |

## **12c. 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. |
| 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. |

## **12d. RESPONDENT BURDEN HOURS AND LABOR COSTS**

The average annual burden to industry over the next 3 years from these recordkeeping and reporting requirements and the final amendments is estimated to be 6,500 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.

This ICR uses the following labor rates:

|  |  |  |  |
| --- | --- | --- | --- |
| **Civilian Worker Rates** | **Labor Rates, $/hr a** | **110% Overhead** | **Total, $/hr** |
| Managerial | $81.94 | $90.13 | $172.07 |
| Technical | $64.80 | $71.28 | $136.08 |
| Clerical | $33.74 | $37.11 | $70.85 |

a <https://www.bls.gov/news.release/pdf/ecec.pdf>

These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2023, “Employer Costs for Employee Compensation – September 2023, 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.

The total annual labor hours are 6,500 at a cost of $860,000. 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) (Final 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 155 hours per response.

# **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 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 cost for continuous monitoring of the air pollution control devices we expect to be constructed and installed as a result of this rulemaking are not included, as the use of a CMS (*e.g.*, bag leak detector) is necessary to determine whether the control device is operating properly.

The annual O&M costs are the ongoing costs to maintain CMS and other costs such as performance testing, as applicable. An annual operation and maintenance cost for this subpart includes performance testing. The final amendments will require both subject facilities to conduct periodic performance testing for particulate matter, lead, benzene, toluene, hydrogen chloride (HCl), chlorine (Cl), polycyclic aromatic hydrocarbons (PAH) including naphthalene, and dioxins/furans (D/F).

| **Capital/Startup vs. Operation and Maintenance (O&M) Costs** |
| --- |
| (A) | (B) | (C) | (D) | (E) | (F) | (G) |
| Continuous Monitoring Device / Other Compliance Activity | Capital/Startup Cost for One Respondent | Number of New Respondents | Total Capital/Startup Cost, (B X C) | Annual O&M Costs for One Respondent | Number of Respondents with O&M | Total O&M,(E X F) |
| PM performance test, anode refining point source a | $0  | 0 | $0  | $20,384  | 1 | $20,384 |
| PM performance test, roofline vents b | $0  | 0 | $0  | $35,860  | 1 | $35,860 |
| PM and Lead performance test, roofline vents c | $0  | 0 | $0  | $0  | 1 | $0  |
| Facility-wide Mercury performance test d  | $0  | 0 | $0  | $33,293  | 2 | $66,587  |
| Benzene, toluene performance test e | $0  | 0 | $0  | $4,333  | 8 | $34,667  |
| HCl, Chlorine performance test f | $0  | 0 | $0  | $7,600  | 8 | $60,800  |
| PAH, D/F performance test g | $0  | 0 | $0  | $9,200  | 8 | $73,600  |
| PM performance test Hoboken converter process fugitive capture system h | $0  | 0 | $0  | $0  | 0 | $0  |
| PM performance test for the bypass stack i | $0  | 0 | $0  | $10,000  | 1 | $10,000  |
| **Total** |  |  | **$0**  |  |  | **$301,898**  |

 **a** PM testing - Compliance is within 1 year of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is annually. Includes 2 tests within during the 3-year ICR period. Testing cost is $30,576. Annual costs are $30,576/test \* 2 tests/3 years = $20,384 (2022 dollars).

**b** PM testing - Compliance is within 2 years of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is annually. Includes 1 test within during the 3-year ICR period. Testing costs for all roofline vents is estimated to be $107,581/occurrence. Annual cost = $107,581 \* 1 tests /3 years = $ (35,860 2022 dollars).

**c** PM and Pb testing – Compliance is within 3 years of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is annually. No tests during 3-year ICR period.

**d** Mercury testing - Facility-wide Method 29 tests to be conducted on smelting furnaces, converters, and anode refining at both copper smelting facilities. Compliance is within 1 year of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is annually. Includes 2 tests within during the 3-year ICR period. Testing cost is $49,940. Annual costs are $49,940/test \* 2 tests/3 years = $33,293 (2022 dollars).

**e** Method 18 testing - 3 units at Freeport; 5 units at Asarco; $13,000/unit testing cost. Compliance is within 1 year of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is every 5 years. Includes 1 test for each facility during the 3-year ICR period. Annual cost = (8 units total \* $13,000/unit) \* 1 test / 3 years = $34,667 (2022 dollars).

**f** Method 26A testing - 3 units at Freeport; 5 units at Asarco; $22,800/unit testing cost. Compliance is within 1 year of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is every 5 years. Includes 1 test for each facility during the 3-year ICR period. Annual cost = (8 units total \* $22,800/unit) \* 1 test / 3 years = $60,800 (2022 dollars).

**g** Method 23 testing - 3 units at Freeport; 5 units at Asarco; $27,600/unit testing cost. Compliance is within 1 year of rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is every 5 years. Includes 1 test for each facility during the 3-year ICR period. Annual cost = (8 units total \* $27,600/unit) \* 1 test / 3 years = $73,600 (2022 dollars).

**h** PM testing - Testing costs have not been included as performance tests of this emission source (Aisle Scrubber) are already conducted by the facility; so there are no additional costs incurred for testing as a result of this rulemaking.

**i** PM testing - Compliance is within 180 days after rule promulgation. Initial performance test is within 180 days after the compliance date. Subsequent testing is every 5 years. Includes 1 test during the 3-year ICR period. Testing cost is $30,000. Annual cost is $30,000 \* 1 test/3 years = $10,000 (2022 dollars).

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 $301,898. 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 $301,898.

# **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**

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).  |

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. 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 five years.

## **14b. Agency Burden and Labor 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 $23,900.

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) | $48.07 | $28.84 | $76.91 |
| Technical (GS-12, step 1)  | $35.67 | $21.40 | $57.07 |
| Clerical (GS-6, step 3) | $19.30 | $11.58 | $30.88 |

a https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/GS\_h.pdf

These rates are from the Office of Personnel Management (OPM), 2024 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) (Final Amendments).

The average annual Agency burden and cost over the next 3 years are estimated to be 430 labor hours and $23,900. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Final 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.

**14c. Agency Non-Labor Costs**

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

# **CHANGE IN BURDEN:**

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

This ICR is prepared for final amendments to the NESHAP for Primary Copper Smelting (40 CFR, Part 63, Subpart QQQ). These final amendments include: (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) add emission limits for PM, a surrogate for HAP metals, for new converters; (5) add emission limits for PM, as surrogate for HAP metals, as well as a lead limit for process fugitive emissions from anode furnaces, smelting furnaces and converters; (6) add limits for mercury emissions from the combination of point source emissions from converters, smelting furnaces, and anode refining (7) add emission limits for benzene, toluene, chlorine, hydrogen chloride, polycyclic aromatic hydrocarbons, dioxins/furans from the combination of point source emissions from converters, smelting furnaces, and anode refining (8) add emission limit for PM, a surrogate for HAP metals, for the combination of the Hoboken converter process fugitive capture system; (9) add design standards for the combination of Peirce Smith converters, Inco flash furnaces and anode refining point sources; and (9) add work practices for the use of a bypass stack. Where applicable, adjustments for these final amendments are reflected in Tables 1 and 2 of this ICR.

There are currently two facilities subject to subpart QQQ. The labor rates that were used reflect rates for 2022 instead of 2018. The burden estimate for familiarizing with regulatory requirements was increased to reflect the time it would take industry to review the final amendments. Additional performance testing is required under the final 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. There is no additional burden associated with electronic reporting beyond reading the rule and any technical memoranda. Any burden associated with developing SSM plans and submitting periodic SSM reports were removed.

# **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.*

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. 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 five years.

# **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.

# **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 155 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-2020-0430. An electronic version of the public docket is available at [*http://www.regulations.gov/*](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-2020-0430 and OMB Control Number 2060-0476 in any correspondence.

**ADDITIONAL TABLES AND APPENDICES**

See following pages.

**Table 1: Average Annual Respondent Burden and Cost – NESHAP for Primary Copper Smelting (40 CFR Part 63, Subpart QQQ) (Final 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 requirementsd | 16 | 1 | 16 | 2 | 32 | 1.6 | 3.2 | $4,857 |
| ii. Final RTR requirements | 2 | 2 | 4 | 2 | 8 | 0.4 | 0.8 | $1,214 |
| B. Required activities |   |   |   |   |   |   |   |   |
| i. Conduct PM performance teste (current) | 120 | 4.5 | 540 | 2 | 1080 | 54 | 108 | $163,910 |
| ii. Conduct copper converter building performance test f (current) | 240 | 1 | 240 | 2 | 480 | 24 | 48 | $72,489 |
| iii. PM performance test for the anode refining point source g | 40 | 0.67 | 27 | 1 | 27 | 1.3 | 2.7 | $4,047 |
| iv. Facility-wide mercury performance test g | 40 | 0.67 | 27 | 2 | 53 | 2.7 | 5.3 | $8,094 |
| v. PM performance test for the process fugitives at roofline vents g | 40 | 0.33 | 13 | 2 | 27 | 1 | 3 | $4,047 |
| vi. Lead performance test for process fugitives at roofline vents g | 40 | 0 | 0 | 1 | 0 | 0 | 0 | $0 |
| vii. Facility-wide performance tests for benzene, toluene, HCl, Cl, PAH, D/F g | 40 | 0.33 | 13 | 2 | 27 | 1 | 3 | $4,047 |
| viii. PM performance test bypass stack g | 40 | 0.33 | 13 | 1 | 13 | 1 | 1 | $2,024 |
| C. Create information | N/A |   |   |   |   |   |   |   |
| D. Gather existing information | N/A |   |   |   |   |   |   |   |
| E. Write report |   |   |   |   |   |   |   |   |
| i. Initial Notifications h | 2 | 1 | 2 | 0 | 0 | 0 | 0 | $0 |
| ii. Notification of performance test (current + final) i | 2 | 9.5 | 19 | 2 | 38 | 1.9 | 3.8 | $5,767 |
| iii. Initial compliance determination (current + final) h | 40 | 1 | 40 | 0 | 0 |   |   | $0 |
| iv. Report of performance test (through CEDRI using ERT) j | 2 | 9.5 | 19 | 2 | 38 | 2 | 4 | $5,767 |
| v. Semiannual compliance reports | 40 | 2 | 80 | 2 | 160 | 8 | 16 | $24,283 |
|   |   |   |   |   |   |   |   |   |
| **Subtotal for Reporting Requirements** |  |  |   |  | **2,280** | **$300,906** |
| 4. Recordkeeping Requirements |   |   |   |   |   |   |   |   |
| A. Familiarization with rule requirements (current) d | 40 | 1 | 40 | 2 | 80 | 4 | 8 | $12,141 |
| B. Plan activities h | 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 k (current) | 0.5 | 365 | 182.5 | 2 | 365 | 18 | 37 | $55,396 |
| ii. Smelting vessel |   |   |   |   |   |   |   |   |
| Inspect tapping hood system l (current) | 4 | 12 | 48 | 2 | 96 | 5 | 10 | $14,570 |
| Monitor control device parameters k (current) | 0.5 | 365 | 182.5 | 2 | 365 | 18 | 37 | $55,396 |
| iii. Slag cleaning vessel |   |   |   |   |   |   |   |   |
| Inspect tapping hood system k, m | 4 | 12 | 48 | 1 | 48 | 2 | 5 | $7,285 |
| Monitor control device parameters k, m | 0.5 | 365 | 182.5 | 1 | 183 | 9 | 18 | $27,698 |
| iv. Batch copper converters |   |   |   |   |   |   |   |   |
| Inspect converter hood system l | 4 | 12 | 48 | 2 | 96 | 5 | 10 | $14,570 |
| Monitor hood system ventilation parameters k | 0.5 | 365 | 182.5 | 2 | 365 | 18 | 37 | $55,396 |
| Monitor control device parameters k | 0.5 | 365 | 182.5 | 2 | 365 | 18.25 | 36.5 | $55,396 |
| v. Prepare fugitive dust control plan | 100 | 1 | 100 | 0 | 0 | 0 | 0 | $0 |
| vi. Monitor roofline vents - CPMS on converter operations, smelting furnaces, anode refining n |   |   |   |   |   |   |   |   |
| Daily for first 30 days | 0.5 | 30 | 15 | 2 | 30 | 1.5 | 3 | $4,553 |
| Weekly for remaining 48 weeks | 0.5 | 48 | 24 | 2 | 48 | 2.4 | 4.8 | $7,285 |
| vii. Hoboken converter process fugitive capture system and anode refining department |   |   |   |   |   |   |   |   |
| Monitor control device parameters k | 0.5 | 365 | 182.5 | 1 | 182.5 | 9.125 | 18.25 | $27,698 |
| viii. Peirce Smith converter, Inco Flash Furnace, and Anode Refining Department |   |   |   |   |   |   |   |   |
| Monitor control device parameters k | 0.5 | 365 | 182.5 | 1 | 182.5 | 9.125 | 18.25 | $27,698 |
| Inspect hooding, walls, damper of flash furnace capture system | 4 | 12 | 48 | 1 | 48 | 2 | 5 | $7,285 |
| Inspect hooding, walls, ladle during maintenance | 4 | 12 | 48 | 1 | 48 | 2 | 5 | $7,285 |
| Inspect secondary anode refining department capture system hooding, walls, damper during maintenance | 4 | 12 | 48 | 1 | 48 | 2 | 5 | $7,285 |
| ix. Bypass Stack |   |   |   |   |   |   |   |   |
| Monitoring Device on bypass stack | 0.5 | 365 | 182.5 | 1 | 182.5 | 9.125 | 18.25 | $27,698 |
| D. Develop record system h (current) | 100 | 1 | 100 | 0 | 0 | 0 | 0 | $0 |
| E. Time to enter information o (current) | 1 | 365 | 365 | 2 | 730 | 36.5 | 73 | $110,791 |
| F. Time to train personnel p (current) | 100 | 1 | 100 | 2 | 200 | 10 | 20 | $30,354 |
| **Subtotal Labor Burden** |   |   |   |   | **4,211** | **$555,776** |
| **ANNUAL CAPITAL COST** |   |   |   |   |  |  |  | **N/A** |
| **OPERATION AND MAINTENANCE COSTS** |   |   |   |   |   |   |   | **$301,898** |
| ***TOTAL LABOR BURDEN AND COST (unrounded)*** |   |   |   |   |  |  |  | ***$856,683*** |
| **TOTAL LABOR BURDEN AND COST (rounded) q** |  |  |  |  | **6,500** | **$860,000** |
| **Grand Total (rounded)q** |   |   |   |   |   |   |   | **$1,160,000** |

**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: $172.07 per hour for Executive, Administrative, and Managerial labor; $136.08 per hour for Technical labor, and $70.85 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2023, “Employer Costs for Employee Compensation – September 2023”, 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.

**c** The burden associated with the existing NESHAP for primary copper smelting is taken from the Information Collection Request for NESHAP for Primary Copper Smelters (Renewal), dated 2/23/2022 (ICR Reference No. 202111-2060-002). In some cases, it was necessary to modify the existing burden estimates due to changes in the affected respondents.

**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 two respondents will take 240 hours to conduct copper converter building performance test once per year.

**g**  We have assumed respondents will need to write test plans as well as coordinate with contractors to perform tests, oversee tests, and review test reports prior to submission. The number of occurrences is based on the expected number of new tests to occur over the 3-year ICR period.

Mercury: 2 tests (initial and subsequent) per facility during the 3-year ICR period = 0.67; 2 facilities subject = 4 tests during the 3-year period = 1.33 tests per year on average;

Anode Refining Department: 2 tests (initial and subsequent) from Asarco only during the 3-year ICR period = 0.67 tests per year on average;

Roofline Vent for PM: 1 initial test per facility during the 3-year ICR period = 0.33; 2 facilities subject = 2 tests during the 3-year period = 0.67 tests per year on average;

Roofline Vent for Lead: 0 tests because compliance is within 3 years.

Benzene, Toluene, HCl, Cl, PAH, D/F: 1 initial test per facility during the 3-year ICR period = 0.33; 2 facilities subject = 2 tests during the 3-year period = 0.67 tests per year on average;

Hoboken converter process fugitive capture system: 0 tests because facility already performs this testing, no additional incurred burden expected;

Bypass: 1 test per facility during the 3-year ICR period, 1 facility with a bypass = 1 tests during the 3-year period = 0.33 tests per year on average

**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.

**i** We assumed an additional 4 notifications per respondent per year, on average, for the new testing requirements. These were added to the number of notices given for the performance tests under the existing rule (5.5 occurrences per respondent per year).

**j** Submittal of performance test data through the EPA's CEDRI in ERT format is estimated to require 2 hours per test assuming 4 tests for new requirements and 5.5 tests for existing rule for both copper smelting facilities, 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.

**k** Recordkeeping requirements are required daily on all monitor control device parameters.

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

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

**n** 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 occurrenceincludes time to take the reading and to record the information.

**o** Each respondent is required to record information on a daily basis.

**p** We have assumed that it will take each of the respondent 100 hours to train personnel once a year.

**q** 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) (Final Amendments)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **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 (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 | 9.5 | 19 | 2 | 38 | 1.9 | 3.8 | $2,432.13  |
| c. Performance test reports d | 16 | 9.5 | 152 | 2 | 304 | 15 | 30 | $19,457.06  |
| e. Semiannual compliance reports e | 8 | 2 | 16 | 2 | 32 | 1.6 | 3.2 | $2,048.11  |
| f. Initial compliance determination f | 8 | 1 | 8 | 0 | 0 | 0 | 0 | $0  |
| **TOTAL ANNUAL BURDEN AND COST (rounded) g** |  |  |  |  | **430** | **$23,900**  |

**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: $76.91 Managerial rate (GS-13, Step 5, $48.07 x 1.6), $57.07 Technical rate (GS-12, Step 1, $35.67 x 1.6), and $30.88 Clerical rate (GS-6, Step 3, $19.30 x 1.6). These rates are from the Office of Personnel Management (OPM) 2014 General Schedule, which excludes locality rates of pay.

**c** We have assumed that EPA will take two hours to review each notification of performance test. We assumed an additional 4 notifications per respondent per year, on average, for the new testing requirements. These were added to the number of notices given for the performance tests under the existing rule (5.5 occurrences per respondent per year).

**d** We have assumed that EPA will take 16 hours to review each performance test report which is submitted 60 days after the test. Number of occurrences/yr (i.e., number of test reports to review each year) = 5.5 (current inventory) and the following new tests:

Mercury: 2 tests (initial and subsequent) per facility during the 3-year ICR period = 0.67; 2 facilities subject = 4 tests during the 3-year period = 1.33 tests per year on average;

Anode Refining Department: 2 tests (initial and subsequent) from Asarco only during the 3-year ICR period = 0.67 tests per year on average;

Roofline Vent for PM: 1 initial test per facility during the 3-year ICR period = 0.33; 2 facilities subject = 2 tests during the 3-year period = 0.67 tests per year on average;

Roofline Vent for Lead: 0 tests because compliance is within 3 years.

Benzene, Toluene, HCl, Cl, PAH, D/F: 1 initial test per facility during the 3-year ICR period = 0.33; 2 facilities subject = 2 tests during the 3-year period = 0.67 tests per year on average;

Hoboken converter process fugitive capture system: 0 tests because facility already performs this testing, no additional incurred burden expected;

Bypass: 1 test per facility during the 3-year ICR period, 1 facility with a bypass = 1 tests during the 3-year period = 0.33 tests per year on average

Total number of new tests to review per year from both facilities = 1.33 + 0.67 + 0.67 + 0.67 + 0.33 = 3.67 tests per year = 4 (rounded)/yr

Total number of current and new tests to review each year during 3-year period per facility = 5.5 + 4 = 9.5.

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

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

**g** 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.