

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**Review of New Source Performance Standards for Stationary Combustion Turbines
(40 CFR Part 60, Subpart KKKKa)
November 2024**

Part A of the Supporting Statement

1. Identification of the Information Collection

1(a) Title of the Information Collection

Review of New Source Performance Standards for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa), EPA ICR Number 2177.09, OMB Control Number 2060-0582.

1(b) Short Characterization/Abstract

The Environmental Protection Agency (EPA) is proposing amendments to the Standards of Performance for new, modified, and reconstructed stationary combustion turbines and stationary gas turbines based on the preliminary results of a review of available control technologies for limiting emissions of criteria air pollutants. This review of the new source performance standards (NSPS) is required by the Clean Air Act (CAA).

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

The ‘burden’ to the “Affected Public” may be found in Table 1: Annual Respondent Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa). The ‘burden’ to the “Federal Government” is attributed entirely to work performed by either Federal employees or government contractors and may be found in Table 2: Average Annual EPA Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

EPA assumes there will be no new sources constructed in 2025 and 2026, and 16 new sources that will become subject to the standards in 2027. This results in an average of 5 respondents per year.

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

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

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

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

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

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

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

In the Administrator's judgment, NO_x emissions from stationary combustion turbines either cause or contribute to air pollution that may reasonably be anticipated to endanger public health and/or welfare. Therefore, the NSPS were promulgated for this source category at 40 CFR Part 60, Subpart KKKKa.

2(b) Practical Utility/Users of the Data

The information will be used by the EPA to identify sources subject to the new source performance standards (NSPS) and ensure that the emission standards are being met. Records and reports are necessary to enable the EPA to identify facilities that may not be in compliance with the standards. Based on reported information, EPA will decide which facilities should be inspected and what records or units should be inspected at the facilities. The records that facilities maintain will indicate to EPA whether facility personnel are operating and maintaining the equipment properly.

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

The requested recordkeeping and reporting are required under 40 CFR Part 60, Subpart KKKKa.

3(a) Non-duplication

Duplication in the reporting of stationary combustion turbine information is not anticipated. If the standard has not been delegated, the information is sent 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 their own similar regulation to implement the Federal regulation, 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 standard. Therefore, no duplication exists.

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

An announcement of a public comment period for this ICR will be published in the preamble to the proposed rule.

3(c) Consultations

The public will have the opportunity to review and comment on the proposed NSPS and the ICR during the specified comment period.

3(d) Effects of Less-Frequent Collection

The frequency of the data collection requirements was chosen by the EPA to provide reasonable assurance that a facility is in compliance with the standard. Less frequent collection could result in long-term exceedances of the applicable emission standards.

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.

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 these standards 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 owners or operators of new, modified, or reconstructed stationary combustion turbines that have a manufacturer's nameplate rating greater than or equal to 1 megawatt. These standards affect any industry, State, local, or tribal government using a stationary combustion turbine as defined in the regulation. The North American Industry Classification System (NAICS) codes for facilities using stationary combustion turbines affected by the regulation include: 2211 (Electric Power Generation, Transmission, or Distribution), 486210 (Pipeline Transportation of Natural Gas), 211111 (Crude Petroleum and Natural Gas Production), 211112 (Natural Gas Liquids Producers), and 221 (Utilities).

4(b) Information Requested

(i) Data Items

In this ICR, all the data that are recorded or reported is required by the Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

A source must make the following reports:

Notifications	
Notification of recommencement	§60.4333a(b)(3) & §60.4375a(e)
Notification of lapsed performance testing	§60.4333a(4) & §60.4375a(f)
Notifications of initial and subsequent performance tests	§60.8 & §60.4375a(d)

Reports	
Affirmative defense report, if applicable	§60.4334a(b)
Operating parameter continuous monitoring report, if applicable	§60.4340a(b)(1)
NO _x CEMS data excess emissions report	§60.4380a
SO ₂ CEMS data excess emission report	§60.4385a
Performance test report	§60.4375a(b)

A source must keep the following records:

Recordkeeping	
Records of information used to demonstrate compliance as specified in §60.7	§60.7(b) & §60.4390a(a)
Records of relevant to using other fuels, part-load, or low temperature NO _x standards	§60.4390a(b)

Recordkeeping	
Records of the tuning NO _x standard in the compliance demonstrating	§60.4390a(c)
Records of compliance if using the output-based standard	§60.4390a(d)
Records of compliance if using water or steam to fuel ratio or parameter continuous monitoring system	§60.4390a(e)
Records of compliance if using the fuel-based SO ₂ standard	§60.4390a(f)

(ii) Respondent Activities

The respondent activities required by the regulation is shown in Table 1: Annual Respondent Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

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

5(a) Agency Activities

A list of Agency activities for the first 3 years following the effective date of the standard is provided in Table 2: Average Annual EPA Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

5(b) Collection Methodology and Management

Data obtained during periodic visits by EPA personnel, from records maintained by the respondents, and from information provided in semiannual reports will be tabulated and published for internal EPA use in compliance and enforcement programs. Records of measurements, maintenance, reports, and records must be retained for two years following the date of the item.

5(c) Small Entity Flexibility

The majority of the respondents are large entities (i.e., large businesses). However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of these regulations. 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 in Table 1: Annual Respondent Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

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 neither conduct nor 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 310 hours (Total Labor Hours from Table 1). These hours are based on Agency studies and background documents from the development of this regulation, Agency knowledge and experience with the NSPS 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	\$163.59
Technical	\$119.74
Clerical	\$71.74

Labor rates and associated costs are based on Bureau of Labor Statistics (BLS) data. Technical, managerial, and clerical average hourly rates were based on the Bureau of Labor Statistics, Occupational Employment Statistics, May 2023 National Industry-Specific Occupational Employment and Wage Estimates for fossil fuel electric power generation. The labor rates from BLS were multiplied by an overhead multiplier of 110 percent to estimate the loaded labor rates above.

(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(s) are labor costs. There are no capital/startup and/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 this regulation are labor costs. There are no capital/startup and/or operation and maintenance costs.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. The EPA's overall compliance and enforcement program includes such activities 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 \$3,400.

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

Managerial	\$76.9 (GS-13, Step 5, \$48.07 + 60%)
Technical	\$57.07 (GS-12, Step 1, \$35.67 + 60%)
Clerical	\$30.88 (GS-6, Step 3, \$19.30 + 60%)

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 Federal government employees. Details upon which this estimate is in Table 2: Average Annual EPA Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

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

EPA assumes there will be no new sources constructed in 2025 and 2026, and 16 new sources that will become subject to the standards in 2027.

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		
	(A)	(B)	(C)	(D)	(E)
Year	Number of New Respondents ¹	Number of Existing Respondents	Number of Existing Respondents that keep records but do not submit reports	Number of Existing Respondents That Are Also New Respondents	Number of Respondents (E=A+B+C-D)
1	0	0	0	0	0
2	0	0	0	0	0
3	16	0	0	0	16
Average	5.3	0	0	0	5.3

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 136.

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

Total Annual Responses				
(A)	(B)	(C)	(D)	(E)

Information Collection Activity	Number of Respondents	Number of Responses	Number of Existing Respondents That Keep Records But Do Not Submit Reports	Total Annual Responses E=(BxC)+D
Prepare/Submit Emissions Summary Report	5	2	0	10.7
Notification of construction	5	1	0	5.3
Notification of startup	5	1	0	5.3
			Total	21.3

The number of Total Annual Responses is 21.3.

The total annual labor costs are \$36,000 (rounded). Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

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, respectively, and summarized below.

(i) Respondent Tally

The total annual labor hours are 310 hours (rounded). Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

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

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 15 hours per response.

There are no annual capital/startup or O&M costs to the regulated entity.

(ii) The Agency Tally

The average annual Agency burden and cost over next three years is estimated to be 61 labor hours at a cost of \$3,400; see Table 2: Average Annual EPA Burden and Cost - Standards of Performance for Stationary Combustion Turbines (40 CFR Part 60, Subpart KKKKa).

The EPA assumes that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens

are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

6(f) Reasons for Change in Burden

The increase in burden is due to this being a new ICR associated with a new subpart.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3 hours per response. ‘Burden’ means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information either 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 neither conduct nor 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 view comments received 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-2024-0419. An electronic version of the public docket is available at <http://www.regulations.gov/> which may be used to obtain a copy of the collection of information, view public comments submitted, 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 typically available for public viewing at EPA Docket Center Room 3334, EPA WJC West Building, 1301 Constitution Ave., NW, Washington, DC. EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

Part B of the Supporting Statement

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