U.S. Environmental Protection Agency

Information Collection Request

TITLE: National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ) (Renewal)

OMB CONTROL NUMBER: 2030-0047

EPA ICR NUMBER: 2509.03

ABSTRACT:

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR Part 63, Subpart JJJJJ were proposed on July 22, 2002, promulgated on May 16, 2003, and most recently amended on October 26, 2015 and December 4, 2015. These regulations apply to existing facilities and new facilities that manufacture brick, including face brick, structural brick, brick pavers, or other brick and/or structural clay products including clay pipe; roof tile; extruded floor and wall tile; or other extruded, dimensional clay products. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR Part 63, Subpart JJJJJ.

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

Any owner/operator subject to the provisions of this part shall maintain a file of these measurements and retain the file for at least five years following the date of such measurements, maintenance reports, and records. All reports required to be submitted electronically are submitted through the EPA's Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI), where the delegated state or local authority can review them. In the event that there is no such delegated authority, the EPA regional office can review them. All other 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 EPA regional offices. The use of the term "Designated Administrator" throughout this document refers to the U.S. EPA or a delegated authority such as a state agency. The term "Administrator" alone refers to the U.S. EPA Administrator.

The burden to the “Affected Public” may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ) (Renewal). 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 Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ) (Renewal). There are approximately 57 brick and structural clay products (BSCP) facilities, of which 52 are equipped with tunnel kilns, 12 with periodic kilns, and 20 with APCDs. None of the 57 facilities in the

United States are owned by state, local, tribal or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. 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 each plant site has only one respondent (i.e., the owner/operator of the plant site).

Over the next three years, approximately 57 respondents per year will be subject to the standard, and no additional respondents per year will become subject to the standard.

The previous ICR had the following Terms of Clearance (TOC):

> "In accordance with 5 CFR 1320, the information collection is approved for three years. As terms of clearance, upon renewal of this collection, EPA is required to include the following in its supporting statement for this and other NESHAP ICRs: (1) a description of the regulatory text applicable to the ICR including submission specifications; (2) a clear description of the data elements being collected under the ICR; (3) screen shots of the electronic portal where the reporting requirements are submitted to EPA (with the control number and burden statement); (4) a detailed discussion of how information is submitted and the extent to which electronic reporting is available; (5) evidence of consultation with respondents (by actively reaching out to stakeholders as permitted by the PRA) to ensure the supporting statement's accuracy on availability of data, frequency of collection, clarity of instructions, accuracy of burden estimate, relevance of data elements, and similar PRA matters; and (6) discussion of how EPA addressed substantive concerns raised by respondents and other stakeholders during consultation and in response to comments received on FR notices. In addition, please convert the supporting statement to the standard 18 question SS-A format upon renewal."

The relevant regulatory text is referenced in section 4(b) of this document. We have created a supplementary document including the regulatory text that describes the ICR requirements, which includes a description of the data elements being collected under the ICR, as identified in section 4(b)(i) of this document as requested. All electronic collection in this information collection is submitted through EPA's ERT, as discussed in section 4(b)(i) of this document. Additional Paperwork Reduction Act requirements for CEDRI and ERT, including the burden statement and OMB control number, are available at: Paperwork Reduction Act (PRA) for CEDRI and ERT | US EPA. We have created supplementary documents that include screenshots of the electronic portal where the reporting requirements are submitted online to EPA, including the OMB burden statement on the electronic portal. A description of the EPA's consultation with respondents and how EPA responded to any concerns raised by respondents or other stakeholders is discussed in sections 3(b) and 3(c) of this document. At the time of this renewal, the standard 18 question format template is not yet available. The Agency will update this ICR to the standard 18 question format once the template is available and upon the next renewal cycle.

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.

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, hydrogen fluoride (HF), hydrogen chloride (HCl), chlorine (Cl_2) and metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, mercury, manganese, nickel, lead and selenium) emissions from BSCP 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 JJJJJ.

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.

The recordkeeping and reporting requirements in the standards 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 standards. Continuous emission monitors are used to ensure compliance with the standards at all times. During the performance test a record of the operating parameters under which compliance was achieved may be recorded and used to determine compliance in place of a continuous emission monitor.

The notifications required in the standards are used to inform the Agency or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated, leaks are being detected and repaired, and the standards are 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.

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) and notifications of changes in information already provided required in 40 CFR 63.9(j) using the Compliance and Emissions Data Reporting Interface (CEDRI).

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 JJJJJ performance test reports be submitted through the EPA's ERT.

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.

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.

The rule was amended to include electronic reporting provisions on October 26, 2015. Respondents are required to use the EPA's Electronic Reporting Tool (ERT) to develop performance test reports and submit them through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (https://cdx.epa.gov/). The ERT is an application rather than a form, and the requirement to use the ERT is applicable to numerous subparts. The splash screen of the ERT contains a link to the Paperwork Reduction Act (PRA) requirements, such as the OMB Control Number, expiration date, and burden estimate for this and other subparts. Respondents are also required to submit electronic copies of notifications and certain reports through EPA's CEDRI. The notification is an upload of their currently required notification in portable document format (PDF) file. We have created supplementary documents that include screenshots of the electronic portal where the reporting requirements are submitted online to EPA, including the OMB burden statement on the electronic portal. For purposes of this ICR, it is assumed that there is no additional burden associated with the requirement for respondents to submit the notifications and reports electronically.

Electronic copies of records may also be maintained in order to satisfy federal recordkeeping requirements. For additional information on the Paperwork Reduction Act requirements for CEDRI and ERT for this rule, see: *https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert*.

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.

For reports required to be submitted electronically, the information is sent through the EPA's 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 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.

5. MINIMIZING BURDEN ON SMALL ENTITIES:

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

The majority of BSCP facilities are small entities according to the Small Business Administration's (SBA's) criterion for a small entity in this industry (NAICS code 327120). Most of the BSCP facilities are considered small entities because 36 out of 44 firms owning BSCP facilities have 750 or fewer employees. The EPA undertook a Regulatory Flexibility Analysis (RFA) in the development of the BSCP rule (80 FR 65516, October 25, 2015). 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.

6. EFFECTS 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.

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.

7. GENERAL GUIDELINES:

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with PRA Guidelines at 5 CFR 1320.5(d)(2).

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.

8. PUBLIC COMMENT AND CONSULTATIONS:

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

An announcement of a public comment period for the renewal of this ICR was published in the *Federal Register* (88 FR 31748) on May 18, 2023. No comments were received on the burden published in the *Federal Register* for this renewal.

8b. Consultations

Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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 the standard, 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. Approximately 57 respondents will be subject to the standard over the three-year period covered by this ICR.

Industry trade associations and other interested parties were provided an opportunity to comment on the burden associated with the standard as it was being developed and the standard has been previously reviewed to determine the minimum information needed for compliance purposes. In developing this ICR, we contacted both the Brick Industry Association at (703) 620-0010 and the American Ceramic Society at (866) 721-3322. In this case, no comments were received.

It is our policy to respond after a thorough review of comments received since the last ICR renewal as well as those submitted in response to the first *Federal Register* notice. In this case, no comments were received.

9. PAYMENTS OR GIFTS TO RESPONDENTS:

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

The Agency does not intend to provide payments or gifts to respondents as part of this collection.

10. PROVISIONS FOR PROTECTION OF INFORMATION:

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.

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).

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.

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

12. RESPONDENT BURDEN HOURS AND 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.*
- *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.*

12a. RESPONDENTS/NAICS CODES

The respondents to the recordkeeping and reporting requirements are BSCP manufacturing facilities. The United States Standard Industrial Classification (SIC) code for the respondents affected by the

standards is SIC 325 which corresponds to the North American Industry Classification System (NAICS) 327120 for Clay Building Material and Refractories Manufacturing.

Based on our research for this ICR, on average over the next three years, approximately 57 existing respondents will be subject to the standard. It is estimated that an additional 0 respondents per year will become subject. The overall average number of respondents, as shown in the table below, is 57 per year.

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

Number of Respondents					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents [1]	(B) Number of Existing Respondents	(C) Number of Existing Respondents that keep records but do not submit reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	57	0	0	57
2	0	57	0	0	57
3	0	57	0	0	57
Average	0	57	0	0	**57**

[1] New respondents include sources with constructed, reconstructed and modified affected facilities.

Column D is subtracted to avoid double-counting respondents. As shown above, the average Number of Respondents over the three-year period of this ICR is 57.

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

Total Annual Responses				
(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses	(D) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Initial notification of applicability	0	1	0	0

Notification of constr./reconstr.	0	1	0	0
Notification of anticipated startup	0	1	0	0
Notification of actual startup	0	1	0	0
Request to use APCD maintenance alternative standard	0	1	0	0
Notification of performance test	0	1	0	0
Notification of compliance status	0	1	0	0
Report of performance test (through ERT)	0	1	0	0
First compliance report	0	1	0	0
Semi-annual compliance report	57	2	0	114
			Total	**114**

The number of Total Annual Responses is 114.

The total annual labor costs are $4,210,000. Details regarding these estimates may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ).

12b. INFORMATION REQUESTED

In this ICR, all the data that are recorded or reported is required by the NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ).

A source must make the following reports:

Notifications	
Initial notifications (including construction/reconstruction)	§63.5, §63.9(b), §§63.8480(a)-(b)
Notification of performance test	§§63.7(b)-(c), §63.9(e), §§63.8480(a)-(b)
Notification of compliance status (including performance test results, operating parameter values, bag leak detection system documentation and OM&M plan)	§63.9(h), §63.10(d)(2) §§63.8480(a)-(c)

Notifications	
Request to use routine control device maintenance alternative standard	§63.8480(b)
Notification of changes in information (reclassification to area source status or to revert to major source status) (electronic submission)	§63.9(b), §63.9(j)

Reports	
First compliance report	§63.8485(a)-(e)
Semi-annual compliance report	§63.8485(a)-(e)
Semi-annual compliance report with no deviations or out-of-control CMS	§63.8485(c)(6)-(7)
Semi-annual compliance report with deviations or out-of-control CMS	§63.8485(c)(9), (d)-(e)
Electronic submittal of performance test results (using ERT)	§63.8485(f)

A source must keep the following records:

Recordkeeping	
Record retention	§63.10(b)(1), §63.8495
Documentation supporting initial notifications and notifications of compliance status	§63.10(b)(2)(xiv), §63.8490(a)(1)
Records of performance tests	§63.10(b)(2)(viii), §63.8490(a)(2)
Records of control device maintenance and documentation of approved routine control device maintenance request	§63.8490(a)(3)
Records for each continuous monitoring system (CMS), production records, bag leak detection system records, records of operating limit deviations and corrective actions, maintenance and inspection records, records used to demonstrate compliance with work practice standards and malfunction records	§63.8(d)(3), §63.8(g), §63.10(b)(2)(iii),(vi)-(xi), §63.8490(b)-(c)
OM&M plan	§63.8490(c)(6)

12c. RESPONDENT ACTIVITIES

Respondent Activities
Familiarization with the regulatory requirements.

Respondent Activities
Install, calibrate, maintain, and operate CMS and air pollution control device.
Perform initial performance test, Reference Method 1 or 1A, 2, 3, 4, 5, 9, 22, 26 or 26A, 29, and 320 tests, 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 collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for disclosing and providing information.
Train personnel to be able to respond to a collection of information.
Transmit, or otherwise disclose the information.

The specific frequency for each information collection activity within this request is shown at the end of this document in Table 1: Annual Respondent Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ).

12d. RESPONDENT BURDEN HOURS AND LABOR COSTS

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 33,400 (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.

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 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.

The total annual labor hours are 33,400. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ).

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 293 hours per response.

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 type of industry costs associated with the information collection activities in the subject standard(s) are both labor costs which are addressed elsewhere in this ICR and the costs associated with continuous monitoring. The capital/startup costs are one-time costs when a facility becomes subject to the regulation. The annual operation and maintenance costs are the ongoing costs to maintain the monitor(s) and other costs such as photocopying and postage.

Capital/Startup vs. Operation and Maintenance (O&M) Costs						
(A) Continuous Monitoring Device	(B) Capital/ Startup Cost for One	(C) Number of New Respondents	(D) Total Capital/Startup Cost, (B X C)	(E) Annual O&M Costs for One Respondent	(F) Number of Respondents with O&M	(G) Total O&M, (E X F)

	Respondent					
Initial performance tests [c]	$0	0	$0	$8,756	52	$455,312
Repeat performance tests [d]	$0	0	$0	$8,756	5.2	$45,531
Photocopy/ Postage [e]	$0	0	$0	$44	52	$2,288
Visible Emissions Test [c,f]	$0	0	$0	$2,984	57	$170,088
Totals (rounded) [g]			$0			$673,000

[a] We estimate no new respondents will become subject to this subpart over the next 3 years of the renewal period.

[b] A total of 57 existing major sources are expected to comply during the 3-year ICR clearance period, of which 52 are equipped with tunnel kilns, 12 with periodic kilns, and 20 with APCDs.

[c] Based on estimates in BSCP Impacts Memo. Stack testing costs assume EPA Method 29 for PM/metals and EPA Method 26A for HF, HCl, and Cl2. VE testing costs assume EPA Method 22. Annual O&M costs shown are the annualized testing costs that existing facilities are assumed to incur during the 3-year period of this ICR.

[d] Assumes 10% of plants will fail an initial performance test for one kiln and must repeat it. Annual O&M costs shown are the annualized testing costs that existing facilities are assumed to incur during the 3-year period of this ICR.

[e] O&M costs for photocopying and postage estimated as $22/report.

[f] The monitoring equipment needed to monitor parameters other than visible emissions (e.g., limestone or lime feed rate) is included as part of the control system and therefore adds no additional capital or O&M cost. The O&M cost associated with VE monitoring includes VE training for two people every 5 years, conducting the 15-minute VE test, and preparing for/documenting the VE test (occurs after 3-year ICR clearance period).

[g] Totals have been rounded to 3 significant digits. Figures may not add exactly due to rounding.

The total capital/startup costs for this ICR are $0. This is the total of column D in the above table.

The total operation and maintenance (O&M) costs for this ICR are $673,000. This is the total of column G.

The average annual cost for capital/startup and operation and maintenance costs to industry over the next three years of the ICR is estimated to be $673,000. These are recordkeeping costs.

The total annual capital/startup and O&M costs to the regulated entity are $673,000. The cost calculations are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

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.

14a. 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.

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. 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.

14b. Agency Burden and Labor 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 $102,000.

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 at the end of this document in Table 2: Average Annual EPA Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ).

The average annual Agency burden and cost over next three years is estimated to be 1,910 labor hours at a cost of $102,000. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ).

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.

14c. Agency Non-Labor Costs

There are no anticipated non-labor costs for the Agency.

15. CHANGE IN BURDEN:

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

There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The increase in the burden and cost estimates occurred because the standard has been in effect for more than three years and the requirements are different during initial compliance as compared to on-going compliance. The previous ICR reflected the average burden and costs associated with the first three years after the 2015 final rulemaking. This included minimal activities in years one and two following promulgation, with increasing burden for years three through six. This ICR, by in large, reflects the on-going burden and costs for existing facilities, which are expected to be similar to the burden and costs estimated for year six in the previous ICR. The cost also increased due to the use of updated labor rates. This ICR uses labor rates from the most recent Bureau of Labor Statistics report to calculate respondent burden costs. The increase in burden and costs is offset somewhat by a decrease in the number of respondents from 69 to 57 existing sources. The overall result is an increase in burden hours and costs.

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.

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. 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.

17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS:

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

The Agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT:

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

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

BURDEN STATEMENT

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 293 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-2023-0135. 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-2023-0135 and OMB Control Number 2030-0047 in any correspondence.

ADDITIONAL TABLES AND APPENDICES

Table 1: Annual Respondent Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ) (Renewal)

Burden Item	(A) Person hours per occurrence	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person-hours per year (E=CxD)	(F) Management person hours per year (Ex0.05)	(G) Clerical person hours per year (Ex0.1)	(H) Cost, $ [b]
1. Applications	N/A							
2. Survey Studies	N/A							
3. Reporting requirements								
A. Read and understand rule requirements [c]	12	1	12	0	0	0	0	$0.00
B. Required Activities								
i. Develop OM&M plan [d]	200	1	200	0	0	0	0	$0.00
ii. Update OM&M plan	10	1	10	52	520	26	52	$75,404.94
iii. Conduct APCD maintenance/inspections	30	1	30	0	0	0	0	$0.00
iv. Conduct periodic kiln maintenance/ inspections	160	1	160	0	0	0	0	$0.00
v. Conduct burner inspection and tune-up	40	1	40	0	0	0	0	$0.00
C. Create Information	See 3B							
D. Gather Information	See 3B							

E. Write Report								
i. Initial notification of applicability [d]	6	1	6	0	0	0	0	$0.00
ii. Notification of constr./reconstr. [d]	28	1	28	0	0	0	0	$0.00
iii. Notification of anticipated startup [d]	3	1	3	0	0	0	0	$0.00
iv. Notification of actual startup [d]	3	1	3	0	0	0	0	$0.00
v. Request to use APCD maintenance alternative standard [d]	4	1	4	0	0	0	0	$0.00
vi. Notification of performance test	6	1	6	0	0	0	0	$0.00
vii. Notification of compliance status [d,e]	24	1	24	0	0	0	0	$0.00
viii. Report of performance test (through ERT)	20	1	20	0	0	0	0	$0.00
ix. First compliance report	30	1	30	0	0	0	0	$0.00
x. Semi-annual compliance report								
a. Deviations [f]	30	2	60	9	540	27	54	$78,305.13
b. No deviations [f]	12	2	24	48	1,152	58	115	$167,050.94
Subtotal for Reporting Requirements					***2,544***			***$320,761***
4. Recordkeeping requirements								

A. Read instructions	See 3A							
B. Plan activities								
i. Prepare for initial performance test	24	1	24	0	0	0	0	$0.00
ii. Prepare for repeat performance test	24	1	24	0	0	0	0	$0.00
C. Implement activities								
i. Attend initial performance test [g]	34	2.5	85	0	0	0	0	$0.00
ii. Attend repeat performance test [g]	34	2.5	85	0	0	0	0	$0.00
D. Develop record system	60	6	360	0	0	0	0	$0.00
E. Time to enter information								
i. Records of compliance data	8	52	416	57	23,712	1,186	2,371	$3,438,465.26
ii. Records of APCD maintenance/ inspections	See 3B							
ii. Records of compliance with work practices	See 3B							
iii. Records of deviations	2	12	24	57	1,368	68	137	$198,373.00
F. Time to train personnel [h]								
i. Initial training	48	6	288	0	1,728	86	173	$250,576.42
ii. Annual training	10	6	60	52	0	0	0	$0.00
G. Time to transmit/disclose	0.25	1	0.25	57	0	0	0	$36.25

information [i]								
Subtotal for Recordkeeping Requirements					***30,829***			***$3,887,451***
Total Labor Burden and Costs (rounded) [i,j]					***33,400***			***$4,210,000***
Total Capital and O&M Cost (rounded) [i,j]								***$673,000***
GRAND TOTAL (rounded) [i,j]								***$4,880,000***

Assumptions:

[a] A total of 57 existing major sources are expected to comply during the 3-year ICR clearance period, of which 52 are equipped with tunnel kilns, 12 with periodic kilns, and 20 with APCDs. Based on the latest BSCP industry profile, no new kilns are anticipated to be constructed in the near future, and existing capacity is assumed sufficient to cover any short-term increases in production.

[b] This ICR uses the following labor rates: $163.17 ($77.70 + 110%) per hour for Executive, Administrative, and Managerial labor; $130.28 ($62.04 + 110%) per hour for Technical labor, and $65.71 ($31.29 + 110%) per hour for Clerical labor. 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 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.

[c] Assumes one-time burden of 12 hours (based on an average reading rate of 100 words/minute) to read and understand rule requirements, divided equally among technical and management staff.

[d] One-time only activities.

[e] The notification of compliance status includes the performance test report and documentation of any other initial compliance demonstration. The cost burden associated with developing the performance test report is included in the performance test capital cost at the bottom of the table.

[f] Assumes 15% of respondents have deviations to report in semiannual compliance reports, and 85% report no deviations.

[g]Assumes 10% of plants fail initial performance test and must repeat it. Based on comments from industry, an average of 2.5 plant personnel attend performance tests. Assume no travel for plant personnel. Repeat testing is also required 5 years following initial testing.

[h] Based on comments from industry, assumes 48 hours of initial training and 10 hours of annual training for 6 plant personnel.

[i] Time associated with transmitting reports. Equal to the number of respondents submitting reports.

[j] Totals have been rounded to 3 significant digits. Figures may not add exactly due to rounding.

Table 2: Average Annual EPA Burden and Cost – NESHAP for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJJ) (Renewal)

Burden item	(A) Person hours per occurrence	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year [a]	(E) Technical person-hours per year (E=CxD)	(F) Management person hours per year (Ex0.05)	(G) Clerical person hours per year (Ex0.1)	(H) Cost, $ [b]
1. Attend initial performance test [c]	24	1	24	0	0	0	0	$0.00
2. Attend repeat performance test [c,d]	8	1	8	0	0	0	0	$0.00
i. Retesting preparation	8	1	8	0	0	0	0	$0.00
ii. Retesting	24	1	24	0	0	0	0	$0.00
3. Litigation [e]	2,080	1	2080	0.57	1185.6	59.28	118.56	$72,479.28
4. Excess emissions enforcement activities [f]	48	1	48	2.85	136.8	6.84	13.68	$8,362.99
5. Report Review	4	1	4	0	0	0	0	$0.00
i. Initial notification of applicability	2	1	2	0	0	0	0	$0.00
ii. Notification of constr./reconstr.	2	1	2	0	0	0	0	$0.00
iii. Notification of anticipated startup	2	1	2	0	0	0	0	$0.00

iv. Notification of actual startup	2	1	2	0	0	0	0	$0.00
v. Request to use APCD maintenance alternative standard	2	1	2	0	0	0	0	$0.00
vi. Notification of performance test	2	1	2	0	0	0	0	$0.00
vii. Notification of compliance status [g]	60	1	60	0	0	0	0	$0.00
viii. Repeat performance test report [d]	40	1	40	0	0	0	0	$0.00
ix. First compliance report	4	1	4	0	0	0	0	$0.00
x. Semi-annual compliance report	10	1	10	0	0	0	0	$0.00
a. Deviations [h]	8	2	16	9	144	7.2	14.4	$8,803.15
b. No deviations [h]	2	2	4	48	192	9.6	19.2	$11,737.54
TOTAL ANNUAL BURDEN AND COST (rounded) [i]					**1,910**			**$101,000**
Travel Expenses for Tests Attended [j]								**$1,425**
TOTAL ANNUAL COST (SALARY + EXPENSES) (rounded) [i]								**$102,000**

Assumptions:

[a] A total of 57 existing major sources are expected to comply during the 3-year ICR clearance period, of which 52 are equipped with tunnel kilns, 12 with periodic kilns, and 20 with APCDs. Based on the latest BSCP industry profile, no new kilns are anticipated to be constructed in the

near future, and existing capacity is assumed sufficient to cover any short-term increases in production.

[b] The cost is based on the following labor rate which incorporates a 1.6 benefits multiplication factor to account for government overhead expenses. Managerial rates of $73.46 (GS-13, Step 5, $45.91 + 60%), Technical rate of $54.51 (GS-12, Step 1, $34.07 + 60%), and Clerical rate of $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.

[c] Assumes Agency personnel will attend performance tests at 10% of plants.

[d] Assumes 10% of plants will fail an initial performance test and must repeat it and assumes Agency personnel attend 10% of the repeat tests.

[e] Assumes 1% of plants will be involved in litigation.

[f] Assumes 5% of the plants are required to retest as a result of excess emissions and assumes Agency personnel attend all of the retests.

[g] Notification of compliance status includes the performance test report.

[h] Assumes 15% of the plants report deviations semiannually and 85% report no deviations.

[i] Totals have been rounded to 3 significant digits. Figures may not add exactly due to rounding.

[j] Assumes Agency personnel (1 person) will spend 2 days per plant plus time for travel, at $50 per diem per day, and $400 transportation expense per round trip to attend performance tests.