

# U.S. Environmental Protection Agency

## Information Collection Request

**TITLE: NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal)**

**OMB CONTROL NUMBER: 2030-0048**

**EPA ICR NUMBER: 2510.03**

### **ABSTRACT:**

The National Emission Standards for Hazardous Air Pollutants (NESHAP), for the regulations published at 40 CFR Part 63, Subpart KKKKK were promulgated on October 26, 2015, amended on November 1, 2019, and minor technical corrections were made on November 19, 2021. These regulations apply to existing facilities and new facilities that manufacture pressed floor tile, pressed wall tile, or sanitaryware. New facilities include those that commenced construction or reconstruction on or after December 28, 2015. This information is being collected to assure compliance with 40 CFR Part 63, Subpart KKKKK.

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 "Affected Public" are owners or operators of clay ceramics manufacturing facilities. The "burden" to the "Affected Public" may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal). The "burden" to the Federal Government is attributed entirely to work performed by either Federal employees or government contractors and may be found in Table 2: Average Annual EPA Burden and Cost – NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal). There are approximately 3 clay ceramics manufacturing facilities. None of the 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 facilities 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 three respondents per year will be subject to the standard, and no additional respondents per year will become subject to the standard.

### **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 EPA is charged under Section 112 of the Clean Air Act, as amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants. These standards are applicable to new or existing sources of hazardous air pollutants and shall require the maximum degree of emission reduction. In addition, section 114(a) states that the Administrator may require any owner/operator subject to any requirement of this Act to:

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

In the Administrator's judgment, HAP emissions from clay ceramics manufacturing facilities including hydrogen fluoride (HF), hydrogen chloride (HCl) and metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, mercury, manganese, nickel, lead and selenium 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 KKKKK.

#### **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 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 performance test reports through the EPA's Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI). For semiannual reports, EPA has developed a template for the reporting form in CEDRI specifically for 40 CFR Part 63, Subpart KKKKK.

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 KKKKK 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.*

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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.

As part of this rule, 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 certain notifications through EPA's CEDRI. The notification is an upload of their currently required notification in portable document format (PDF) file. For purposes of this ICR, it is assumed that there is no additional burden associated with the proposed requirement for respondents to submit the notifications and reports electronically. The supplemental files to this ICR renewal contain screenshots showing the CDX homepage for CEDRI login, the CEDRI PRA screen, the CEDRI interface for managing reports for various subparts, and the landing page of the ERT that shows the link to PRA information.

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.*

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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.*

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

#### **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.*

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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).*

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With the following exception, 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:**

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### **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 3 respondents will be subject to the standard over the three-year period covered by this ICR.

Industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with 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 American Ceramic Society at (614) 890-4700 and Schluter Systems at (888) 472-4588. 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.*

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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.*

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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.*

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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.*
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#### **12a. RESPONDENTS/NAICS CODES**

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

the standards and the corresponding North American Industry Classification System (NAICS) codes are listed below for this source category.

<b>Standard</b> <b>40 CFR Part 63, Subpart KKKKK</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories	3261	327110
Brick and Structural Clay Tile	3251	327120
Ceramic Wall and Floor Tile	3253	327120

Based on our research for this ICR, on average over the next three years, approximately 3 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 per year.

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

<b>Number of Respondents</b>					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents	(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	3	0	0	3
2	0	3	0	0	3
3	0	3	0	0	3
Average	0	3	0	0	3

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 3.

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

<b>Total Annual Responses</b>				
(A)	(B)	(C)	(D)	(E) Total Annual

<b>Total Annual Responses</b>				
Information Collection Activity	Number of Respondents	Number of Responses	Number of Existing Respondents That Keep Records But Do Not Submit Reports	Responses E=(BxC)+D
Initial notification of applicability	0	1	0	0
Notification of construction/reconstruction	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	0.6	1	0	0.6
Notification of compliance status	0.6	1	0	0.6
Report of performance test (through ERT)	0.6	1	0	0.6
Notification of alternative fuel use	0.3	1	0	0.3
First compliance report	0	1	0	0
Semi-annual compliance reports:				
Deviation	0.45	2	0	0.9
No deviation	2.55	2	0	5.1
Report of alternative fuel use	0.3	1	0	0.3
			<b>Total (rounded)</b>	<b>8</b>

The number of Total Annual Responses is 8.

**12b. INFORMATION REQUESTED**



In this ICR, all the data that are recorded or reported is required by the NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK).

A source must make the following reports:

<b>Notifications</b>	
Initial notifications (including construction/reconstruction)	§§63.7(a), 63.9(b) through (e), (g) (1), and (h), §63.8630(a)-(b)
Notification of performance tests and evaluation	§§63.7(b)-(c), 63.8(e)(2), 63.9(e), §§63.8630(a)-(b)
Notification of compliance status	63.8630(c)
Notification of compliance status (including performance test results, operating parameter values, documentation of fuel used, bag leak detection system documentation and OM&M plan)	§§63.9(h), §§63.8630(a)-(c)
Request to use routine control device maintenance alternative standard	§63.8570(d)
Notification of alternative fuel use	§63.8630(d)
Notification of changes in information (reclassification to area source status or to revert to major source status) (electronic submission)	§63.9(b) and §63.9(j)

<b>Reports</b>	
First compliance report	§§63.8635(a)-(e) §§63.8635(a)-(e), §§63.8635(c)(5)-(6), §§63.8635(c)(8), (d)-(e)
Semiannual compliance reports	§§63.8635(c)(5)-(6), §§63.8635(c)(8), (d)-(e)
Report of alternative fuel use	§63.8635(f)
Performance test reports (electronic submission)	§63.10(d)(2), §63.8635(g)

A source must keep the following records:

<b>Recordkeeping</b>	
Record retention	§63.10(b), §63.8640, and §63.8645
Documentation supporting initial notifications and notifications of compliance status	§63.10(b)(2)(xiv), §63.8640(a)(1)
Records of performance tests	§63.10(b)(2)(viii)
Records of control device maintenance and documentation of approved routine control device maintenance request	§63.8640(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), 63.8(g), 63.10(b)(2)(iii), (vi)-(xi), and 63.8640(b)-(c)
Records for approved alternative monitoring or test procedures	§63.8640(c)(4)
Records to show continuous compliance	§63.8640(b)
Operation, maintenance, and monitoring plans	§63.8640(c)(6)

### 12c. RESPONDENT ACTIVITIES

- Familiarization with the regulatory requirements.
- Conduct periodic visible emissions (VE) determinations using EPA Method 22.
- Perform initial performance test, Reference Method 5 or 29 for PM, Method 29 for metals, Method 26A for HF and HCl, and Method 23 for dioxins/furans, 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 Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal).

## 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 2,650 (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 2,650. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal).

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 331 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 standards 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.

<b>Capital/Startup vs. Operation and Maintenance (O&amp;M) Costs</b>						
<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D)</b>	<b>(E)</b>	<b>(F)</b>	<b>(G)</b>
<b>Continuous Monitoring Device</b>	<b>Capital/Startup Cost for One Respondent</b>	<b>Number of Respondents</b>	<b>Total Capital/Startup Cost, (B X C)</b>	<b>Annual O&amp;M Costs for One Respondent</b>	<b>Number of Respondents with O&amp;M</b>	<b>Total O&amp;M, (E X F)</b>
<b>CAPITAL COSTS:</b>						
Initial performance tests <sup>a, b</sup>	\$65,500	0	\$0	\$65,500	0.6	\$39,300
Repeat performance tests <sup>a, b</sup>	\$65,500	0	\$0	\$65,500	0.06	\$3,930
Photocopy/postage <sup>c</sup>				\$145	3	\$435
Visible emissions tests <sup>a, c</sup>	\$26,858	0	\$0	\$26,858	3	\$80,574
<b>Totals (rounded)</b> <sup>d</sup>			<b>\$0</b>			<b>\$124,000</b>

<sup>a</sup> Based on estimates in Clay Ceramics Monitoring and Testing Requirements and Costs Memo. Stack testing costs assume EPA Method 5 or 29 for PM, EPA Method 29 for metals, EPA Method 26A for HF and HCl, and EPA Method 23 for dioxins/furans. VE testing costs assume EPA Method 22. Annualized costs are calculated by multiplying the capital recovery factor (CRF) by the capital cost.  $CRF = i * (1+i)^t / ((1+i)^t - 1)$  where i = interest rate (%) and t = equipment life (years).

<sup>b</sup> We have assumed that an average of 3 respondents will conduct performance tests once every five years, for an average of 0.6 sources per year (3 sources/5 years = 0.6 sources per year). Assumes 10% of plants will fail an initial performance test and must repeat it.

<sup>c</sup> O&M costs for photocopying and postage are estimated as \$145 per year per respondent. The monitoring equipment needed to monitor parameters other than visible emissions (e.g., 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).

<sup>d</sup> 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 \$124,000. 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 \$124,000. These are recordkeeping costs.

The total annual capital/startup and O&M costs to the regulated entity are \$124,000. The cost calculations are detailed in section 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.*

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### **14a. Agency Activities**

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

- 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 \$7,940.

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 Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal).

The average annual Agency burden and cost over next three years is estimated to be 149 labor hours at a cost of \$7,940. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (Renewal).

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.

#### **14d. Agency Total Costs**

As listed above in 14(b), the average annual Agency cost during the three years of the ICR is estimated to be \$7,940.

#### **15. 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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There is an adjustment decrease in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The total current estimated burden is the estimated average hours per year for years one through three of the ICR for the National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (40 CFR Part 63, Subpart JJJJ). The total estimated burden in this ICR is the ongoing costs. Additionally, calculation adjustments appear in Table 1, where the recordkeeping requirements were omitted or miscalculated, namely, "Familiarize with regulatory requirements" had no hours allocated in the previous burden table. In addition, Repeat Performance test calculations and alternative fuel use estimates have calculation adjustments in order to distribute those costs evenly over the 3-year renewal period. There is an adjustment to the Capital/Startup vs. Operation and Maintenance (O&M) Costs table, now that the initial compliance and testing costs have passed and ongoing costs will be O&M only. Additionally, there is an increase in labor costs due to the use of updated labor rates. This ICR uses labor rates from the most recent Bureau of Labor Statistics report (September 2022) to calculate respondent burden 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.*

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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.

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.*

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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."*

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

#### **BURDEN STATEMENT**

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The annual public reporting and recordkeeping burden for this collection of information is estimated to average 331 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-2023-0136. 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-2023-0136 and OMB Control Number 2030-0048 in any correspondence.



**ADDITIONAL TABLES AND APPENDICES**

**Table 1: Annual Respondent Burden and Cost – NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (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 <sup>a</sup>	(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, \$ <sup>b</sup>
1. Applications								
2. Survey and Studies								
3. Reporting requirements								
A. Familiarize with regulatory requirements <sup>c</sup>	1	1	1	3	3	0	0	\$435.03
B. Required Activities								
i. Develop OM&M plan <sup>d</sup>	200	1	200	0	0	0	0	\$0
ii. Update OM&M plan	10	1	10	3	30	2	3	\$4,350.29
iii. Conduct control device maintenance / inspections	30	1	30	3	90	5	9	\$13,050.86
iv. Conduct shuttle kiln maintenance/ inspections	160	1	160	3	480	24	48	\$69,604.56
C. Create Information	See 3B							
D. Gather existing information	See 3B							
E. Write Report								

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 <sup>a</sup>	(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, \$ <sup>b</sup>
i. Initial notification of applicability <sup>d</sup>	6	1	6	0	0	0	0	\$0
ii. Notification of construction/reconstruction <sup>d</sup>	28	1	28	0	0	0	0	\$0
iii. Notification of anticipated startup <sup>d</sup>	3	1	3	0	0	0	0	\$0
iv. Notification of actual startup <sup>d</sup>	3	1	3	0	0	0	0	\$0
v. Request to use control device maintenance alternative standard <sup>d</sup>	4	1	4	0	0	0	0	\$0
vi. Notification of performance test <sup>l</sup>	6	1	6	0.6	3.6	0.18	0.36	\$522.03
vii. Notification of compliance status <sup>d,e</sup>	24	1	24	0.6	14	0.72	1.44	\$2,088.14
viii. Report of performance test (through ERT)	20	1	20	0.6	12	0.6	1.2	\$1,740.11
ix. Notification of alternative fuel use <sup>f</sup>	2	1	2	0.3	0.6	0.03	0.06	\$87.01
x. First compliance report	30	1	30	0	0	0	0	\$0
xi. Semi-annual compliance								

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 <sup>a</sup>	(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, \$ <sup>b</sup>
reports								
Deviations <sup>g</sup>	30	2	60	0.45	27	1.35	2.70	\$3,915.26
No deviations <sup>g</sup>	12	2	24	2.55	61	3.06	6.12	\$8,874.58
xii. Report of alternative fuel use <sup>f</sup>	4	2	8	0.3	2.4	0.12	0.24	\$348.02
<b>Subtotal for Reporting Requirements</b>					<b>833</b>			<b>\$105,016</b>
4. Recordkeeping requirements								
A. Read instructions	See 3A							
B. Plan activities								
i. Prepare for initial performance test	24	1	24	0.6	14	0.72	1.44	\$2,088.14
ii. Prepare for repeat performance test <sup>h</sup>	24	1	24	0.06	1.4	0.072	0.144	\$208.81
C. Implement activities								
i. Attend initial performance test	34	2.5	85	0.6	51	2.55	5.1	\$7,395.48
ii. Attend repeat performance test <sup>h</sup>	34	2.5	85	0.06	5	0.255	0.51	\$739.55

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 <sup>a</sup>	(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, \$ <sup>b</sup>
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	3	1,248	62.4	124.8	\$180,971.86
ii. Records of alternative fuel use	1	12	12	0.3	4	0.18	0.36	\$522.03
iii. Records of APCD maintenance/ inspections	See 3B							
iv. Records of compliance with work practices	See 3B							
v. Records of deviations	2	12	24	3	72	3.6	7.2	\$10,440.68
F. Time to train personnel <sup>i</sup>								
i. Initial training	48	6	288	0	0	0	0	\$0
ii. Annual training	10	6	60	3	180	9	18	\$26,101.71
G. Time to transmit/disclose information <sup>j</sup>	0.25	1	0.25	3	0.8	0.04	0.08	\$108.76
<b>Subtotal for Recordkeeping Requirements</b>					<b>1,813</b>			<b>\$228,577</b>
<b>Total Labor Burden and Costs (rounded) <sup>k</sup></b>					<b>2,650</b>			<b>\$334,000</b>

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 <sup>a</sup>	(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, \$ <sup>b</sup>
<b>Total Capital and O&amp;M Cost (rounded) <sup>k</sup></b>								<b>\$124,000</b>
<b>GRAND TOTAL (rounded) <sup>m</sup></b>								<b>\$458,000</b>

Assumptions:

<sup>a</sup> We assume that an average of 3 respondents will be subject to this rule, and that no new sources will become subject to the rule over the three-year period of the ICR.

<sup>b</sup> This ICR uses the following labor rates: Managerial \$163.17 (\$77.70+ 110%); Technical \$130.28 (\$62.04 + 110%); and 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.

<sup>c</sup> We have assumed that existing respondents will have to familiarize with the regulatory requirements each year.

<sup>d</sup> One-time only activities.

<sup>e</sup> The notification of compliance status includes the performance test report and documentation of any other initial compliance demonstration.

<sup>f</sup> Assumes 10% of facilities will use an alternative fuel once per year.

<sup>g</sup> Assumes 15% of respondents have deviations to report in semiannual compliance reports, and 85% report no deviations.

<sup>h</sup> We have assumed that an average of 3 respondents will conduct performance tests once every five years, for an average of 0.6 sources per year (3 sources/5 years = 0.6 sources per year). 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.

<sup>i</sup> Based on comments from industry, assumes 48 hours of initial training and 10 hours of annual training for 6 plant personnel.

<sup>j</sup> Time associated with transmitting reports. Equal to the number of respondents submitting reports.

<sup>k</sup> Based on estimates in Clay Ceramics Monitoring and Testing Requirements and Costs Memo. Stack testing costs assume EPA Method 5 or 29 for PM, EPA Method 29 for metals, EPA Method 26A for HF and HCl, and EPA Method 23 for dioxins/furans. VE testing costs assume EPA Method 22.

<sup>l</sup> We have assumed that an average of 3 respondents will conduct performance tests once every five years, for an average of 0.6 sources per year (3 sources/5 years = 0.6 sources per year). We have also assumed 10% of plants will fail an initial performance test and must repeat it.

<sup>m</sup> Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.

**Table 2: Average Annual EPA Burden and Cost - NESHAP for Clay Ceramics Manufacturing (40 CFR Part 63, Subpart KKKKK) (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 <sup>a</sup>	(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, \$ <sup>b</sup>
1. Attend initial performance test <sup>c</sup>	24	1	24	0.06	1.44	0.072	0.144	\$88.03
2. Attend repeat performance test <sup>c,d</sup>								
Retesting preparation	8	1	8	0.006	0.048	0.0024	0.0048	\$2.93
Retesting	24	1	24	0.006	0.144	0.0072	0.0144	\$8.80
3. Litigation <sup>e</sup>	2,080	1	2080	0.03	62.4	3.12	6.24	\$3,814.70
4. Excess emissions enforcement activities <sup>f</sup>	48	1	48	0.15	7.2	0.36	0.72	\$440.16
5. Report review								
Initial notification of applicability	2	1	2	0	0	0	0	\$0.00

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 <sup>a</sup>	(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, \$ <sup>b</sup>
Notification of constr./reconstr.	2	1	2	0	0	0	0	\$0.00
Notification of anticipated startup	2	1	2	0	0	0	0	\$0.00
Notification of actual startup	2	1	2	0	0	0	0	\$0.00
Request to use APCD maintenance alternative standard	2	1	2	0	0	0	0	\$0.00
Notification of performance test	2	1	2	0.6	1.2	0.06	0.12	\$73.36
Notification of compliance status <sup>g</sup>	60	1	60	0.6	36	1.8	3.6	\$2,200.79
Notification of alternative fuel use <sup>h</sup>	2	1	2	0.3	0.6	0.03	0.06	\$36.68
Repeat performance test report <sup>d</sup>	40	1	40	0.06	2.4	0.12	0.24	\$146.72
First compliance report	4	1	4	0	0	0	0	\$0.00
Semi-annual compliance reports:								
Deviations <sup>i</sup>	8	2	16	0.45	7.2	0.36	0.72	\$440.16
No deviations <sup>i</sup>	2	2	4	2.55	10	0.5	1	\$623.56

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 <sup>a</sup>	(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, \$ <sup>b</sup>
Report of alternative fuel use <sup>h</sup>	1	1	1	0.3	0.3	0.015	0.03	\$18.34
<b>TOTAL BURDEN AND COST (SALARY)(rounded) <sup>j</sup></b>					<b>149</b>			<b>\$7,890</b>
<b>Travel Expenses for Tests Attended <sup>k</sup></b>								<b>\$48</b>
<b>TOTAL ANNUAL COST (SALARY + EXPENSES)(rounded) <sup>k</sup></b>								<b>\$7,940</b>

**Assumptions:**

<sup>a</sup> We assume that an average of 3 respondents will be subject to this rule, and that no new sources will become subject to the rule over the three-year period of the ICR.

<sup>b</sup> 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%); and 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.

<sup>c</sup> We have assumed that an average of 3 respondents will conduct performance tests once every five years, for an average of 0.6 sources per year (3 sources/5 years = 0.6 sources per year). We have also assumed Agency personnel will attend performance tests at 10% of plants (0.6 sources per year \* 10% = 0.06).

<sup>d</sup> Assumes 10% of plants will fail an initial performance test and must repeat it and assumes Agency personnel attend 10% of the repeat tests.

<sup>e</sup> Assumes 1% of plants will be involved in litigation.

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

<sup>g</sup> Notification of compliance status includes the performance test report.

<sup>h</sup> Assumes 10% of facilities will use an alternative fuel once per year.

<sup>i</sup> Assumes 15% of the plants report deviations semiannually and 85% report no deviations.



<sup>j</sup> Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.

<sup>k</sup> Assumes Agency personnel (1 person) will spend 2 days per plant plus time for travel, at \$166 per diem per day, and \$400 transportation expense per round trip to attend performance tests.