

# U.S. Environmental Protection Agency

## Information Collection Request

**Title:** National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors Removal of Malfunction Exemptions and e-Reporting

**OMB Control Number:** 2060-NEW

**EPA ICR Number:** 2803.01

**Abstract:** As part of the EPA's effort to update 40 CFR 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, additional information and electronic reporting will be required of sources. This supporting statement describes the updates to this subpart, explains the rationale behind this information collection request and quantifies the cost to both the affected sources and the agency.

### Supporting Statement A

#### **1. NEED AND AUTHORITY FOR THE COLLECTION**

*Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

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The goal of this information collection request (ICR) is to collect new monitoring, reporting and recordkeeping data from hazardous waste combustors (HWC) subject to emission standards under 40 CFR 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. The statutory authority for this action is provided by sections 112 and 301 of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.). The key revisions to this subpart are the removal of exemptions for emissions during malfunction periods in response to *Sierra Club v. EPA*, 551 F.3d 1019, 1028 (D.C. Cir. 2008) and the addition of e-reporting using EPA's Compliance and Emissions Data Reporting Interface (CEDRI) to replace physically mailing many of the reports and notifications required under this subpart.

#### **2. PRACTICAL UTILITY/USERS OF THE DATA**

*Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

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The revision of 40 CFR 63 Subpart EEE will require affected sources to conduct additional monitoring, recordkeeping and reporting due to the removal of the malfunction emission limit exemptions to confirm compliance with the emission limits and may result in additional excess emission reporting if affected sources exceed the emission limits during periods of malfunction. The EPA estimates that there are currently 173 emission units at 94 facilities subject to this subpart. Affected sources will be required to submit additional notifications due to emergency safety vent (ESV) openings due to malfunction, where before this was not a requirement during malfunctions. The updated rule may require modifications to current continuous monitoring systems (CMS) programming at affected sources that

must change their CMS to send additional excess emission notifications or trigger automatic waste feed cutoffs or other events to remain in compliance with the updated rule. Some CMS systems may already be operating in compliance with the updated rule. The revision to the rule also adds the requirement for electronic reporting of performance test reports and performance evaluation reports through the use of the Electronic Reporting Tool (ERT) and subsequent submission to the EPA electronically through the Compliance and Emissions Data Reporting Interface (CEDRI) at the EPA's Central Data Exchange (CDX). The revision to the rule also requires the electronic submission of certain other reports and notifications electronically to CEDRI. The additional monitoring reporting and recordkeeping added in response to this update will be collected electronically. The new data collection associated with this and subsequent rulemaking will be used to ensure compliance with emission limits.

### **3. USE OF TECHNOLOGY**

*Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

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The EPA will transition many report and notification submittals to e-reporting using CEDRI, instead of using physical postmarked reports and notifications. This transition will reduce the amount of paper consumed, reduce the elapsed time between affected sources submitting reports and the EPA receiving reports, reduce the processing time by having conveniently searchable files and reduce the cost of submitting reports via mail. Once affected sources familiarize themselves with CEDRI it should also improve the convenience and reduce the time it takes to prepare and submit reports. The EPA is also updating a 2005 database to collect comprehensive performance test data and improve data collection and analysis to develop understanding and insights of new data as it is received.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

*Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

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For reports proposed to be required to be submitted electronically, the information is sent through the EPA's Central Data Exchange (CDX), using CEDRI, where the appropriate EPA regional office can review it, as well as state and local agencies that have been delegated authority. If a state or local agency has adopted under its own authority its own standards for reporting or data collection, adherence to those non-Federal requirements does not constitute duplication.

For all other reports, 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 either 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.

## **5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES**

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

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Minimizing the information collection burden for all sizes of organizations is a continuing effort for the EPA. The EPA is not proposing to make any changes to who is required to report and what they are required to report, only the way the information is reported, and this proposed change is expected to result in an overall reduction in burden. The EPA does not believe the NESHAP will have a significant impact on many small entities. Furthermore, although the recordkeeping and reporting requirements are the same for small and larger businesses, these requirements are considered the minimum needed to ensure compliance and, therefore, cannot be reduced further for small businesses.

## **6. CONSEQUENCES OF LESS FREQUENT COLLECTION**

*Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

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The removal of malfunction exemptions from 40 CFR 63 Subpart EEE triggers emission limits during periods when previously they did not apply to affected sources. The monitoring, recordkeeping and reporting requirements associated with this ICR will be required by the revised rule. Without the information of this ICR, affected sources cannot demonstrate compliance with the emission limits and the EPA would not receive communications detailing the required compliance demonstrations. Affected sources will also need to have records readily available for onsite inspections and other compliance evaluations conducted by the EPA or state regulators.

## **7. GENERAL GUIDELINES**

*Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.*

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There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR §1320.5(d)(2).

## **8. PUBLIC COMMENT AND CONSULTATIONS**

### **8a. Public Comment**

EPA is soliciting public comment on this information collection via the Notice of Proposed Rulemaking. This ICR will be updated to respond to any public comments received prior to the Final Rulemaking.

### **8b. Consultations**

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an original or renewal ICR to OMB for review and approval. 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, in compliance with the recordkeeping and reporting provisions in these standards, is 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.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

*Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.*

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No payments or gifts are provided to respondents.

## **10. ASSURANCE OF CONFIDENTIALITY**

*Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.*

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All information submitted to the agency in response to the ICR will be managed in accordance with applicable laws and EPA's regulations governing treatment of confidential business information at 40 CFR Part 2, Subpart B. Any information determined to constitute a trade secret will be protected under 18 U.S.C. § 1905.

## **11. JUSTIFICATION FOR SENSITIVE QUESTIONS**

*Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

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This collection does not include any data or information of a sensitive nature.

## **12. RESPONDENT BURDEN HOURS & LABOR COSTS**

*Provide estimates of the hour burden of the collection of information. The statement should:*

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
  - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
  - *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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### **12a. Respondents/NAICS Codes**

The respondents to this information request will be those subject to 40 CFR 63 Subpart EEE. This includes hazardous waste incinerators, hazardous waste cement kilns, hazardous waste lightweight

aggregate kilns, hazardous waste solid fuel boilers, hazardous waste liquid fuel boilers and hazardous waste hydrochloric acid production furnaces.

### **12b. Information Requested**

To develop the burden estimates, the EPA estimated the number of hours required to complete one occurrence of each newly added activity, including learning CEDRI, reviewing instructions, gathering data, entering the information requested, reviewing responses, and submission (if necessary). For some of the activities the EPA assumed more time required in year 1 than in subsequent years to allocate time for learning the new work practices associated with e-reporting, changing staff at affected sources' understanding of what now constitutes an excess emission report and a one-time reprogramming of CMS systems. The EPA estimated new occurrences based on the rule change. The EPA has not differentiated the hours that will be spent by or the number of occurrences at distinct types of facilities and instead this burden estimate assumes that all facilities will have the same number of occurrences and hours spent. This burden estimate is based on the following assumptions:

- Every facility will have to familiarize themselves with regulatory requirements in greater detail than they normally would in the first year after the rule is finalized.
- Every facility will have to reprogram their CEMS in the first year after the rule is finalized.
- Each year every facility will have one new report (notification, ESV opening, excessive exceedance etc.).
- Every facility will have to familiarize themselves with CEDRI. Time is allocated for this in each of the first three years but more time is allocated for the first occurrence in year 1.
- Every facility will have three new electronic submittals each year.
- Every facility will have to review and update their operations manuals to ensure compliance with the revised rule. Time is allocated in all three years with more time in the first year after the rule is finalized. Time in subsequent years is for facilities to make additional updates and respond to feedback both internally and externally from EPA or state agencies.

The second major revision to 40 CFR 63 Subpart EEE is the addition of e-reporting. In the first year, the expectation is that there will be some additional time required for affected sources to familiarize themselves with CEDRI and the e-reporting system but after that the burden should be the same as current reporting. The following conditions add e-reporting specifically or as a definition:

### **12c. Respondent Activities**

The burden estimate of the new reporting involves quantifying new monitoring activities that will be required to demonstrate compliance and additional new reporting and notification activities that are a possibility depending on the results of the new monitoring activities to communicate the compliance demonstrations to the EPA or state regulators. The calculation of the burden estimate was based on an analysis of the first three years of the new rule. The table below shows the conditions that result in new monitoring, reporting and recordkeeping and may result in increased excess emissions.

Conditions requiring new activities	Description
63.1206(b)(1)(i)	The removal of this condition may create additional excess emission events.
63.1206(c)(2)(v)(A)(1)	Removes the exemption from (c)(3)(v) and (vi) during malfunction. This adds additional investigation during malfunction.
63.1206(c)(2)(v)(A)(2)	The removal of this condition may create additional excess emission events.
63.1206(c)(4)(i)	The removal of this exemption adds recordkeeping if an ESV opens during malfunctions.
63.1207(j)(3)	Replaced requiring performance test results with summary of performance test results in the Notification of Compliance. This may require additional processing but after an adjustment may result in a decreased burden.
63.1209(a)(1)(ii)(C) and 63.1209(f)(4)	Changes COMS and CMS compliance requirements to specific terms in this subpart from general terms. This should not result in more continuous monitoring, but it does not exempt any times from meeting emission limits and may require programming update.
63.1211(a)(1)	Report information about failures to meet an applicable standard in the excessive emissions and continuous monitoring system performance report.
63.1211(e)	Other recordkeeping requirements

**12d. Respondent Burden Hours and Labor Costs**

Total Annual Responses Burden Estimate: \$257,000 (average of years 1 to 3)

Total Annual Hour Burden Estimate: 2,560 (average of years 1 to 3)

The following table summarizes the estimate of response burden for the revised rule for 96 facilities and 177 emission units with the expectation that one new facility will open in year two and again in year three:

Year	Total Labor Hours	Labor Costs	Non-Labor (Capital/Startup and O&M) Costs	Total Costs
1	4,637	\$472,618	\$0	\$468,728
2	1,507	\$153,554	\$0	\$149,664
3	1,522	\$155,136	\$0	\$151,246
<b>Annual Burden Reduction due to e-reporting*</b>	\$3,890			
<b>Total (rounded)</b>	7,670	\$781,000	\$0	\$770,000
<b>Annual Average (rounded)</b>	2,560	\$260,000	\$0	\$257,000

\*Described in Estimates of Cost Burden for Collection of Information section

### 13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The total annual (non-Labor) cost burden estimate is \$3,890. The EPA estimates there will be minimal other direct costs associated with new reporting requirements. All information should be available via existing monitoring methods and requires an increase in frequency but not a notable change in how the

information is collected. There will be a decrease (monetarily) in burden with the reduction in printing and shipping comprehensive performance tests (CPT), confirmatory performance tests (CfPT), excess emission and CMS reports, and any other notifications and infrequent reports. This analysis assumes CPTs will be 100 pages, CfPTs will be 50 pages and excess emissions and CMS reports will be 20 pages and any other notifications will be 5 pages. The number of pages in CPT can vary drastically depending on the complexity of the unit, facility, type of waste received and how much supporting data a company chooses to send, with some reports being less than 100 pages but others being close to 1,000 pages. The EPA assumes that prior to e-reporting respondents incurred a printing rate of \$0.10 per page for printing and \$8.90 per package.

Activity	Number of Respondents	Pages per report	Total Printing Costs	Total Shipping Costs	Time between submissions (years)	Total costs	Annual costs
Comprehensive Performance Test	154	100	\$1,540.00	\$1,370.60	5	\$2,910.00	\$582.00
Confirmatory Performance Test	154	50	\$770.00	\$1,370.60	5	\$2,140.00	\$428.00
Excess Emission-CMS report	97	20	\$194.00	\$863.30	0.5	\$1,060.00	\$2,120.00
Notifications and infrequent reports	97	5	\$40.50	\$720.90	1	\$760.00	\$760.00

#### 14. AGENCY COSTS

*Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.*

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##### 14a. Agency Activities

As a result of this ICR, the Agency will likely conduct additional report reviews of excessive exceedance reports due to an increased number of excess emission events, and notifications of CEMS updates when respondents report on the changes to remove exemptions from counting emissions during periods of malfunction.

##### 14b. Agency Labor Cost



This ICR uses the following labor rates: \$73.46 for managerial, \$54.51 for technical, and \$29.50 for clerical labor at the EPA. 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. In the first year of the revised rule, the EPA expects up to 4 additional applications for new affected sources and conservatively assumes that all sources will have to update their continuous monitoring systems and submit a notification to the EPA stating as much.

Year	Total Hours	Labor Costs	Non-Labor Costs	Total Costs
1	649	\$34,480	\$0	\$34,480
2	437	\$23,230	\$0	\$23,230
3	442	\$23,480	\$0	\$23,480
<b>Total (Rounded)</b>	1,528	\$81,190	\$0	\$81,190
<b>Average (Rounded)</b>	509	\$27,063	\$0	\$27,060

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

There will be no non-labor costs for the Agency

**15. REASONS FOR CHANGE IN BURDEN**

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

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This is a new information collection request, therefore there is no change in burden.

**16. PUBLICATION OF DATA**

*For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

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EPA will not be publishing the information gathered under the auspices of this collection.

**17. DISPLAY OF EXPIRATION DATE**

*If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

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No exemptions are being sought.

**18. CERTIFICATION STATEMENT**

*Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

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No exceptions to the certification statement are being sought.