SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY

NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal)

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal), EPA ICR Number 1679.09, OMB Control Number 2060-0289.

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) were proposed on May 13, 1994, promulgated on September 19, 1995, and amended on April 21, 2011. This NESHAP regulation establishes Maximum Achievable Control Technology (MACT) standards to existing facilities and new facilities that load marine tank vessels with petroleum or gasoline. These facilities have aggregate actual hazardous air pollutants (HAP) emissions of 10 tons or more of each individual HAP, or 25 tons or more of all HAP combined. This NESHAP regulation also established reasonably-available control technology (RACT) standards to such facilities with an annual throughput of 10 million or more barrels of gasoline or 200 million or more barrels of crude oil. This information is being collected to assure compliance with 40 CFR Part 63, Subpart Y.

The NESHAP Subpart Y regulation was amended to include emission standards for two marine tank vessel loading operation (MTVLO) subcategories not included in the original rule. These subcategories are facilities with MTVLO that emit less than 10 tons per year of each individual HAP and less than 25 tons per year of all HAP combined, and that are located at major sources of HAP loading more than 1 million barrels per year of gasoline, and facilities located more than 0.5 miles from shore. The amendment also eliminated the startup, shutdown, and malfunction (SSM) exemption, added provisions to provide an affirmative defense against civil penalties for exceedances of emission standards caused by malfunctions, and added a provision to require electronic submittal of performance test results. This ICR has been updated to reflect the additional industry burden associated with the amended standards.

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

Any owner/operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements,

maintenance reports, and records. All reports 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.

Over the next three years, an average of 804 respondents per year will be subject to the standards, and no additional respondents per year will become subject to these same standards. Of the 804 existing sources, 38 are currently subject to the NESHAP Subpart Y emissions standards requirements. The remaining 766 sources are not subject to the emissions standards, but have some recordkeeping requirements.

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

All of the marine tank vessel loading plants in the United States are owned and operated by the marine tank vessel loading industry (i.e., the "Affected Public"). None of the facilities in the United States are owned by state, local, tribal, or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. The "burden" to the "Affected Public" may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal). The "burden" to the Federal Government is attributed entirely to work performed by either Federal employees or government contractors, and may be found below in Table 2: Average Annual EPA Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The EPA is charged under Section 112 of the Clean Air Act, as amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants. These standards are applicable to new or existing sources of hazardous air pollutants and shall require the maximum degree of emission reduction. In addition, section 114(a) states that the Administrator may require any owner/operator subject to any requirement of this Act to:

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

reasonably require.

In the Administrator's judgment, HAP and VOC emissions from MTVLO cause or contribute to air pollution that may reasonably be anticipated to endanger either public health and/or public welfare. Therefore, the NESHAP were promulgated for this source category at 40 CFR Part 63, Subpart Y.

2(b) Practical Utility/Users of the Data

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations which where 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 pollution control devices are properly installed and operated, leaks are being detected and repaired, and that the standards are being met. The performance test may also be observed.

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

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

The requested recordkeeping and reporting are required under 40 CFR Part 63, Subpart Y.

3(a) Non-duplication

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 similar 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.

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

An announcement of a public comment period for the renewal of this ICR was published in the Federal Register (78 FR 35023) on June 11, 2013. No comments were received on the burden published in the Federal Register.

3(c) Consultations

The Agency's industry experts have been consulted, and the Agency's internal data sources and projections of industry growth over the next three years have been considered. The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in the standard, is the Online Tracking Information System (OTIS), which is operated and maintained by EPA's Office of Compliance. OTIS is EPA's database for the collection, maintenance, and retrieval of all compliance data. The growth rate for the industry is based on our consultations with the Agency's internal industry experts.

Industry trade associations and other interested parties were provided an opportunity to comment on the burden associated with the standards as they were being developed, and the standards have been reviewed previously to determine the minimum information needed for compliance purposes. In developing this ICR, we contacted; 1) the American Petroleum Institute, at (202) 682-8000; and 2) the American Chemistry Council at (202) 249-7000.

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.

3(d) Effects of Less Frequent Collection

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the proper operation and maintenance of control equipment and the possibility of detecting violations would be less likely.

3(e) General Guidelines

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

These standards require the respondents to maintain all records, including reports and notifications for at least five years. This is consistent with the General Provisions as applied to the standards. EPA believes that the five-year records retention requirement is consistent the Part 70 permit program and the five-year statute of limitations on which the permit program is based. The retention of records for five years allows EPA to establish the compliance history of a source, any pattern of non-compliance, and to determine the appropriate level of enforcement

action. EPA has found that the most flagrant violators have violations extending beyond five years. In addition, EPA would be prevented from pursuing the violators due to the destruction or nonexistence of essential records.

3(f) Confidentiality

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

3(g) Sensitive Questions

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

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

The respondents to the recordkeeping and reporting requirements are marine tank vessel loading operations at marine terminals. The North American Industry Classification System (NAICS) codes and associated United States Standard Industrial Classification (SIC) codes for respondents affected by the standard are listed below.

40 CFR Part 63, Subpart Y	SIC Codes	NAICS Codes
Marine Cargo Handling	4491	488320
Part and Harbor Operations	4491	488310
Support Activities for water Transportation	44	4883

4(b) Information Requested

(i) Data Items

In this ICR, all the data that is recorded or reported is required by the NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y).

A source must make the following notifications/reports:

Notifications/Reports	
Notification of performance test	63.7(b), 63.9(e), 63.567(a)
Notification of the date the continuous monitoring system (CMS) performance evaluation is scheduled to begin.	63.8(e)(2), 63.9(g)(1), 63.567(a)
Notification of compliance status	63.9(h), 63.567(a)
Notifications of adjustments to time periods or deadlines for submittal and review of required communications.	63.9(i), 63.567(a)
Notification of changes in information provided to the Administrator.	63.9(j), 63.567(a)
Initial notifications, applications for approval of construction or reconstruction.	63.5, 63.566, 63.567(a), and (b)(1-5)
Notification of intent to construct/reconstruct	63.5, 63.9(b)(4), 63.567(a), and (b)(4)(i)
Notification of the date when construction/reconstruction was commenced.	63.567(a), and (b)(4)(ii)
Notification of the anticipated date of startup of the source.	63.567(b)(4)(iii)
Notification of the actual date of startup of the source.	63.567(a) and (b)(4)(iv)
Additional initial notifications for MACT sources.	63.567(b)(5)
Request for extension of compliance.	63.6(i)(4)(i)(B), (i)(5-6), and 63.567(c)
Report of performance (opacity) testing of flares.	63.567(d), 63.565(e), 63.11
Annual summary reports of excess emissions and continuous monitoring system performance reports (semiannual, if there are excess emissions).	63.10(c)(5), 63.10(c)(8), 63.10(c)(10-13), 63.563(b), 63.567(a) and (e)
Engineering report for vapor collection systems.	63.567(f)
Annual report of source's HAP control efficiency including identification of each pollutant monitored.	63.10(e)(3)(vi), 63.565(l), 63.567(a) and (j)(3)
Reporting results of performance tests/evaluations.	63.7, 63.8(e), 63.9(h), 63.10(d), 63.10(e)(1), 63.567(a)
Progress reports related to an extension of compliance.	63.6(i), 63.10(d)(4), 63.567(a)
For the purposes of affirmative defense, notification and report of exceedances caused by malfunctions	63.562(e)(7)

A source must keep the following records:

Recordkeeping	
Records of all excess emissions and monitoring system performance reports.	63.567(e)(4)
Records of engineering reports describing vent system or vapor collection system.	63.567(f)
Records of all periods when flow bypassing the control device is indicated.	63.563(a)(1), 63.564(b), 63.567(g)(1)
Records of changes in position and maintenance of car-sealed valves.	63.564(b)(3), 63.567(g)(2)
Records of vapor tightness documentation.	63.563(a)(4), 63.567(h)
Documentation of vapor tightness test results for marine tank vessels.	63.563(a)(4), 63.565(c)(1-2), 63.567(i)
Retain records of the current, written operation and maintenance plan for the life of the source. If plan is revised, retain records of the previous (i.e., superseded) operation and maintenance plan for at least 5 years after the revision.	63.562(e)(5)
Records of measurements and calculations used to identify exempted commodities.	63.560(d), 63.567(j)(1)
Records of emissions estimation calculations.	63.565(l), 63.567(j)(2)
Records of emissions estimates and actual throughput for owners and operators of marine tank vessel loading operations.	63.560(a)(3), 63.565(l), 63.567(j)(4)
Records of leak detection and repair of vapor collection systems and control devices.	63.563(c), 63.567(k)
Records of the occurrence and duration of each malfunction of the control equipment.	63.10(b)(2)(ii), 63.567(a)
Records of all maintenance performed on the air pollution control equipment.	63.10(b)(2)(iii), 63.567(a)
Records of periods during which a CMS is malfunctioning.	63.10(b)(2)(vi), 63.567(a)
Records of all measurements, results from performance tests, CMS calibration checks, adjustments made to CMS, emission levels, information demonstrating whether a source is meeting the requirements for a waiver, and supporting documentation for initial notifications and notification of compliance status.	63.10(b)(2)(vii-xiv), 63.567(a)
Records of all CMS measurements.	63.10(c)(1), 63.567(a)
Records of all CMS malfunctions or exceedances	63.10(c)(8) and (c)(10-13), 63.567(a)

Electronic Reporting

Some of the respondents are using monitoring equipment that automatically records parameter data. Although personnel at the affected facility must still evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at a plant site.

Also, regulatory agencies in cooperation with the respondents continue to create reporting systems to transmit data electronically. However, electronic reporting systems are still not widely used. At this time, it is estimated that approximately 10 percent of the respondents use electronic reporting.

The amendments to the NESHAP Subpart Y require that any performance tests performed after December 31, 2011 be submitted electronically to EPA's Central Data Exchange by using the Electronic Reporting Tool (ERT) for test methods that are compatible with ERT. This new requirement to submit the data to the ERT is in addition to the other existing submission requirements for this data.

(ii) Respondent Activities

Respondent Activities
Read instructions.
Install, calibrate, maintain, and operate CMS for opacity, temperature change and VOC emissions temperature change, and VOC emissions for control devices listed in 40 CFR 63.564(a) through (j).
Perform initial performance test, using the procedures listed in 40 CFR section 63.7 according to the applicability in Table 1 of section 63.560, the procedures listed in section 63.564, and the test methods listed in section 63.565, and repeating performance test as 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.

Respondent Activities
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.
Transmit, or otherwise disclose the information.

Currently sources are using monitoring and reporting equipment that provide parameter data in an automated way e.g., continuous parameter monitoring system. Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping.

EPA is including in Table 3 (located at the end of this supporting statement) an estimate of the burden associated with performing an affirmative defense. EPA is providing this as an illustrative example of the potential additional administrative burden a source may incur to assert an affirmative defense in response to an action to enforce the standards set forth in the applicable subpart.

This illustrative estimate is not considered a duplicate estimate of cost under the General Duty to Minimize Emissions clause under 63.6(e)(1)(i), which states:

> At all times, the owner and operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determining whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

To provide the public with an estimate of the relative magnitude of the burden associated with an assertion of the affirmative defense position adopted by a source, EPA estimates the costs of the notification, recordkeeping and reporting requirements associated with the assertion of the affirmative defense in this ICR. EPA's estimate for the required notification, reports and records, including the root cause analysis, associated with a single incident totals approximately $3,298 and is based on the time and effort required of a source to review relevant data, interview plant employees, and document the events surrounding a malfunction that has caused an exceedance of an emission limit. The estimate also includes time to produce and retain the records and reports for submission to EPA. EPA provides this illustrative estimate of this burden

because these costs are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense.

Of the number of excess emission events reported by source operators, only a small number would be expected to result from a malfunction, and only a subset of excess emissions caused by malfunctions would result in the source choosing to assert the affirmative defense. Thus we believe the number of instances in which source operators might be expected to avail themselves of the affirmative defense will be extremely small. For this reason, we estimate no more than two to three such occurrences for all sources within a given category over the three-year period covered by this ICR. For the purpose of this estimate, we are adding two instances of affirmative defense. We expect to gather information on such events in the future and will revise this estimate as better information becomes available.

5. The Information Collected: Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

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

Agency Activities
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 Online Tracking Information System (OTIS).

5(b) Collection Methodology and Management

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

Information contained in the reports is entered into OTIS which is operated and maintained by EPA's Office of Compliance. OTIS is EPA's database for the collection, maintenance, and retrieval of compliance data for approximately 125,000 industrial and government-owned facilities. EPA uses the OTIS 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.

5(c) Small Entity Flexibility

All of the current 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.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown below in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

6. Estimating the Burden and Cost of the Collection

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

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

6(a) Estimating Respondent Burden

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 9,892 hours (Total Labor Hours from Table 1 below). 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, and any comments received.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates:

Managerial	$123.04 ($58.59+ 110%)
Technical	$101.22 ($48.20 + 110%)
Clerical	$51.18 ($24.37 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2013, "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 the benefit packages available to those employed by private industry.

(ii) Estimating Capital/Startup and Operation and Maintenance Costs

The only costs to the regulated industry resulting from information collection activities required by the subject standard are labor costs. There are no capital/startup or operation and maintenance costs.

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

The only type of industry costs associated with the information collection activity in the regulations are labor costs. There are no capital/startup or operation and maintenance costs.

(iv) Affirmative Defense, Root Cause Analysis, and Malfunction Costs

EPA's estimate for an affirmative defense and root cause analysis is based on general experience to calculate the time and effort required of a source to review relevant data, interview plant employees, and reconstruct the events prior to a malfunction in order to determine primary and contributing causes. The level of effort also includes time to produce and retain the report in document form so that the source will have it available should EPA or state enforcement agencies ever request to review it.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. EPA's overall compliance and enforcement program includes activities such as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual Agency cost during the three years of the ICR is estimated to be $31,509.

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

Managerial	$62.27 (GS-13, Step 5, $38.92 + 60%)
Technical	$46.21 (GS-12, Step 1, $28.88 + 60%)
Clerical	$25.01 (GS-6, Step 3, $15.63 + 60%)

These rates are from the Office of Personnel Management (OPM), 2013 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 Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

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

Based on our research for this ICR, on average over the next three years, approximately 804 respondents will be subject to these standards. 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 804 per year.

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

Number of Respondents					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents [1]	(B) Number of Existing Respondents	(C) Number of Existing Respondents that keep records but do not submit reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	38	766	0	804
2	0	38	766	0	804
3	0	38	766	0	804
Average					804

[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 804.

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

Total Annual Responses				
(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses	(D) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Notification of construction/reconstruction	0	1	0	0
Notification of anticipated startup	0	1	0	0
Notification of actual startup	0	1	0	0
Initial notification of applicability	0	1	0	0
Waiver application	0	1	0	0
Alternative test method/monitoring application	0	1	0	0
Site-specific test plan	0	1	0	0
Notification of initial compliance test date	0	1	0	0
Notification of compliance status	0	1	0	0
Notification of changes in information provided to Administrator	0	1	0	0
Request for extension of compliance	0	1	0	0
Extension of compliance progress reports	0	1	0	0
Report of performance test/evaluation results	0	1	0	0
Annual excess emissions and monitoring exceedances and/or summary report(s)	38	1	0	38
Report of HAP control efficiency	38	1	0	38
Retain records of emissions estimates and actual throughput	0	1	766	766
Affirmative defense	0.67	1	0	0.67
			Total (after rounding)	843

The number of Total Annual Responses is 843.

The total annual labor costs are $967,810. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

6(e) Bottom Line Burden Hours and Cost Tables

The detailed bottom line burden hours and cost calculations for the respondents and the Agency are shown in Tables 1 and 2 (below), respectively, and summarized below.

(i) Respondent Tally

The total annual labor hours are 9,892 hours. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 12 hours per response.

There are no total annual capital/startup and O&M costs to the regulated entity. The cost calculations are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

(ii) The Agency Tally

The average annual Agency burden and cost over next three years is estimated to be 699 labor hours at a cost of $31,509. See below Table 2: Average Annual EPA Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

6(f) Reasons for Change in Burden

There is an increase in the total estimated respondent labor burden and cost as currently identified in the OMB Inventory of Approved Burdens. The labor burden increase is the direct result of adding affirmative defense to this ICR renewal. The increase in cost burden, however, is due primarily to the use of updated labor rates. This ICR references labor rates from the Bureau of Labor Statistics to calculate the respondent cost burden.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 12 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-OECA-2013-0324. An electronic version of the public docket is available at http://www.regulations.gov/ which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the docket center is (202) 566-1752. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2013-0324 and OMB Control Number 2060-0289 in any correspondence.

Part B of the Supporting Statement

This part is not applicable because no statistical methods were used in collecting this information.

Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal)

Burden Item	A Technical person-hours per occurrence	B No. of occurrences per respondent per year	C Technical person-hours per respondent per year (AxB)	D Respondents per year [a]	E Technical hours per year (CxD)	F Management hours per year (Ex0.05)	G Clerical hours per year (Ex0.10)	H Total cost per year ($) [b]
1. Applications	N/A							
2. Survey and studies	N/A							
3. Reporting requirements								
A. Read instructions [c]	1	1	1	38	38	1.9	3.8	4,274.61
B. Required activities								
Performance test [c, d]	280	1	280	0	0	0	0	0.00
Repeat performance test [d, e]	280	1	280	0	0	0	0	0.00
Annual leak check [f]	16	1	16	38	608	30.4	60.8	68,393.71
Annual vapor tightness check [g, h, i]	8	1	8	450	3,600	180	360	404,962.74
C. Create information	See 3B							
D. Gather existing information	See 3E							
E. Write report								
Notification of construction/ reconstruction	2	1	2	0	0	0	0	0
Notification of anticipated startup	2	1	2	0	0	0	0	0
Notification of actual startup	2	1	2	0	0	0	0	0
Initial notification of applicability	4	1	4	0	0	0	0	0
Waiver application [j]	2	1	2	0	0	0	0	0
Alternative test method/ monitoring application [k]	1	1	1	0	0	0	0	0
Site-specific test plan	See 3B							
Notification of initial compliance test date	2	1	2	0	0	0	0	0

Burden Item	A Technical person-hours per occurrence	B No. of occurrences per respondent per year	C Technical person-hours per respondent per year (AxB)	D Respondents per year [a]	E Technical hours per year (CxD)	F Management hours per year (Ex0.05)	G Clerical hours per year (Ex0.10)	H Total cost per year ($) [b]
Notification of compliance status	See 3B							
Notification of changes in information provided to Administrator	1	1	1	0	0	0	0	0
Request for extension of compliance	1	1	1	0	0	0	0	0
Extension of compliance progress reports	1	1	1	0	0	0	0	0
Report of performance test/evaluation results	1	1	1	0	0	0	0	0
Annual excess emissions and monitoring exceedances and/or summary report(s) [l]	32	1	32	38	1,216	60.8	121.6	136,787.41
Report of HAP control efficiency [m]	8	1	8	38	304	15.2	30.4	34,196.85
Affirmative defense [n]	30	1	30	0.67	12	8	0	2,198.95
Reporting Subtotal					6,651			650,814
4. Recordkeeping requirements								
A. Read instructions	1	1	1	38	38	1.9	3.8	4,274.61
B. Plan activities	N/A							
C. Implement activities	16	1	16	0	0	0	0	0
D. Develop record system	16	1	16	0	0	0	0	0
E. Time to enter information [o]	1	52	52	38	1,976	98.8	197.6	222,279.55
F. Time to train personnel	N/A							
G. Time to transmit or disclose information	1	1	1	38	38	1.9	3.8	4,274.61
H. Retain records of emissions estimates and actual throughput (facilities with HAP emissions less than 10 and 20 tons) [p]	1	1	1	766	766	38.3	76.6	86,167.07
I. Time for audits	N/A							

Burden Item	A Technical person-hours per occurrence	B No. of occurrences per respondent per year	C Technical person-hours per respondent per year (AxB)	D Respondents per year [a]	E Technical hours per year (CxD)	F Management hours per year (Ex0.05)	G Clerical hours per year (Ex0.10)	H Total cost per year ($) [b]
Recordkeeping Subtotal					3,241			316,996
TOTAL ANNUAL BURDEN AND COST (ROUNDED)					**9,892**			**967,810**

N/A - Not Applicable

Assumptions:

a. We have assumed the average number of existing sources subject to the rule over the three-year period of this ICR will be 804. Of the 804 existing sources, 38 are currently subject to the emissions standard. The remaining 766 sources are not subject to the emissions standards but are subject to some recordkeeping requirements.

b. This ICR uses the following labor rates: $101.22 for technical, $123.04 for managerial, and $51.18 for clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, March 2013, "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 the benefit packages available to those employed by private industry.

c. We have assumed this is a one-time-only cost.

d. We have assumed it will take each respondent 280 hours to complete the performance test.

e. We have assumed 15 percent of respondents will repeat performance test due to failure.

f. We have assumed it will take each respondent 16 hours once per year to complete annual leak checks.

g. We have assumed that this burden applies to marine vessels owners, and not to the affected sources.

h. We have assumed it will take each respondent eight hours once per year to complete annual vapor tightness check.

i. This number is based on factors calculated for the original ICR in 1995. This ICR uses fleet factor and affected facility throughout and then divides it in half. We have assumed that half of the facilities load at negative pressure.

j. We have assumed five percent of respondents will request a waiver.

k. We have assumed one percent of respondents will request either alternative test or monitoring methods.

l. We have assumed it will take each respondent 32 hours once per year to complete the ongoing compliance status report.

m. We have assumed it will take each respondent 8 hours once per year to complete the HAP control efficiency report.

n. We have assumed there will be two affirmative defense reports for the entire industry over the three-year ICR period. We have assumed each affirmative defense will require 18 technical hours, 12 managerial hours, 0 clerical hours.

o. We have assumed it will take each respondent 1 hour to enter information 52 times per year.

p. Semiannual reports are required when there are excess emissions. We have assumed there will be no excess emissions; therefore, each respondent will submit one excess emissions and monitoring exceedances and/or summary report(s) once per year.

Table 2: Average Annual EPA Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal)

Burden Item	A Technical person-hours per occurrence	B No. of occurrences per respondent per year	C Technical person-hours per respondent per year (AxB)	D Respondents per year [a]	E Technical hours per year (CxD)	F Management hours per year (Ex0.05)	G Clerical hours per year (Ex0.10)	H Total cost per year ($) [b]
Initial performance test	40	1	40	0	0	0	0	0
Repeat performance test	40	1	40	0	0	0	0	0
Report Review								
Notification of construction/reconstruction [c]	2	1	2	0	0	0	0	0
Notification of anticipated startup [c]	2	1	2	0	0	0	0	0
Notification of actual startup [c]	2	1	2	0	0	0	0	0
Initial notification of applicability report	2	1	2	0	0	0	0	0
Waiver application [c, d]	2	1	2	0	0	0	0	0
Review alternative test method/monitoring application [c, e]	1	1	1	0	0	0	0	0
Notification of initial compliance test date [c]	2	1	2	0	0	0	0	0
Notification of compliance status [f]	2	1	2	0	0	0	0	0
Review of annual excess emissions and monitoring exceedances and/or summary report(s) [g]	8	1	8	38	304	15.2	30.4	15,754.65
Report of HAP control efficiency [h]	8	1	8	38	304	15.2	30.4	15,754.65
TOTAL ANNUAL BURDEN AND COST (ROUNDED)					**699**			**31,509**

Assumptions:

a. We have assumed the average number of existing sources subject to the rule over the three-year period of this ICR will be 804. Of the 804 existing sources, 38 are currently subject to the emissions standard. The remaining 766 sources are not subject to the emissions standards but are subject to some recordkeeping

requirements.

b. This ICR uses the following labor rates: $46.21 for technical, $62.27 for managerial, and $25.01 for clerical labor. These rates are from the Office of Personnel Management (OPM) 2013 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 this is a one-time-only cost.

d. We have assumed 5 percent of respondents will request a waiver.

e. We have assumed 1 percent of respondents will request alternative test or monitoring methods.

f. We have assumed 2 hours will be required to review the compliance status report.

g. Semiannual reports are required when there are excess emissions. We have assumed there will be no excess emissions; therefore, each respondent will submit one excess emissions and monitoring exceedances and/or summary report(s) once per year.

h. We have assumed eight hours will be required to review the HAP control efficiency report.

Table 3: Single Affirmative Defense Burden Estimate

Personnel	Number of Personnel	Time Requirement (hours)	Total Hours	Hourly Rate ($/hr)	Total
Technical Personnel	3	6	18	101.22	$ 1,822
Managerial Personnel	2	6	12	123.04	$ 1,476
Total	5		30		$3,298