

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments)  
July 2023**

**Part A of the Supporting Statement**

**1. Identification of the Information Collection**

**1(a) Title of the Information Collection**

NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments), EPA ICR Number 1362.13, OMB Control Number 2060-0253.

**1(b) Short Characterization/Abstract**

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR Part 63, Subpart L were proposed on December 4, 1992, promulgated on October 27, 1993, and amended on April 15, 2005. These regulations apply to all coke oven batteries, whether existing, new, reconstructed, rebuilt, or restarted. It also applies to all batteries using conventional by-product recovery processes, non-recovery processes, or any new recovery processes. 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 L.

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. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

The proposed amendments to the rule eliminate the startup, shutdown, and malfunction (SSM) exemption; remove the SSM plan requirement; add electronic submittal of notifications and semiannual reports; and make technical and editorial changes. The remaining portions of the NESHAP remain unchanged.

The burden to the “Affected Public” may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments). The burden to the “Federal Government” burden is attributed entirely to work

performed by federal employees or government contractors and may be found in Table 2: Average Annual EPA Burden and Cost – NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments). There are approximately 14 coke plants in the United States, none of which are owned by state, local, tribal or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. We assume that they will all respond.

Over the next three years, approximately 14 respondents per year will be subject to the standard, and no additional respondents per year will become subject to the standard. The respondents consist of two sectors within the coke industry. The sectors comprise iron and steel integrated (II&S) companies that produce coke for their operations (6 plants, of which 2 are co-located with an II&S plant) and merchant plants that produce furnace and foundry coke for sale on the open market (8 plants, 1 of which is co-located with an II&S plant, however, an II&S company owns the II&S plant). These 14 coke plants operate 47 coke oven batteries (i.e., the affected facilities). We estimate that by-product batteries account for 57 percent of all coke oven batteries.

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 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, particulate hazardous air pollutant (particulate HAP)

emissions from coke oven batteries cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the NESHAP were promulgated for this source category at 40 CFR Part 63, Subpart L.

Section 112(d)(6) of the CAA requires the EPA to review the technology-based MACT standards and revise them “as necessary (taking into account developments in practices, processes, and control technologies)” no less frequently than every 8 years.

### **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 the emission standard. Continuous emission monitors are used to ensure compliance with the standard 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 standard are used to inform the Agency or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated, leaks are being detected and repaired, and the standard is being met. The performance test may also be observed.

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

## **3. Nonduplication, Consultations, and Other Collection Criteria**

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

### **3(a) Nonduplication**

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, no duplication exists.

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

This section is not applicable because this is a rule-related ICR. Nevertheless, the ICR will be available for public review during the public comment period following publication of the proposed Subpart L amendments in the *Federal Register*.

### **3(c) Consultations**

Stakeholder outreach occurred with industry groups including American Coke and Coal Chemicals Institute (ACCCI) and member companies of this organization. Further stakeholder and public input is expected through public comment following publication of the proposed amendments to Subpart L in the *Federal Register* and follow-up meetings with interested stakeholders.

In addition, the EPA/OAQPS conducted a two-part ICR (questionnaire and stack testing) in 2016 to gather data from the coke manufacturing industry. The results from the questionnaire part of this ICR were used in updating the burden estimates contained in this supporting statement.

### **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 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 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 (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 or the proposed amendments 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 and existing by-product or non-recovery coke oven batteries. The United States Standard Industrial Classification (SIC) codes and corresponding North American Industry Classification System (NAICS) codes for the respondents affected by the standard are listed in the following table.

<b>Standard (40 CFR Part 63, Subpart L)</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Iron and Steel Mills and Ferroalloy Manufacturing	3312	331110
All Other Petroleum and Coal Products Manufacturing	3312	324199

### **4(b) Information Requested**

#### **(i) Data Items**

In this ICR, all the data that is recorded or reported is required by the NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) or would be required under the proposed amendments. Subpart L references 40 CFR Part 63, Subpart A for several general reporting and recordkeeping requirements that apply for all NESHAP.

A source must make the following reports:

<b>Notifications</b>	
Initial compliance certification	§ 63.311(b)
Intention to construct a new, brownfield, or padup rebuild coke oven batteries	§ 63.311(c)(1), § 63.5(d)(1)(ii), § 63.9(b)(4)(i)
Application for approval of construction/reconstruction (submitted as part of notification of intention to construct a new, brownfield, or	§ 63.5(d),

<b>Notifications</b>	
padup rebuild coke oven battery)	§ 63.9(b)(1)(iii), § 63.9(b)(4)
Election of compliance track	§ 63.311(c)(2)
Intention to conduct a PM performance test (new non-recovery coke oven batteries only)	§ 63.311(c)(3)
Initial performance test	§ 63.7(b)(1), § 63.9(e)
Rescheduled initial performance test	§ 63.7(b)(2)
Request for an extension of compliance	§ 63.9(c)
Request to waive requirements	§ 63.7(h)(3), § 63.10(f)
Notification that source is subject to special compliance requirements: obtaining an exemption from control requirements for bypass\bleeder stacks by committing to permanent closure of a battery or using an equivalent alternative control system for the stacks; obtaining an alternative standard for coke oven doors on a battery equipped with a shed, including development of a site-specific test plan	§ 63.9(d)
Opacity and visible emission observations (submitted as part of notification of initial performance test)	§ 63.9(f)
Notification requirements for coke ovens with a shed using a continuous monitoring system for opacity of emissions discharged from the emission control equipment, and meeting the alternative standard (submitted as part of notification of initial performance test)	§ 63.305(f)(4), § 63.9(g)
Compliance status	§ 63.9(h), § 63.309(k)
Adjustment to time periods or postmark deadlines	§ 63.9(i)
Change in information already provided	§ 63.9(j)
Battery closure	§ 63.307(e)(1)
Notification of malfunction	§ 63.310(d)
Request for startup of cold-idle battery	§ 63.304(b)(6)

<b>Reports</b>	
Emission control work practice plan for each coke oven battery	§ 63.306(a)
Revised work practice plan	§ 63.306(d)(4)

<b>Reports</b>	
Finding of whether work practices caused exceedances of emission limitation (submitted as part of any work practice plan revisions)	§ 63.306(d)(3)
Report of malfunction	§ 63.310(e), § 63.10(d)(5)
Semiannual compliance certification report	§ 63.311(d)
Venting of coke oven gas other than through a flare system	§ 63.311(e)
Fenceline monitoring quarterly reports	§ 63.311(j)
Performance test results	§ 63.10(d)(2), § 63.309(k)
Opacity or visible emission observations (submitted as part of performance test results)	§ 63.10(d)(3)

A source must keep the following records:

<b>Recordkeeping</b>	
All reports and notifications	§ 63.10(b)(1)
Malfunctions	§ 63.10(b)(2)
Record of internal reports forming the basis of each malfunction notification	§ 63.310(f), § 63.311(f)(6)
Startup, shutdown, and malfunction plan	§ 63.310(f), § 63.6(e)(3)
Any applicability determination that demonstrates why owner or operator believes source(s) is/are unaffected.	§ 63.10(b)(3)
For non-recovery coke oven batteries, records of: daily operating parameters, design characteristics, and compliance demonstration.	§ 63.311(f)(1)
For an approved alternative emission limitation, records of: monitoring parameters indicating exhaust flow rate is maintained, continuous opacity monitoring system, and quarterly visual inspection of the shed.	§ 63.311(f)(2), § 63.10(c)
Records of work practice plan, revisions, and implementation of plan requirements for specific emission points.	§ 63.311(f)(3-4)

<b>Recordkeeping</b>	
Design drawings and engineering specifications for the bypass/bleeder stack flare system or approved alternative control device or system.	§ 63.311(f)(5)
Fenceline monitoring quarterly reports	§ 63.311(j)

### Electronic Reporting

Currently, 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. In addition, some regulatory agencies are setting up electronic reporting systems to allow sources to report electronically, which is reducing the reporting burden. As part of the proposed amendments, respondents would be required to use the EPA's Electronic Reporting Tool (ERT) to submit performance test reports for test methods supported by the ERT.<sup>1</sup> Respondents would also be required to submit notifications and semiannual reports through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI).

### **(ii) Respondent Activities**

<b>Respondent Activities</b>
Familiarization with the regulatory requirements.
For coke ovens equipped with sheds choosing to comply with an alternative to the emission limitation standards, submit an initial test plan and, once approved, conduct an initial performance test using Method 5 (determine the efficiency of control equipment), Method 9 (measure opacity of emissions from control device), and Method 22 (measure visible emissions that escape the shed) to get approval to use alternative standard.
For coke ovens equipped with sheds complying with the alternative standard, conduct weekly performance tests using Method 303 to determine compliance. If the visible emission limitation is achieved for 12 consecutive observations, switch to monthly tests until an exceedance occurs, at which time the weekly tests shall be resumed.
Install, calibrate, maintain, and operate continuous monitoring system for opacity emissions discharged from the control system at coke oven doors equipped with sheds and complying with the alternative standard.
For non-recovery coke oven batteries, daily monitoring of pressure in oven or common tunnel to ensure a negative pressure; implement work practices requirement for charging operations at existing batteries; and install, operate, and maintain control system for the capture and collection of emissions at new batteries.

<sup>1</sup> Test methods supported by the EPA's Electronic Reporting Tool (ERT) are listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>). Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website must be included as an attachment in the ERT or alternate electronic file.



<b>Respondent Activities</b>
For a by-product recovery, a brownfield or padup, rebuild coke oven battery, install, operate, and maintain a bypass/bleeder stack flare system capable of controlling 120 percent of the normal gas flow generated by the battery, unless the owner or operator has been approved for an alternative control device or system that achieves at least 98 percent destruction or control of coke oven emissions.
For by-product coke oven, daily inspection of the collecting main for leaks according to Method 303.
Fenceline monitoring
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.

<b>Agency Activities</b>
Observe initial performance tests and repeat performance tests, if necessary.
Review notifications and reports, including performance test reports, and excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Enforcement and Compliance History Online (ECHO) and ICIS.

<b>Agency Activities</b>
Review fenceline monitoring reports

### **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. 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**

A majority of the respondents are large entities (i.e., large businesses). However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation and proposed amendments. 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 below Table 1: Annual Respondent Burden and Cost – NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments).

## **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 63,000 (Total Labor Hours from Table 1). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NESHAP program, the previously approved ICR, 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 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. There are no annual O&M costs associated with continuous emission monitors because none of the sources use them to monitor opacity emissions discharged from the control device.

#### **(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.

### 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 \$7,510.

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

Managerial	\$70.56 (GS-13, Step 5, \$44.10 + 60%)
Technical	\$52.37 (GS-12, Step 1, \$32.73 + 60%)
Clerical	\$28.34 (GS-6, Step 3, \$17.71 + 60%)

These rates are from the Office of Personnel Management (OPM), 2022 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 Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments).

### 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 14 existing respondents will be subject to the standard. It is estimated that no additional respondents per year will become subject. The overall average number of respondents, as shown in the table below, is 14 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 <sup>1</sup>	(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	14	0	0	14
2	0	14	0	0	14

<b>Number of Respondents</b>					
3	0	14	0	0	14
Average	0	14	0	0	14

<sup>1</sup> 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 14.

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

<b>Total Annual Responses</b>				
(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 compliance certification	0	0	0	0
Notification of battery construction/reconstruction (new, brownfield, and padup rebuild batteries)	0	0	0	0
Notification of election of compliance track	0	0	0	0
Notification of performance test	N/A			
Reschedule of performance test	N/A			
Request for an extension of compliance	N/A			
NESHAP waiver application	N/A			
Notification of source being subject to special requirements, including site-specific test plan	N/A			
Notification of compliance status	N/A			
Adjustments to time periods or timelines	N/A			
Changes in information already provided	N/A			
Notification of battery closure	0	1	0	0
Request for startup of cold-idle battery	N/A			
Emission control work practice plan	N/A			
Revised emission control work practice plan	N/A			
Semiannual compliance certifications	14	2	0	28
Report of coke oven gas venting through bypass/bleeder stack flare	0.9	1	0	0.9
Performance test results	N/A			
			Total (rounded)	29

The number of Total Annual Responses is 29.

The total annual labor costs are \$7,950,000. Details regarding these estimates may be found below in Table 1: Annual Respondent Burden and Cost – NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments).

### **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 63,000. Details regarding these estimates may be found in Table 1. Annual Respondent Burden and Cost – NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments).

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

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 2,172 hours per response.

The total annual capital/startup and O&M costs to the regulated entity are \$0. 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 147 labor hours at a cost of \$7,510. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments).

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

### **6(f) Reasons for Change in Burden**

This ICR is prepared for proposed amendments to the NESHAP for Coke Oven Batteries (40 CFR, Part 63, Subpart L). These proposed amendments: (1) adjust references to the Part 63

General Provisions (40 CFR, Part 63, Subpart A) and revise provisions in the NESHAP (40 CFR Part 63, Subpart L) to remove the SSM exemption and SSM plan requirement; (2) add electronic submittal of notifications and semiannual reports; (3) add fence line monitoring and (4) make technical and editorial changes. Where applicable, adjustments for these proposed amendments are reflected in Tables 1 and 2 of this ICR.

The burden estimate for familiarizing with regulatory requirements was increased to reflect the actual time it would take industry to review the proposed amendments. Burden estimates were added for the industry to prepare notification of compliance status, record failures to meet standards and actions taken to minimize emissions, conduct refresher training, transition to submitting notifications and semiannual reports through CEDRI, and compile data for semiannual reports. Burden estimates were removed for developing SSM plans and submitting periodic SSM reports.

### **6(g) Burden Statement**

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2,172 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for EPA regulations are listed at 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2003-0051. An electronic version of the public docket is available at <http://www.regulations.gov/> which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the docket center is (202) 566-1927. Also, you can send comments to the Office of

Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2003-0051 and OMB Control Number 2060-0253 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 Coke Oven Batteries (40 CFR Part 63, Subpart L) (Proposed Amendments)**

Burden item	A	B	C	D	E	F	G	H
	Person-hours per occurrence	Annual occurrences per respondent	Person-hours per respondent per year (AxB)	Respondents per year <sup>a</sup>	Technical hours per year (Cx D)	Management hours per year (Ex0.05)	Clerical hours per year (Ex0.10)	Annual cost (\$) <sup>b</sup>
1. Applications	N/A							
2. Surveys and studies	N/A							
3. Acquisition, installation, and utilization of technology and systems	N/A							
4. Reporting requirements								
A. Familiarization with regulatory instructions	8	1	8	14	112	5.6	11	\$16,241.06
B. Required activities	See 5B							
C. Write notifications/reports								
Initial compliance certification <sup>c</sup>	3	1	3	0	0	0	0	\$0
Notification of battery construction/reconstruction (new, brownfield, and padup rebuild batteries) <sup>d</sup>	2	1	2	0	0	0	0	\$0
Notification of election of compliance track <sup>e</sup>	2	1	2	0	0	0	0	\$0
Notification of performance test	N/A							
Reschedule of performance test	N/A							
Request for an extension of compliance NESHAP waiver application	N/A							
Notification of source being subject to special requirements, including site-specific test plan <sup>f</sup>	N/A							
Notification of compliance status	N/A							
Adjustments to time periods or timelines	N/A							
Changes in information already provided	N/A							
Notification of battery closure <sup>g</sup>	2	1	2	0	0	0	0	\$0

Burden item	A	B	C	D	E	F	G	H
	Person-hours per occurrence	Annual occurrences per respondent	Person-hours per respondent per year (AxB)	Respondents per year <sup>a</sup>	Technical hours per year (CxD)	Management hours per year (Ex0.05)	Clerical hours per year (Ex0.10)	Annual cost (\$) <sup>b</sup>
Request for startup of cold-idle battery <sup>h</sup>	N/A							
Emission control work practice plan	N/A							
Revised emission control work practice plan	N/A							
Semiannual compliance certifications (through CEDRI using ERT) <sup>i</sup>	4	2	8	14	112	5.6	11.2	\$16,241.06
Report of coke oven gas venting through bypass/bleeder stack flare <sup>j</sup> (through CEDRI using ERT) <sup>i</sup>	27	1	27	0.9	24	1	2	\$3,523.73
Performance test results	N/A							
Quarterly fenceline monitoring report	2	4	8	14	112	5.6	11.2	\$16,241.06
Fenceline monitoring	0.5	26	13	14	182	9.1	18.2	\$26,391.73
<b>Reporting Subtotal</b>						<b>624</b>		<b>\$78,639</b>
5. Recordkeeping requirements								
A. Familiarization with regulatory instructions	See 4A							
B. Plan activities	See 5E							
C. Create information	See 5F							
D. Gather existing information	See 5E							
E. Implement activities								
<b>All plants</b>								
Daily performance tests/visible observations <sup>k</sup>	8.25	365	3,011.25	14	42,157.50	2,107.88	4,215.75	\$6,113,238.00
Certification program <sup>l</sup>	24	1	24	14	336	16.8	33.6	\$48,723.19
Implement work practice plan	40	1	40	14	560	28	56	\$81,205.32
Fenceline monitoring - small facility	7.4	26	192	14	2693.6	134.68	269.36	\$390,597.59
Fenceline monitoring - medium facility	9.8	26	255	0	0	0	0	\$0.00



	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
<b>Burden item</b>	<b>Person-hours per occurrence</b>	<b>Annual occurrences per respondent</b>	<b>Person-hours per respondent per year (AxB)</b>	<b>Respondents per year <sup>a</sup></b>	<b>Technical hours per year (CxD)</b>	<b>Management hours per year (Ex0.05)</b>	<b>Clerical hours per year (Ex0.10)</b>	<b>Annual cost (\$) <sup>b</sup></b>
								<b>\$7,950,000</b>

a EPA estimates an average of 14 existing coke plants will operate 47 coke oven batteries over the next 3 years. Of these plants, 9 will operate 27 by-product batteries and 5 will operate 20 non-recovery batteries.

b This ICR uses the following labor rates: \$130.28 (technical), 163.17 (managerial), and \$65.71 (clerical). These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, "Table 2. Civilian Workers, by occupational and industry group." The rates are from column 1, "Total compensation." They have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

c This burden applies to new sources only. All existing sources have previously submitted initial compliance certifications.

d No reconstructions are assumed to occur during the 3-year ICR period.

e This burden applies to new sources only. All existing sources have previously submitted this notification.

f None of the plants with cokeside sheds have applied for the alternative door standard.

g No facilities are anticipated to permanently close over the 3-year ICR period.

h None of the plants have batteries on cold idle.

i Submittal of reports through the EPA's CEDRI in ERT format is estimated to require 2 hours.

j EPA expects 10% of the 9 by-product plants (0.9 plants) to experience a venting episode where emissions are released through bypass/bleeder stacks without flaring, requiring notification and a written report.

k Daily performance tests are conducted by a certified observer provided by the State enforcement agency for each emission point on each battery. Respondents reimburse States through permit fees. Based on an average of 3 coke ovens batteries per plant, the total person hours for inspections is estimated to be 8.25 hours, using the cost formula for calculating reimbursement costs included in the rule.

l This burden includes the indirect costs to respondents to provide certification to the observer provided by the State enforcement agency, or its contractor, including a 3-day EPA certification course.

m Owners or operators of five existing heat and /or non-recovery plants are required to either conduct leak detection procedures or monitor oven pressure daily. These plants have elected to monitor pressure.

n The promulgated rule amendments (70 FR 19992, April 15, 2005) require visible emission observations of doors for four heat and/or non-recovery plants that are not on the lowest achievable emissions rate (LAER) extension track.

o Owners or operators of four existing heat and/or non-recovery plants are required to implement specified work practices for the control of emissions from charging operations and to document the performance of each procedure.

p All 9 by-product coke plants must install and maintain flares.

q None of the plants with cokeside sheds have applied for the alternative door standard.

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





Burden item	A	B	C	D	E	F	G	H
	EPA person-hours per occurrence	Annual occurrences per respondent	EPA person-hours per respondent per year (AxB)	Respondents per year <sup>a</sup>	Technical hours per year (CxD)	Management hours per year (Ex0.05)	Clerical hours per year (Ex0.10)	Annual cost (\$) <sup>b</sup>
practice plan								
P. Semiannual compliance certifications <sup>j</sup>	2	2	4	14	56	2.8	5.6	\$ 3,288.99
Q. Report of coke oven gas venting through bypass/bleeder stack flare <sup>k</sup>	2	1	2	0.9	1.8	0.09	0.18	\$ 105.72
R. Performance test results	N/A							
S. Review request for alternative monitoring for fenceline requirements	1	1	1	14	14	0.7	1.4	\$822.25
T. Quarterly report for fenceline monitoring	1	4	4	14	56	2.8	5.6	\$3,288.99
<b>TOTAL ANNUAL BURDEN AND COST (rounded)<sup>l</sup></b>						<b>147</b>		<b>\$ 7,510</b>

a EPA estimates an average of 14 existing coke plants will operate 47 coke oven batteries over the next 3 years. Of these plants, 9 will operate 27 by-product batteries and 5 will operate 20 non-recovery batteries.

b This ICR uses the following labor rates: \$52.37 (technical), \$70.56 (managerial), and \$28.34 (clerical). These rates are from the Office of Personnel Management (OPM), 2022 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 This burden applies to new sources only. All existing sources have previously submitted initial compliance certifications.

d No reconstructions are assumed to occur during the 3-year ICR period.

e This burden applies to new sources only. All existing sources have previously submitted this notification.

f None of the plants with cokeside sheds have applied for the alternative door standard.

g No facilities are anticipated to permanently close over the 3-year ICR period.

h None of the plants have batteries on cold idle.

i All existing sources have previously submitted this plan.

j All plants are required to submit semiannual compliance certifications.

k EPA expects 10% of the 9 by-product plants (0.9 plants) to experience a venting episode where emissions are released through bypass/bleeder stacks without flaring, requiring notification and a written report.

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