

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Rubber Tire Manufacturing (40 CFR Part 63, Subpart XXXX) Amendments
– Proposed Rule**

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Rubber Tire Manufacturing (40 CFR Part 63, Subpart XXXX), EPA ICR Number 1982.05.

1(b) Short Characterization/Abstract

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Rubber Tire Manufacturing (40 CFR Part 63, Subpart XXXX) were proposed on October 18, 2000, promulgated on July 9, 2002, and amended on March 12, 2003, April 20, 2006, and July 24, 2020. These regulations apply to existing and new facilities that are involved in rubber processing, tire production, tire cord production, and puncture sealant application.

The amendments being proposed in this action will regulate emissions from rubber processing mixers.

New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR Part 63, Subpart XXXX.

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 containing these documents and retain the file for at least five years following the generation date of such maintenance reports and records. All reports are sent to the delegated state or local authority. If there is no such delegated authority, then the reports are sent directly to the U.S. Environmental Protection Agency (EPA) regional office.

There are approximately 15 rubber tire manufacturing facilities, all which are owned and operated by the rubber tire manufacturing industry. None of the 15 facilities in the United States are owned by either state, local, tribal or the Federal government. They are all privately-owned, for-profit businesses. Of the 15 facilities, 12 of these have rubber mixers and would be affected by the proposed amendments for rubber processing.

The “burden” to the Affected Public may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Rubber Tire Manufacturing (40 CFR Part 63, Subpart XXXX) (New). The Federal Government’s “burden” 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 Rubber Tire Manufacturing (40 CFR Part 63, Subpart XXXX) (New). We assume that they will all respond.

Based on our consultations with industry representatives, there is an average of one affected facility at each plant site and that each plant site has only one respondent (i.e., the owner/operator of the plant site).

Over the next three years, approximately 12 respondents per year will be subject to these standards, and no additional respondents per year will become subject to these same standards. This estimate includes the 12 major source tire manufacturing facilities that have rubber mixers and perform rubber processing.

This is a new information collection.

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 emissions from rubber tire manufacturing 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 XXXX.

2(b) Practical Utility/Users of the Data

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations which were promulgated in accordance with the Clean Air Act. The collected information is also used for targeting inspections and as evidence in legal proceedings.

Performance tests are required in order to determine an affected facility's initial capability to comply with these emission standards. Continuous emission monitors are used to ensure compliance with these same 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 these standards are used to inform the Agency or delegated authority when a source becomes subject to the requirements of these regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and the standards are being met. The performance test may also be observed.

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

Additionally, the EPA is requiring electronic reporting for certain notifications or reports. The EPA is requiring that owners or operators of affected sources would submit electronic copies of initial notifications required in 40 CFR 63.9(b), notifications of compliance status required in 40 CFR 63.6016(k), and performance test reports required in 40 CFR 63.6017(h). For semiannual reports required in 40 CFR 63.6017(c), EPA has developed a template for the reporting form in CEDRI specifically for 40 CFR Part 63, Subpart XXXX. For the notifications required in 40 CFR 63.9(b) and 63.9(j), owners and operators would be required to upload a PDF of the required notifications.

CEDRI includes the Electronic Reporting Tool (ERT) software, which is used by facilities to generate electronic reports of performance tests. EPA is also requiring that 40 CFR Part 63, Subpart XXXX performance test reports be submitted through the EPA's ERT.

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

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

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

A public notice of this collection is provided in the Federal Register notice of the proposed rulemaking published for the proposed amendments to Subpart XXXX.

3(c) Consultations

During development of these proposed amendments, the Agency has consulted industry experts and internal data sources to project the number of affected facilities and industry growth over the next three years. The primary source of information as reported by industry, was a survey of the industry and, in compliance with the recordkeeping and reporting provisions in these standards, was also the Integrated Compliance Information System (ICIS). ICIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. The growth rate for the industry is based on our consultations with the Agency's internal industry experts. Approximately 12 respondents that perform rubber processing will be subject to these standards over the three-year period covered by this ICR.

Industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with these standards as they were being developed and that these same standards have been reviewed previously to determine the minimum information needed for compliance purposes. In developing this ICR, we consulted with internal experts at EPA's Office of Air Quality and Planning Standards (OAQPS). OAQPS had previously contacted the U.S. Tire Manufacturers Association in developing a source count inventory and the proposed amendments.

It is our policy to respond after a thorough review of comments received on the proposed ICR in response to the Federal Register notice.

3(d) Effects of Less-Frequent Collection

Less-frequent information collection would decrease the margin of assurance that facilities are continuing to meet these 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 these standards. EPA believes that the five-year records retention requirement is consistent with 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 either 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 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 rubber tire manufacturing facilities. The United States Standard Industrial Classification (SIC) code for the respondents affected by the standards is SIC 3011, which corresponds to the North American Industry Classification System (NAICS) 326211 for rubber tire manufacturing.

4(b) Information Requested

(i) Data Items

In this ICR, all the data that is recorded or reported is required by the NESHAP for Rubber Tire Manufacturing (40 CFR Part 63, Subpart XXXX).

A source must make the following reports under the proposed rubber processing amendments (the rule citations below refer to the proposed rule amendments):

Notifications	
Initial notifications that a source is subject to the provisions in Subpart XXXX or intent to construct/reconstruct.	63.9(a), 63.9(b), 63.6016(a), 63.6016(b), 63.6016(c)
Notification of performance test and test plan/QAPP.	63.7(b)(1), 63.7(c), 63.9(e), 63.6016(e)
Notification of compliance status.	63.9(h), 63.10(d), 63.6016(k)
Notification of alternative monitoring method.	63.8(f)

Reports	
Site-specific monitoring plan (only units with control devices)	63.6(e)(3), 63.5990(e)
Submit results of initial performance tests/compliance demonstrations (only units with control devices)	63.5991
Compliance status report	63.6017(c), (d), (e), (g), (h), (i), (j), and (k)

A source must keep the following records under the proposed rubber processing amendments:

Recordkeeping	
Records of all notifications	63.6018(a)
Records of performance tests (only units with control devices)	63.10(b), 63.6018(a)
Maintain a log detailing the operation and maintenance of the process and emission control equipment (only units with control devices)	63.5990(c)
The results for each inspection, calibration, and validation check of your CPMS, as specified in your site-specific monitoring plan. (only units with control devices)	63.6001
Records of operating parameter values for each operating parameter that applies to your facility (only units with control devices)	63.5990(c)
Records for rubber processing	63.6018(e) and Table 19

(ii) Respondent Activities

Respondent Activities for the Rubber Processing Amendments
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate CMS for parameters specified in your site-specific monitoring plan.
Perform initial and repeat performance test using Methods 1, 1A, 2, 2A, 2C, 2D, 2F, 2G, 3, 3A, 3B, 4, 5 or 29, 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.

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
Review notifications and reports, including performance test reports, and excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Enforcement and Compliance History Online (ECHO) and ICIS.

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 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. ICIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. 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.

5(c) Small Entity Flexibility

There are no small entities (i.e., small businesses) affected by this regulation.

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 Rubber Tire Manufacturing (40 CFR 63, Subpart XXXX).

6. Estimating the Burden and Cost of the Collection

Tables 1 through 3 document 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 3,040 hours (Total Labor Hours from Tables 1 through 3 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	\$163.17 (\$77.70 + 110%)
Technical	\$130.28 (\$62.04 + 110%)
Clerical	\$65.71 (\$31.29 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, “Table 4. Civilian workers by occupational and industry group.” The rates are from column 1, “Total compensation.” The rates have been increased by 110 percent to account for varying industry wage rates and the additional overhead business costs of employing workers beyond their wages and benefits, including business expenses associated with hiring, training, and equipping their employees.

(ii) Estimating Capital/Startup and Operation and Maintenance (O&M)

Costs

Capital costs and O&M costs are estimated for rubber processing sources to monitor THC emissions with a CEMS and for bag leak detection systems (BLDS) on fabric filter baghouses.

The total estimated capital cost (purchase and installation) of a THC CEMS instrument and installation is \$145,000. The estimated annual cost (including annualized purchase and installation costs and operation and maintenance costs) is \$43,400 per year per CEMS, and one CEMS will be needed for each of the 97 rubber mixers located at major sources, for a total annual cost of about \$4.2 million.

The cost to purchase and install a BLDS is \$22,200. The estimated annual cost (including annualized purchase and installation costs and operation and maintenance costs) is \$14,400 per year per BLDS. The annual cost of the BLDS includes periodic PM performance testing. one BLDS will be needed for each of the 97 rubber mixers located at major sources, for a total annual cost of about \$1.4 million.

The combined annual cost per mixer for the THC CEMS and the BLDS is, therefore,

\$57,800, and the annual cost for all 97 mixers will be \$5.6 million.

We assume that none of the mixers will be in compliance until the third year after the rule is final. Therefore, the capital and O&M costs for the THC and BLDS will first occur in the third year after the rule is final and there are no capital and O&M costs in years 1 and 2.

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.

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

Managerial	\$73.46 (GS-13, Step 5, \$45.91 + 60%)
Technical	\$54.51 (GS-12, Step 1, \$34.07 + 60%)
Clerical	\$29.50 (GS-6, Step 3, \$18.44 + 60%)

These rates are from the Office of Personnel Management (OPM), 2023 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. Details upon which this estimate is based appear in Table 5 to 8: Average Annual EPA Burden and Cost – NESHP for Rubber Tire Manufacturing (40 CFR 63, Subpart XXXX).

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 12 existing respondents will be subject to these standards, which is the current number of major source facilities that have rubber processing mixers. It is estimated that no additional respondents per year will become subject to these same standards, and no respondents will cease to be subject to the standards. We have assumed that because most facilities will need to retrofit or purchase and install new add-on controls, and purchase and install monitoring systems, all facilities will not demonstrate compliance until year 3 after the rule is final.

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

Total Annual Responses in Year 1				
(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 $E=(B \times C)+D$

Initial Notifications	12	1	0	12
Performance test notification	0	1	0	0
Compliance status notification	0	1	0	0
Notification of alternative monitoring method	0	1	0	0
Notification of reassessment of predominant use	0	1	0	0
Site-specific monitoring plan	0	1	0	0
Performance test reports	0	1	0	0
Semiannual compliance reports	0	2	0	0
Annual compliance reports	0	1	0	0
			Total	12
Total Annual Responses in Year 2				
(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
Initial Notifications	0	1	0	0
Performance test notification	0	1	0	0
Compliance status notification	0	1	0	0
Notification of alternative monitoring method	0	1	0	0
Notification of reassessment of predominant use	0	1	0	0
Site-specific monitoring plan	0	1	0	0
Performance test reports	0	1	0	0
Semiannual compliance reports	0	2	0	0
Annual compliance reports	0	1	0	0
			Total	0
Total Annual Responses in Year 3				
(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
Initial Notifications	0	1	0	0
Performance test notification	12	1	0	12

Compliance status notification	12	1	0	12
Notification of alternative monitoring method	0	1	0	0
Notification of reassessment of predominant use	0	1	0	0
Site-specific monitoring plan	12	1	0	12
Performance test reports	12	1	0	12
Semiannual compliance reports	12	2	0	24
Annual compliance reports	0	1	0	0
			Total	72

The average number of Total Annual Responses is 28.

6(e) Bottom Line Burden Hours and Cost Tables

The detailed bottom line burden hours and cost calculations for the respondents and the Agency for the proposed amendments are shown below in Tables 1 through 8 and summarized below.

(i) Respondent Tally

The average total annual labor hours for the first three years after the amendments are final are 1,845 hours per year. Details regarding these estimates may be found below in Tables 1 to 4 for the Annual Respondent Burden and Cost (New) – NESHAP for Rubber Tire Manufacturing (40 CFR 63, Subpart XXXX)

We assume that burdens for managerial tasks require 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 require 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 average annual public reporting and recordkeeping burden for this collection of information is estimated to average 75.8 hours per response.

The average annual capital/startup and O&M costs to the regulated entities are \$1,870,000. The cost calculations are detailed in Section 6(b)(ii), Estimating Capital/Startup and 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 60 labor hours at a cost of \$3,700. Details regarding these estimates may be found below in Tables 5 to 8 for the Annual Agency Burden and Cost (New) of the Rubber Tire NESHAP Amendments

(40 CFR 63, subpart XXXX).

We assume that burdens for managerial tasks require 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 require 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

This estimate is only the burden for the proposed amendments to add new regulatory requirements to reduce emissions from rubber processing mixers. It does not reflect a change in the current burden for the regulation of other emission subcategories in the rubber tire manufacturing industry under 40 CFR 63, Subpart XXXX that remain unchanged.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 75.8 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 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 comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2019-0392. 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 EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m. to 4:30 p.m., Monday to Friday (except federal 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-OAR-2019-0392 and OMB Control Number 2060-NEW in any correspondence.

Part B of the Supporting Statement

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

