

# U.S. Environmental Protection Agency

## Information Collection Request

**TITLE:** NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal)

**OMB CONTROL NUMBER:** 2060-0289

**EPA ICR NUMBER:** 1679.12

**ABSTRACT:**

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) were proposed on May 13, 1994; promulgated on September 19, 1995; and amended on both April 21, 2011, and December 1, 2015. This NESHAP regulation establishes Maximum Achievable Control Technology (MACT) standards for existing facilities and new facilities that load marine tank vessels with petroleum or gasoline. These facilities have aggregate actual hazardous air pollutants (HAP) emissions of 10 tons or more of each individual HAP, or 25 tons or more of all HAP combined. This NESHAP regulation also established reasonably available control technology (RACT) standards to such facilities with an annual throughput of 10 million or more barrels of gasoline or 200 million or more barrels of crude oil. This information is being collected to assure compliance with 40 CFR Part 63, Subpart Y.

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 marine tank vessel loading operations. The "burden" to the "Affected Public" may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (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 Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal). There are

approximately 804 marine tank vessel loading 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 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 804 respondents per year will be subject to the standard, and no additional respondents per year will become subject to the standard.

The active (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 as identified in section 4(b)(i) of this document as requested. All electronic collection in this information collection is submitted through EPA's CEDRI or 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: <https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert>. 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. The EPA conducted consultations with stakeholders as described in Section 3(c) below. 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.*

---

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 and VOC emissions from marine tank vessel loading operations either cause or contribute to air pollution that may reasonably be anticipated to endanger public health and/or welfare. Therefore, the NESHAP were promulgated for this source category at 40 CFR Part 63, Subpart Y.

## **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 annual 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 data, except opacity data as required in 63.567(n), and changes in information already provided (required for major source to area source reclassification) required in 63.9(j) through the EPA's Central Data Exchange (CDX). For the notifications required in 40 CFR 63.9(b) and 63.9(j), owners and operators would be required to upload a PDF of the required notifications.

### **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 April 21, 2011 and November 19, 2020. 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. 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.*

---

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.*

---

All of the current respondents are large entities (i.e., large businesses). However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of these regulations. 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).*

---

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:**

---

### **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. Describe any written or telephone comments received and the Agency's response to them. Reference the name-company-telephone number of person(s) providing the comments.

### **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 804 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 Chamber of Marine Commerce at (613) 233-8779 and the American Waterways Operators at (703) 841-9300. 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 marine tank vessel loading operations at marine terminals. The North American Industry Classification System (NAICS) codes and associated United States Standard Industrial Classification (SIC) codes for respondents affected by these standards are listed below:

<b>40 CFR Part 63, Subpart Y</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Marine Cargo Handling	4491	488320
Part and Harbor Operations	4491	488310

Support Activities for Water Transportation	44	4883

Based on our research for this ICR, on average over the next three years, approximately 804 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 804 per year.

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

Number of Respondents					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents <sup>1</sup>	(B) Number of Existing Respondents <sup>2</sup>	(C) Number of Existing Respondents that keep records but do not submit reports <sup>2</sup>	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	0	38	766	0	804
2	0	38	766	0	804
3	0	38	766	0	804
Average	0	38	766	0	804

<sup>1</sup> New respondents include sources with constructed, reconstructed and modified affected facilities.

<sup>2</sup> Of the 804 existing sources, 38 are currently subject to the emissions standard. The remaining 766 sources are not subject to the emissions standards but are subject to some recordkeeping requirements.

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 804.

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	(E) Total Annual Responses E=(BxC)+D



Total Annual Responses				
			Reports	
Notification of construction/reconstruction	0	1	0	0
Notification of anticipated startup	0	1	0	0
Notification of actual startup	0	1	0	0
Initial notification of applicability	0	1	0	0
Waiver application	0	1	0	0
Alternative test method/monitoring application	0	1	0	0
Site-specific test plan	0	1	0	0
Notification of initial compliance test date	0	1	0	0
Notification of compliance status	0	1	0	0
Notification of changes in information provided to Administrator	0	1	0	0
Request for extension of compliance	0	1	0	0
Extension of compliance progress reports	0	1	0	0
Report of performance test/evaluation results	0	1	0	0
Annual excess emissions and monitoring exceedances and/or summary report(s)	38	1	0	38
Report of HAP control efficiency	38	1	0	38
Retain records of emissions estimates and actual throughput	0	1	766	766

Total Annual Responses				
			Total (rounded)	842

The number of Total Annual Responses is 842.

The total annual labor costs are \$1,350,000. Details regarding these estimates may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

### 12b. INFORMATION REQUESTED

In this ICR, all the data that are recorded or reported is required by the NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y).

A source must make the following reports:

Notifications	
Notification of performance test	§§63.7(b), 63.9(e), 63.567(a)
Notification of the date the continuous monitoring system (CMS) performance evaluation is scheduled to begin.	§§63.8(e)(2), 63.9(g)(1), 63.567(a)
Notification of compliance status	§§63.9(h), 63.567(a)
Notifications of adjustments to time periods or deadlines for submittal and review of required communications.	§§63.9(i), 63.567(a)
Notification of changes in information provided to the Administrator.	§§63.9(j), 63.567(a)
Initial notifications, applications for approval of construction or reconstruction.	§§63.5, 63.566, 63.567(a), and 63.567(b)(1-5)
Notification of intent to construct/reconstruct	§§63.5, 63.567(a), and 63.567(b)(4)(i)
Notification of the date when construction/reconstruction was commenced.	§§63.567(a), 63.567(b)(4)(ii)
Notification of the anticipated date of startup of the source.	§63.567(b)(4)(iii)
Notification of the actual date of startup of the source.	§§63.567(a), 63.567(b)(4)(iv)
Additional initial notifications for MACT sources.	§63.567(b)(5)
Request for extension of compliance.	§§63.6(i)(4)(i)(B),

<b>Notifications</b>	
	63.6(i)(5-6), and 63.567(c)
Notification of changes in information and initial notifications (reclassification to area source status or to revert to major source status) (electronic submission)	§§63.9(j), 63.9(b)

<b>Reports</b>	
Report of performance (opacity) testing of flares.	§§63.567(d), 63.565(e), 63.11
Annual summary reports of excess emissions and continuous monitoring system performance reports (semiannual, if there are excess emissions).	§§63.10(c)(5), 63.10(c)(8), 63.10(c)(10-13), 63.563(b), and 63.567(a) and (e)
Engineering report for vapor collection systems.	§63.567(f)
Annual report of source's HAP control efficiency including identification of each pollutant monitored.	§§63.10(e)(3)(vi), 63.565(l), 63.567(a), and 63.567(j)(3)
Reporting results of performance tests/evaluations.	§§63.7, 63.8(e), 63.9(h), 63.10(d), 63.10(e)(1), 63.567(a), and 63.567(n)
Progress reports related to an extension of compliance.	§§63.6(i), 63.10(d)(4), 63.567(a)
For the purposes of affirmative defense, notification and report of exceedances caused by malfunctions	§63.562(e)(7)

A source must keep the following records:

<b>Recordkeeping</b>	
Records of all excess emissions and monitoring system performance reports.	§63.567(e)(4)
Records of engineering reports describing vent system or vapor collection system.	§63.567(f)
Records of all periods when flow bypassing the control device is indicated.	§§63.563(a)(1), 63.564(b), and 63.567(g)(1)
Records of changes in position and maintenance of car-sealed valves.	§§63.564(b)(3) and 63.567(g)(2)
Records of vapor tightness documentation.	§§63.563(a)(4) and 63.567(h)
Documentation of vapor tightness test results for marine tank vessels.	§§63.563(a)(4), 63.565(c)

<b>Recordkeeping</b>	
	(1-2), and 63.567(i)
Retain records of the current, written operation and maintenance plan for the life of the source. If plan is revised, retain records of the previous (i.e., superseded) operation and maintenance plan for at least 5 years after the revision.	§63.562(e)(5)
Records of measurements and calculations used to identify exempted commodities.	§§63.560(d) and 63.567(j)(1)
Records of emissions estimation calculations.	§§63.565(l) and 63.567(j)(2)
Records of emissions estimates and actual throughput for owners and operators of marine tank vessel loading operations.	§§63.560(a)(3), 63.565(l), and 63.567(j)(4)
Records of leak detection and repair of vapor collection systems and control devices.	§§63.563(c), and 63.567(k)
Records of the occurrence and duration of each malfunction of the control equipment.	§§63.10(b)(2)(ii) and 63.567(a)
Records of all maintenance performed on the air pollution control equipment.	§§63.10(b)(2)(iii) and 63.567(a)
Records of periods during which a CMS is malfunctioning.	§§63.10(b)(2)(vi) and 63.567(a)
Records of all measurements, results from performance tests, CMS calibration checks, adjustments made to CMS, emission levels, information demonstrating whether a source is meeting the requirements for a waiver, and supporting documentation for initial notifications and notification of compliance status.	§§63.10(b)(2)(vii-xiv) and 63.567(a)
Records of all CMS measurements.	§§63.10(c)(1) and 63.567(e)
Records of all CMS malfunctions or exceedances	§§63.10(c)(8), (c)(10-13), and 63.562(e)(7)(ii)

### 12c. RESPONDENT ACTIVITIES

<b>Respondent Activities</b>
Familiarization with the regulatory requirements.
Install, calibrate, maintain, and operate CMS for opacity, temperature change and VOC emissions temperature change, and VOC emissions for control devices listed in 40 CFR 63.564(a) through (j).
Perform initial performance test, using the procedures listed in 40 CFR 63.7 according to the applicability in Table 1 of section 63.560, the procedures listed in section 63.564, and the test methods listed in section 63.565, and repeating performance test as necessary.

<b>Respondent Activities</b>
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 Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

#### **12d. RESPONDENT BURDEN HOURS AND LABOR COSTS**

Table 1 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry for the subpart included in this ICR. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

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 10,700. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (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 13 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 only costs to the regulated industry resulting from information collection activities required by the subject standards are labor costs. There are no capital/startup and/or operation and maintenance costs.

The only type of industry costs associated with the information collection activity in the regulations are labor costs. There are no capital/startup and/or operation and maintenance costs.

There are no capital/startup and O&M costs to the regulated entity. 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.

<b>Agency Activities</b>
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 annual 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 \$37,200.

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 Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (Renewal).

The average annual Agency burden and cost over next three years is estimated to be 699 labor hours at a cost of \$37,200. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (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.

#### **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 no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations: 1) the regulations have not changed over the past three years and are not anticipated to change over the next three years; and 2) the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup and/or operation and maintenance (O&M) costs. There is a slight increase in costs, which is wholly 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.*

---

Although this rule does not require electronic reporting, respondents could choose to submit notifications or reports electronically. All non-CBI data submitted electronically to the Agency through CEDRI are available to the public for review and printing and are accessible using WebFIRE. Electronically submitted emissions data from performance testing or performance evaluations using the Electronic Reporting Tool or templates attached to CEDRI, as well as data from reports from regulations with electronic templates, are tabulated; data submitted as portable document format (PDF) files attached to CEDRI are neither tabulated nor subject to complex analytical techniques. Electronically submitted



emissions data used to develop emissions factors undergo complex analytical techniques and the draft emissions factors are available on the Clearinghouse for Inventories and Emission Factors listserv at <https://www.epa.gov/chief/chief-listserv> for public review and printing. Electronically submitted emissions data, as well as other data, obtained from one-time or sporadic information collection requests often undergo complex analytical techniques; results of those activities are included in individual rulemaking dockets and are available at <https://www.regulations.gov/> for public review and printing.

#### **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 13 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-2023-0122. 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-2023-0122 and OMB Control Number 2060-0289 in any correspondence.

#### **ADDITIONAL TABLES AND APPENDICES**

---

**Table 1: Annual Respondent Burden and Cost - NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (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) Respondent s 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. Reporting requirements								
1. Applications	N/A				0	0	0	\$0
2. Survey and studies	N/A				0	0	0	\$0
3. Reporting requirements					0	0	0	\$0
A. Familiarization with Regulatory Requirements <sup>a</sup>	1	1	1	804	804	40	80	\$116,587.64
B. Required activities					0	0	0	\$0
Performance test <sup>c, d</sup>	280	1	280	0	0	0	0	\$0
Repeat performance test <sup>d, e</sup>	280	1	280	0	0	0	0	\$0
Annual leak check <sup>f</sup>	16	1	16	38	608	30	61	\$88,165.78
Annual vapor tightness check <sup>g, h, i</sup>	8	1	8	450	3,600	180	360	\$522,034.20
C. Create information	See 3B				0	0	0	\$0
D. Gather existing information	See 3E				0	0	0	\$0
E. Write report					0	0	0	\$0

Notification of construction/reconstruction <sup>c</sup>	2	1	2	0	0	0	0	\$0
Notification of anticipated startup <sup>c</sup>	2	1	2	0	0	0	0	\$0
Notification of actual startup <sup>c</sup>	2	1	2	0	0	0	0	\$0
Initial notification of applicability <sup>c</sup>	4	1	4	0	0	0	0	\$0
Waiver application <sup>c,j</sup>	2	1	2	0	0	0	0	\$0
Alternative test method/monitoring application <sup>c,k</sup>	1	1	1	0	0	0	0	\$0
Site-specific test plan <sup>c</sup>	See 3B				0	0	0	\$0
Notification of initial compliance test date <sup>c</sup>	2	1	2	0	0	0	0	\$0
Notification of compliance status <sup>c</sup>	See 3B							
Notification of changes in information provided to Administrator <sup>c</sup>	1	1	1	0	0	0	0	\$0
Request for extension of compliance <sup>c</sup>	1	1	1	0	0	0	0	\$0
Extension of compliance progress reports <sup>c</sup>	1	1	1	0	0	0	0	\$0
Report of performance test/evaluation results <sup>c</sup>	1	1	1	0	0	0	0	\$0
Annual excess emissions and monitoring exceedances and/or summary report(s) <sup>l</sup>	32	1	32	38	1216	60.8	121.6	\$176,331.55
Report of HAP control efficiency <sup>m</sup>	8	1	8	38	304	15.2	30.4	\$44,082.89
<b>Subtotal for Reporting Requirements</b>					<b>7,512</b>			<b>\$947,202</b>
4. Recordkeeping requirements								
A. Familiarization with Regulatory	See 3A				0	0	0	\$0

Requirements <sup>a</sup>								
B. Plan activities	N/A				0	0	0	\$0
C. Implement activities <sup>c</sup>	16	1	16	0	0	0	0	\$0
D. Develop record system <sup>c</sup>	16	1	16	0	0	0	0	\$0
E. Time to enter information <sup>n</sup>	1	52	52	38	1,976	98.8	197.6	\$286,538.77
F. Time to train personnel	N/A				0	0	0	\$0
G. Time to transmit or disclose information	1	1	1	38	38	1.9	3.8	\$5,510.36
H. Retain records of emissions estimates and actual throughput (facilities with HAP emissions less than 10 and 20 tons) <sup>o</sup>	1	1	1	766	766	38.3	76.6	\$111,077.28
I. Time for audits	N/A							
<b>Subtotal for Recordkeeping Requirements</b>					<b>3,197</b>			<b>\$403,126</b>
<b>Total Labor Burden and Costs (rounded) <sup>i</sup></b>					<b>10,700</b>			<b>\$1,350,000</b>
<b>Total Capital and O&amp;M Cost (rounded) <sup>i</sup></b>								<b>\$0</b>
<b>GRAND TOTAL (rounded) <sup>i</sup></b>								<b>\$1,350,000</b>

**Assumptions:**

<sup>a</sup> We assume that an average of 804 respondents will be subject to the rule. Of the 804 existing sources, 38 are currently subject to the emissions standard. The remaining 766 sources are not subject to the emissions standards but are subject to some recordkeeping requirements. We assume that each respondent will have to familiarize with the regulatory requirements each year.

<sup>b</sup> This ICR uses the following labor rates for privately-owned sources: \$163.17 for managerial, \$130.28 for technical, and \$65.71 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 the benefit packages available to those employed by private industry.

<sup>c</sup> We have assumed this is a one-time-only cost.

<sup>d</sup> We have assumed it will take each respondent subject to emission standards 280 hours to complete the performance test.

<sup>e</sup> We have assumed 15 percent of respondents subject to initial performance test will repeat performance test due to failure.

<sup>f</sup> We have assumed it will take each respondent subject to emission standards 16 hours once per year to complete annual leak checks.

<sup>g</sup> We have assumed that this burden applies to marine vessels owners, and not to the affected sources. There is an estimated 450 owners for the 804 sources.

<sup>h</sup> We have assumed it will take each respondent eight hours once per year to complete annual vapor tightness check.

<sup>i</sup> This number is based on factors calculated for the original ICR in 1995. This ICR uses fleet factor and affected facility throughout and then divides it in half. We have assumed that half of the facilities load at negative pressure.

<sup>j</sup> We have assumed five percent of respondents subject to emission standards will request a waiver.

<sup>k</sup> We have assumed one percent of respondents subject to emission standards will request either alternative test or monitoring methods.

<sup>l</sup> We have assumed it will take each respondent subject to emission standards 32 hours once per year to complete the ongoing compliance status report. Semiannual reports are required when there are excess emissions. We have assumed there will be no excess emissions; therefore, each respondent will submit one excess emissions and monitoring exceedances and/or summary report(s) once per year.

<sup>m</sup> We have assumed it will take each respondent subject to emission standards 8 hours once per year to complete the HAP control efficiency report.

<sup>n</sup> We have assumed it will take each respondent subject to emission standards 1 hour to enter information 52 times per year.

<sup>o</sup> This requirement only applies to facilities not subject to emission standards.

<sup>p</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 Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y) (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) Respondent s 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>
Initial performance test	40	1	40	0	0	0	0	\$0
Repeat performance test	40	1	40	0	0	0	0	\$0
Report Review								\$0
Notification of construction/reconstruction <sup>c</sup>	2	1	2	0	0	0	0	\$0
Notification of anticipated startup <sup>c</sup>	2	1	2	0	0	0	0	\$0
Notification of actual startup <sup>c</sup>	2	1	2	0	0	0	0	\$0
Initial notification of applicability report <sup>c</sup>	2	1	2	0	0	0	0	\$0
Waiver application <sup>c,d</sup>	2	1	2	0	0	0	0	\$0
Review alternative test method/monitoring application <sup>c,e</sup>	1	1	1	0	0	0	0	\$0
Notification of initial compliance test date <sup>c</sup>	2	1	2	0	0	0	0	\$0
Notification of compliance status <sup>c,f</sup>	2	1	2	0	0	0	0	\$0
Review of annual excess emissions and monitoring exceedances and/or summary report(s) <sup>g</sup>	8	1	8	38	304	15.2	30.4	\$18,584.43



Report of HAP control efficiency <sup>h</sup>	8	1	8	38	304	15.2	30.4	\$18,584.4 3
<b>TOTAL (rounded) <sup>h</sup></b>					<b>699</b>			<b>\$37,200</b>

**Assumptions:**

<sup>a</sup> We have assumed the average number of existing sources subject to the rule over the three-year period of this ICR will be 804. Of the 804 existing sources, 38 are currently subject to the emissions standard. The remaining 766 sources are not subject to the emissions standards but are subject to some recordkeeping requirements.

<sup>b</sup> This cost is based on the average hourly labor rate as follows: Managerial \$73.46 (GS-13, Step 5, \$44.91 + 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 this is a one-time-only cost.

<sup>d</sup> We have assumed 5 percent of respondents subject to emission standards will request a waiver.

<sup>e</sup> We have assumed 1 percent of respondents subject to emission standards will request alternative test or monitoring methods.

<sup>f</sup> We have assumed each respondent will take 2 hours once per year to review the compliance status report.

<sup>g</sup> Semiannual reports are required when there are excess emissions. We have assumed there will be no excess emissions; therefore, each respondent subject to emission standards will submit one excess emissions and monitoring exceedances and/or summary report(s) once per year.

<sup>h</sup> We have assumed each of the 38 existing sources currently subject to the emissions standard will take eight hours once per year to complete the HAP control efficiency report.

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