Environmental Protection Agency § 62.14525

this subpart and will only be subject to
the approved and effective State plan.

§ 62.14520 How do I determine if my
CISWI unit is covered by an ap-
proved and effective State or Tribal
plan?

This part (40 CFR part 62) contains a
list of State and Tribal areas with ap-
proved Clean Air Act section 111(d) and
section 129 plans along with the effec-
tive dates for such plans. The list is
published annually. If this part does
not indicate that your State or Tribal
area has an approved and effective plan,
you should contact your State
environmental agency’s air director or
your EPA Regional Office to determine
if the EPA has approved a State plan
covering your unit since publication of
the most recent version of this subpart.

§ 62.14521 If my CISWI unit is not list-
ed in the Federal plan inventory,
am I exempt from this subpart?

If a CISWI unit is not listed in the
Federal plan inventory, it is not nec-
essarily exempt from this subpart.
Sources subject to this subpart are not
limited to the inventory of sources list-
ed in Docket A–2000–52 for the Federal
plan. If your CISWI units meets the ap-
plicability criteria in § 62.14510, this
subpart applies to you whether or not
your unit is listed in the Federal plan
inventory in the docket.

§ 62.14525 Can my combustion unit be
exempt from this subpart?

This subpart exempts 15 types of
units described in paragraphs (a) through (o) of this section from com-
plying with the requirements of this
subpart except for the requirements
specified in this section and in
§ 62.14531.

(a) Pathological waste incineration
units. Incineration units burning 90
percent or more by weight (on a cal-
endar quarter basis and excluding the
weight of auxiliary fuel and combus-
tion air) of pathological waste, low-
level radioactive waste, and/or
chemotherapeutic waste as defined in
§ 62.14840 are not subject to this subpart
if you meet the two requirements spec-
ified in paragraphs (a)(1) and (2) of this
section.

(1) Notify the Administrator that the
unit meets these criteria.

(2) Keep records on a calendar quar-
ter basis of the weight of pathological
waste, low-level radioactive waste, and/
or chemotherapeutic waste burned, and
the weight of all other fuels and wastes
burned in the unit.

(b) Agricultural waste incineration
units. Incineration units burning 90
percent or more by weight (on a cal-
endar quarter basis and excluding the
weight of auxiliary fuel and combus-
tion air) of agricultural wastes as de-
finite in §62.14840 are not subject to this
subpart if you meet the two require-
ments specified in paragraphs (b)(1)
and (2) of this section.

(1) Notify the Administrator that the
unit meets these criteria.

(2) Keep records on a calendar quar-
ter basis of the weight of agricultural
waste burned, and the weight of all
other fuels and wastes burned in the
unit.

(c) Municipal waste combustion units.
Incineration units that meet either of
the two criteria specified in paragraphs
c(1) or (2) of this section.

(1) Units that are regulated under
subpart Ea of 40 CFR part 60 (Stand-
ards of Performance for Municipal
Waste Combustors); subpart Eb of 40
CFR part 60 (Standards of Performance
for Municipal Waste Combustors for
Which Construction is Commenced
After September 20, 1994); sub-
part Cb of 40 CFR part 60 (Emission
Guidelines and Compliance Times for
Large Municipal Waste Combustors
Constructed on or Before September
20, 1994); subpart AAAA of 40
CFR part 60 (Standards of Performance
for New Stationary Sources: Small
Municipal Waste Combustion Units);
subpart BBBB of 40 CFR part 60 (Emission
Guidelines for Existing Stationary
Sources: Small Municipal Waste Com-
bustion Units); or subpart JJJ of 40
CFR part 62 (Federal Plan Require-
ments for Small Municipal Waste Com-
bustion Units Constructed on or Before
August 30, 1999).

(2) Units that burn greater than 30
percent municipal solid waste or
refuse-derived fuel, as defined in 40
CFR part 60, subpart Ea, subpart Eb,
subpart AAAA, and subpart BBBB, and
that have the capacity to burn less
than 35 tons (32 megagrams) per day of
municipal solid waste or refuse-derived
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fuel, if you meet the two requirements in paragraphs (c)(2)(i) and (ii) of this section.

(i) Notify the Administrator that the unit meets these criteria.

(ii) Keep records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(d) **Medical waste incineration units.** Incineration units regulated under subpart Ec of 40 CFR part 60 (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996); 40 CFR part 60 subpart Ce (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators); and 40 CFR part 62 subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or before June 20, 1996).

(e) **Small power production facilities.** Units that meet the three requirements specified in paragraphs (e)(1) through (3) of this section.

(1) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(3) You notify the Administrator that the unit meets all of these criteria.

(f) **Cogeneration facilities.** Units that meet the three requirements specified in paragraphs (f)(1) through (3) of this section.

(1) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(17)(B)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(3) You notify the Administrator that the unit meets all of these criteria.

(g) **Hazardous waste combustion units.** Units regulated under subpart EEE of part 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).

(h) **Materials recovery units.** Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(i) **Air curtain incinerators.** Air curtain incinerators that burn 100 percent wood waste; 100 percent clean lumber; or a 100 percent mixture of only wood waste, clean lumber, and/or yard waste; are required to meet only the requirements under “Air Curtain Incineraitors That Burn 100 Percent Wood Wastes, Clean Lumber and/or Yard Waste” (§§62.14765 through 62.14825) and the title V operating permit requirements (§§62.14830 and 62.14835).

(j) **Cyclonic barrel burners.**

(k) **Rack, part, and drum reclamation units.**

(1) **Cement kilns.**

(m) **Sewage sludge incinerators.** Incineration units regulated under subpart O of 40 CFR part 60 (Standards of Performance for Sewage Treatment Plants).

(n) **Chemical recovery units.** Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The eight types of units described in paragraphs (n)(1) through (8) of this section are considered chemical recovery units.

(1) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(2) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(3) Units burning only wood or coal feedstock for the production of charcoal.

(4) Units burning only manufacturing byproduct streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(5) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(6) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.
(7) Units burning only photographic film to recover silver.
(8) Units granted exemptions resulting from petitions submitted under the provisions of either §60.2025 or §60.2558.
(o) Laboratory units. Units that burn samples of materials for the purpose of chemical or physical analysis.

§ 62.14530 What if I have a chemical recovery unit that is not listed in § 62.14525(n)?
If you have a recovery unit that is not listed in §62.14525(n), you can petition the Administrator to add the unit to the list of exempted units in 40 CFR 60.2020(n) or 60.2555(n) pursuant to the requirements of 40 CFR 60.2025 or 60.2558. Units granted exemptions under 40 CFR 60.2025 or 60.2558 are exempt from the requirement of this Federal plan under §62.14525(n)(8).

§ 62.14531 When must I submit any records required pursuant to an exemption allowed under §62.14525?
Owners or operators of sources that qualify for the exemptions in §62.14525(a) through (o) must submit any records required to support their claims of exemption to the EPA Administrator (or delegated enforcement authority) upon request. Upon request by any person under the regulation at part 2 of this chapter (or a comparable law or regulation governing a delegated enforcement authority), the EPA Administrator (or delegated enforcement authority) must request the records in §62.14525(a) through (o) from an owner or operator and make such records available to the requestor to the extent required by part 2 of this chapter (or a comparable law governing a delegated enforcement authority). Any records required under §62.14525(a) through (o) must be maintained by the source for a period of at least 5 years. Notifications of exemption claims required under §62.14525(a) through (o) of this section must be maintained by the EPA or delegated enforcement authority for a period of at least 5 years. Any information obtained from an owner or operator of a source accompanied by a claim of confidentiality will be treated in accordance with the regulations in part 2 of this chapter (or a comparable law governing a delegated enforcement authority).

COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS

§ 62.14535 When must I comply with this subpart if I plan to continue operation of my CISWI unit?
If you plan to continue operation of your CISWI unit, then you must follow the requirements in paragraph (a) or (b) of this section depending on when you plan to come into compliance with the requirements of this subpart.
(a) If you plan to continue operation and come into compliance with the requirements of this subpart by October 4, 2004, then you must complete the requirements of paragraphs (a)(1) through (a)(5) of this section.
(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by October 4, 2004.
(2) You must submit a waste management plan no later than April 5, 2004.
(3) You must achieve final compliance by October 4, 2004. To achieve final compliance, you must incorporate all process changes and complete retrofitt construction of control devices, as specified in the final control plan, so that, if the affected CISWI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.
(4) You must conduct the initial performance test within 90 days after the date when you are required to achieve final compliance under paragraph (a)(3) of this section.
(5) You must submit an initial report including the results of the initial performance test no later than 60 days following the initial performance test (see §§62.14700 through 62.14760 for complete reporting and recordkeeping requirements).
(b) If you plan to continue operation and come into compliance with the requirements of this subpart after October 4, 2004, but before October 3, 2005 you must petition for and be granted an extension of the final compliance date specified §62.14535(a)(3) by meeting the requirements of §62.14536 and you must meet the requirements for increments of progress specified in §62.14540.