

# U.S. Environmental Protection Agency

## Information Collection Request

**Title:** NESHAP for Refractory Products Manufacturing (40 CFR Part 63, Subpart SSSSS) (Renewal)

**OMB Control Number:** 2060-0515

**EPA ICR Number:** 2040.11

**Abstract:** The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR Part 63, Subpart SSSSS were proposed on June 20, 2002, promulgated on April 16, 2003, and most recently amended on November 19, 2021 (86 FR 66045). These regulations apply to each refractory products manufacturing facility which produces refractory bricks, refractory shapes, monolithics, kiln furniture, crucibles, and other materials used as linings for boilers, kilns, and other processing units and equipment where extreme temperature, corrosions, and abrasion would destroy other materials. These regulations apply to existing facilities and new facilities that manufacture refractory products and use organic hazardous air pollutant (HAP), chromium refractory, and clay refractory products. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. Revisions to the NESHAP were finalized on November 19, 2021 as a result of the residual risk and technology review (RTR) required under the Clean Air Act (CAA).<sup>1</sup> This information is being collected to assure compliance with 40 CFR Part 63, Subpart SSSSS.

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.

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.

The Office of Management and Budget (OMB) approved the currently active ICR without any "Terms of Clearance."

### **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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<sup>1</sup>The November 2021 revisions eliminated the startup, shutdown, and malfunction (SSM) exemption; removed the SSM plan and SSM recordkeeping requirements; required electronic submittal of performance test results; added standards for mercury and non-mercury metal HAP from new and existing clay refractory kilns; added requirements around alternative standard during times of routine control device maintenance; and made miscellaneous technical and editorial changes.

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 refractory products manufacturing 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 SSSSS.

## **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 these standards ensure compliance with the applicable regulations which were promulgated in accordance with the CAA. 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 monitoring systems 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 these 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 that the standards are being met. The performance test may also be observed.

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

## **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*

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*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.

The rule was amended to include electronic reporting provisions on November 19, 2021. Respondents are required to use the EPA's Electronic Reporting Tool (ERT) to develop performance test reports and performance evaluation 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 of compliance status required by 40 CFR 63.9814(j) through EPA's CEDRI. The notification is an upload of their currently required notification in portable document format (PDF) file. The EPA is also requiring that owners or operators of affected sources would submit electronic copies of initial notifications required in 40 CFR 63.9(b) (when required under 40 CFR 63.9(b)(ii)), and change in information already provided required by 40 CFR 63.9(j) through the EPA's Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI). For the notifications required in 40 CFR 63.9(b) (when required under 40 CFR 63.9(b)(ii)) and 63.9(j), owners and operators would be required to upload a PDF of the required notifications. For the purposes of this ICR, it is assumed that there is no additional burden associated with the requirement for respondents to submit the notifications and reports electronically. 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 BUSINESSES AND SMALL ENTITIES**

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

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Two of the three respondents are large entities (i.e., large businesses). However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation. 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. CONSEQUENCES OF LESS FREQUENT COLLECTION**

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

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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 OMB guidelines.*

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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 (89 FR 63933) on August 6, 2024. 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 six 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 RHI Magnesita at 717-792-3611 and Whitacre-Greer at 800-947-2837. As a part of a previous consultation for the ICR renewal, RHI Magnesita provided updated performance test costs for one facility, which are incorporated into the burden estimates in this ICR renewal. Specifically, RHI Magnesita provided that they have 5 total sources subject to the refractory MACT required to conduct testing, and provided detailed estimates of the total burden hours for testing, including developing a request for quotation (4 hours), sending out the RFQ to vendors (2 hours), review of proposals and selection of vendors (2 hours), development and submittal of testing protocol (2 hours), scheduling of testing (4 hours), oversight and coordination of testing (45 hours), gathering of production details associated with each test run (10 hours), and review of final test results (6) hours. This ICR subsequently adjusts the total hourly estimates for testing from 48 hours to 75 hours. Additionally, RHI Magnesita provided costs for stack testing of roughly \$41,000, which have been included in the average annual O&M costs.

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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No payments or gifts are made to respondents.

## 10. ASSURANCE OF CONFIDENTIALITY

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

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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 & LABOR COSTS

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

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

The respondents to the recordkeeping and reporting requirements are refractory products manufacturing facilities. The United States Standard Industrial Classification (SIC) codes and the corresponding North American Industry Classification System (NAICS) codes for the respondents affected by the standards are listed in the table below:

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<b>Standard (40 CFR Part 63, Subpart SSSSS)</b>	<b>SIC Codes</b>	<b>NAICS Codes</b>
Clay refractories	3255	327120
Nonclay refractories	3297	327120

Based on our research for this ICR, on average over the next three years, approximately three existing respondents will be subject to the standard. It is estimated that no additional respondents per year will become subject, for an overall total of three respondents per year. The number of respondents is calculated using the table Number of Respondents that addresses the three years covered by this ICR. None of the facilities in the United States are owned by either state, local, or tribal entities or by the Federal government. They are all owned and operated by privately-owned, for-profit businesses. We assume that they will all respond to EPA inquiries. 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).

The total number of annual responses per year is calculated using the table Total Annual Responses shown below. The number of Total Annual Responses is 18.

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

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

A source must make the following reports:

<b>Notifications</b>	
Initial notification	§63.9(b)(2), §63.5, §63.9812(b)-(c)
Notification of performance test	§63.7(b)-(c), §63.9(e), and §63.9812(d)
Notification of compliance status (electronic submission)	§63.9(h), §63.10(d)(2), §63.9812(e), and §63.9814(j)

<b>Reports</b>	
Startup, shutdown, malfunction (only required for the first 180 days following publication of the final amendments to 40 CFR part 63, subpart SSSSS)	§63.10(d)(5), §63.9814(c)(4)
Semi-annual compliance reports	§63.9814(c)-(f)
Report of performance testing results (electronic submission)	§63.9814(h)
Report of continuous emissions monitoring system (CEMS) performance evaluation	§63.9814(i)

A source must keep the following records:

<b>Recordkeeping</b>	
Record of startup, shutdown, and malfunctions (only required for the first 180 days following publication of the final amendments to 40 CFR part 63, subpart SSSSS)	§63.6(e)(3), §63.10(b)(2), §63.9816(a)(2)
Records of performance tests	§63.10(b)(2)(viii), §63.9816(a)(3)
Initial notification or notification of compliance status	§63.10(b)(2)(xiv), §63.9816(a)(1)
Record of each continuous monitoring system (CMS)	§63.8(d)(3), §63.8(f)(6)(i), §63.8(g), §63.10(b)(2)(vi)-(xi), and §63.9816(c)
Records are required to be retained for 5 years	§63.10(b)(1)

### 12c. Respondent Activities

<b>Respondent Activities</b>
Familiarization with the regulatory requirements.



<b>Respondent Activities</b>
Install, calibrate, maintain, and operate CEMS for THC, or CMS for temperature, flow rate, pH, or pressure drop and liquid supply pressure for control device.
Perform initial performance test, Reference Method 25A or 26A test, Reference Method 5 and 29 test, 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.

#### **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 average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 341 hours (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	\$172.41 (\$82.10 + 110%)
Technical	\$141.75 (\$67.50 + 110%)
Clerical	\$71.36 (\$33.98 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2023, "Table 2. Civilian workers by occupational and industry group." The rates are from column 1, "Total

compensation.” The rates are 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.

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.

### **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.*

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

The total capital/startup costs for this ICR are \$60,000. This is the total of column D shown below in the table Capital/Startup vs. Operation and Maintenance (O&M) Costs.

The total operation and maintenance (O&M) costs for this ICR are \$27,000. This is the total of column G shown below in the table Capital/Startup vs. Operation and Maintenance (O&M) Costs.

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 \$87,000.

### **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*

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*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**

The 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.

#### **14b. Agency Labor Cost**

The 'burden' to the Federal Government is attributed entirely to work performed by either Federal employees or government contractors. The only costs to the Agency are those costs associated with analysis of the reported information. The EPA's overall compliance and enforcement program includes such activities 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 burden and cost during the three years of the ICR is estimated to be 294 hours at a cost of \$16,400. See Table 2: Average Annual EPA Burden and Cost – NESHAP for Refractory Products Manufacturing (40 CFR Part 63, Subpart SSSSS) (Renewal).

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

Managerial	\$76.91 (GS-13, Step 5, \$48.07 + 60%)
Technical	\$57.07 (GS-12, Step 1, \$35.67 + 60%)
Clerical	\$30.88 (GS-6, Step 3, \$19.30+ 60%)

These rates are from the Office of Personnel Management (OPM), 2024 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 Refractory Products Manufacturing (40 CFR Part 63, Subpart SSSSS) (Renewal).

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

There are no non-labor costs to the Agency associated with this information collection.

#### **15) REASONS FOR CHANGE IN BURDEN**

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

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There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The change in the burden and cost estimates is due to a correction of the estimated person-hours per occurrence and number of respondents per year for performance tests and reports. These estimates were updated in this ICR renewal based on information provided by industry through consultation as described in section 8 above. Additionally, the cost estimates increased due to the use of updated labor rates from the United States Department of Labor, Bureau of Labor Statistics from December 2023. The increase in burden and cost estimates was offset somewhat by corrections to remove burden and costs associated with notifications and reports of alternative fuel use. The rule does not allow alternative fuel use after November 19, 2021. The overall result is an increase in burden hours and costs.

There is an increase in the capital/startup and operation and maintenance (O&M) costs as calculated in section 13 compared with the costs in the previous ICR. The increase is due to cost increases from updating the CEPCI index to the 2023 index and corrections to the estimated costs for performance tests. The corrections are based on information provided by industry through consultation as described in section 8 above.

#### **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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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 EXPIRATION DATE**

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

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EPA will display the expiration date for OMB approval of the information collection.

**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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There are no exceptions to the topics of the certification statement.

**Table 1: Annual Respondent Burden and Cost – NESHAP for Refractory Products Manufacturing (40 CFR Part 63, Subpart SSSSS) (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)  Total Cost per year, \$ <sup>b</sup>
1. Applications	N/A							
2. Survey and Studies	N/A							
3. Reporting Requirements								
A. Familiarization with the regulatory requirements <sup>c</sup>	2	1	2	3	6	0.3	0.6	\$945
B. Required activities								
Develop an operation, maintenance, monitoring plan	32	1	32	0	0	0	0	\$0
Update operation, maintenance, monitoring plan <sup>d</sup>	4	1	4	1	4	0.2	0.4	\$630
Performance tests and reports <sup>e</sup>	75	1	75	1.8	135	6.75	13.5	\$21,263
Performance retests and reports <sup>e</sup>	24	1	24	0.2	4.8	0.24	0.48	\$756
Initial CMS performance evaluation <sup>f</sup>	12	1	12	0	0	0	0	\$0
Initial CEMS demonstration <sup>g</sup>	229	1	229	0	0	0	0	\$0
Quarterly Appendix F audits of CEMS (THC) <sup>g</sup>								

a) RATA audit (one per year)	4	1	4	0	0	0	0	\$0
b) RAA audit (three per year)	4	3	12	0	0	0	0	\$0
c) Daily calibration and operation	1	365	365	0	0	0	0	\$0
C. Create information	See 3B							
D. Gather existing information	See 3B							
E. Write report								
Notification of applicability	2	1	2	0	0	0	0	\$0
Notification of construction/reconstruction	2	1	2	0	0	0	0	\$0
Notification of anticipated startup	2	1	2	0	0	0	0	\$0
Notification of actual startup	2	1	2	0	0	0	0	\$0
Notification of performance test <sup>e</sup>	2	1	2	2	4	0.2	0.4	\$630
Notification of compliance status	16	1	16	2	32	1.6	3.2	\$5,040
Notification of intent to use alternative fuel <sup>h</sup>	2	1	2	0	0	0	0	\$0
Request approval to bypass the control device for maintenance <sup>i</sup>	1	6	6	1	6	0.3	0.6	\$945
Semi-annual compliance report with deviations <sup>j</sup>	16	1	16	2	32	1.6	3.2	\$5,040
Semi-annual compliance report with no deviations <sup>k</sup>	8	2	16	2	32	1.6	3.2	\$5,040
Report of alternative fuel use <sup>l</sup>	4	1	4	0	0	0	0	\$0
<b>Subtotal for Reporting Requirements</b>					<b>294</b>			<b>\$40,290</b>

4. Recordkeeping Requirements								
A. Familiarization with rule requirements	See 3A	-	-	-	-	-	-	-
B. Plan activities	See 4E							
C. Implement activities	See 4E							
D. Develop record system	See 4E							
E. Time to enter information								
Records of all information required by standards <sup>m</sup>	0.25	52	13	3	39	1.95	3.9	\$6,143
F. Time to train personnel	20	1	20	0	0	0	0	\$0
G. Time to transmit or disclose information <sup>n</sup>	0.25	3	0.75	3	2.25	0.1125	0.225	\$354
H. Time for audits	N/A							
Subtotal for Recordkeeping Requirements					47			\$6,497
TOTAL ANNUAL BURDEN AND COSTS (rounded): <sup>o</sup>					341			\$46,800
TOTAL CAPITAL/O&M COST (rounded): <sup>o</sup>								\$87,000
GRAND TOTAL (rounded): <sup>o</sup>								\$134,000

#### Assumptions:

<sup>a</sup> We have assumed that the average number of respondents that will be subject to the rule will be three. There will be no additional new source per year that will become subject to the rule over the 3-year period of this ICR.

<sup>b</sup> This ICR uses the following labor rates: Managerial \$172.41 (\$82.10 + 110%); Technical \$141.75 (\$67.50 + 110%); and Clerical \$71.36 (\$33.98 + 110%). These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2023, "Table 2. Civilian workers by occupational and industry group." The rates are from



column 1, "Total compensation." The rates are 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 the number of person-hours per occurrence is an average over 3 years of Year 1 (5), Year 2 (0.5), and Year 3(0.5) with more effort in Year 1.

<sup>d</sup> We have assumed that all three facilities will need to update their plan, for an average number of respondents of 1 per year.

<sup>e</sup> The person-hours per response account for tests on both continuous and batch sources. Tests for continuous sources may be shorter than average and tests for batch sources may be longer than average. In addition, we have assumed that the respondents per year is 1.8 for performance testing since there are effectively 9 separate sets of tests that would have to be done every 5 years across the three facilities. This estimate of 9 tests is based on EPA's previous estimate of 4 tests for 2 facilities plus 5 additional sources being tested based on industry comments received for the ICR renewal. We have also assumed that one test will need to be redone each five years, or 0.2 respondents per year.

<sup>f</sup> We assume 12 hours are required to complete the CMS performance evaluation. This activity only applies to new sources.

<sup>g</sup> We have assumed that there are no existing respondents required to comply using THC CEMS.

<sup>h</sup> § 63.9812(f) states that on and after November 19, 2021, facilities may not use a fuel other than natural gas or equivalent to fire the affected kiln.

<sup>i</sup> Facilities must request approval to bypass the control device for each instance of control device maintenance. The estimated number of requests per year is based on information from industry regarding the types of scheduled routine maintenance.

<sup>j</sup> We have assumed that two respondents will report a deviation once per year.

<sup>k</sup> We have assumed that one respondent will report no deviations on a semi-annual basis and the other two respondents will report no deviations for one of the two semi-annual reports per year.

<sup>l</sup> § 63.9814(g) states that on and after November 19, 2021, facilities may not use a fuel other than natural gas or equivalent to fire the affected kiln.

<sup>m</sup> We have assumed that information will be recorded once per week for 52 weeks per year.

<sup>n</sup> We have assumed that it will take 0.25 hours for information to be transmitted or disclosed, and two semi-annual reports with at least one more report (e.g. notification of fuel change) will be submitted annually.

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

**Table 2: Average Annual EPA Burden and Cost – NESHAP for Refractory Products Manufacturing (40 CFR Part 63, Subpart SSSSS) (Renewal)**

Activity	(A)  EPA person-hours per occurrence	(B)  No. of occurrences per plant per year	(C)  EPA person-hours per plant per year (C=AxB)	(D)  Plants 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)  Total Cost per year, \$ <sup>b</sup>
Attend initial performance test	48	1	48	1.8	86.4	4.32	8.64	\$5,530
Attend repeat performance test								
Retesting preparation	8	1	8	0.2	1.6	0.08	0.16	\$102
Retesting	20	1	20	0.2	4	0.2	0.4	\$256
Report review								
Notification of applicability	2	1	2	0	0	0	0	\$0
Notification of construction/reconstruction	2	1	2	0	0	0	0	\$0
Notification of anticipated startup	2	1	2	0	0	0	0	\$0
Notification of actual startup	2	1	2	0	0	0	0	\$0
Notification of performance test	2	1	2	2	4	0.2	0.4	\$256
Notification of compliance status	2	1	2	2	4	0.2	0.4	\$256
<sup>c</sup> Notification of intent to use alternative fuel	2	1	2	0	0	0	0	\$0
Request for approval to bypass the control device for maintenance	2	6	12	1	12	0.6	1.2	\$768
Review performance test report	40	1	40	2	80	4	8	\$5,120

Semi-annual compliance reports								
Deviation <sup>d</sup>	16	1	16	2	32	1.6	3.2	\$2,048
No Deviation <sup>e</sup>	8	2	16	2	32	1.6	3.2	\$2,048
Report of alternative fuel use <sup>f</sup>	2	1	2	0	0	0	0	\$0
<b>TOTAL ANNUAL BURDEN AND COST (rounded) <sup>g</sup></b>					<b>294</b>			<b>\$16,400</b>

#### Assumptions:

<sup>a</sup> We have assumed that the average number of respondents that will be subject to the rule will be three. There will be no additional new source per year that will become subject to the rule over the 3-year period of this ICR.

<sup>b</sup> This cost is based on the average hourly labor rate as follows: Managerial \$76.91 (GS-13, Step 5, \$48.07 + 60%); Technical \$57.07 (GS-12, Step 1, \$35.67 + 60%); and Clerical \$30.88 (GS-6, Step 3, \$19.30+ 60%). This ICR assumes that Managerial hours are 5 percent of Technical hours, and Clerical hours are 10 percent of Technical hours. These rates are from the Office of Personnel Management (OPM), 2024 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> § 63.9812(f) states that on and after November 19, 2021, facilities may not use a fuel other than natural gas or equivalent to fire the affected kiln.

<sup>d</sup> We have assumed that two respondents will report deviations once a year.

<sup>e</sup> We have assumed that one respondent will report no deviations twice a year and that the other two respondents will report no deviations for one of the two semi-annual reports.

<sup>f</sup> § 63.9814(g) states that on and after November 19, 2021, facilities may not use a fuel other than natural gas or equivalent to fire the affected kiln.

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

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

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

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

Total Annual Responses				
Notification of construction/reconstruction	0	1	0	0
Notification of anticipated startup	0	1	0	0
Notification of actual startup	0	1	0	0
Notification of performance test	2	1	0	2
Notification of compliance status	2	1	0	2
Notification of intent to use alternative fuel	0	1	0	0
Request approval to bypass the control device for maintenance	1	6	0	6
Semi-annual compliance report with deviations	2	1	0	2
Semi-annual compliance report with no deviations	2	2	0	4
Report of alternative fuel use	0	1	0	0
Performance testing results	2	1	0	2
			Total	18

<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 New Respondents</b>	<b>Total Capital/Startup Cost, (B x C)</b>	<b>Annual O&amp;M Costs for One Respondent<sup>a</sup></b>	<b>Number of Respondents with O&amp;M</b>	<b>Total O&amp;M, (E x F)</b>
Continuous parameter monitoring system <sup>b</sup>	\$25,715	0	\$0	\$581	3	\$1,743
Visible emissions checks <sup>c</sup>				\$12,645	2	\$25,289
Performance Testing <sup>d</sup>			\$60,000			
Total (rounded) <sup>e</sup>			\$60,000			\$27,000

<sup>a</sup> Capital/Startup and Annual O&M costs have been updated from 2009 to 2023 (Continuous parameter monitoring system) and 2021 to 2023 (Visible emissions checks) using the CEPCI Index.

<sup>b</sup> It is assumed that no existing sources have installed CEMS.

<sup>c</sup> Required for compliance with the proposed particulate matter standards for clay refractory kilns. There are two facilities with clay refractory kilns.

<sup>d</sup> Respondents with affected sources are required to conduct performance testing to demonstrate compliance every 5 years. Across the 3 years of the ICR, the cost of the tests conducted in each year is estimated to be \$60,000 per year.

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