

Environmental Protection Agency

§ 60.5060

§ 60.5045 In lieu of a state plan submittal, are there other acceptable option(s) for a state to meet its section 111(d)/129 (b)(2) obligations?

Yes, a state may meet its Clean Air Act section 111(d)/129 obligations by submitting an acceptable written request for delegation of the Federal plan that meets the requirements of this section. This is the only other option for a state to meet its section 111(d)/129 obligations.

(a) An acceptable Federal plan delegation request must include the following:

(1) A demonstration of adequate resources and legal authority to administer and enforce the Federal plan.

(2) The items under § 60.5015(a)(1), (a)(2), and (a)(7).

(3) Certification that the hearing on the state delegation request, similar to the hearing for a state plan submittal, was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.

(4) A commitment to enter into a Memorandum of Agreement with the Regional Administrator that sets forth the terms, conditions, and effective date of the delegation and that serves as the mechanism for the transfer of authority. Additional guidance and information is given in EPA's Delegation Manual, Item 7-139, Implementation and Enforcement of 111(d)(2) and 111(d)/129 (b)(3) Federal plans.

(b) A state with an already approved SSI Clean Air Act section 111(d)/129 state plan is not precluded from receiving EPA approval of a delegation request for the revised Federal plan, provided the requirements of paragraph (a) of this section are met, and at the time of the delegation request, the state also requests withdrawal of EPA's previous state plan approval.

(c) A state's Clean Air Act section 111(d)/129 obligations are separate from its obligations under title V of the Clean Air Act.

§ 60.5050 What authorities will not be delegated to state, local, or tribal agencies?

The authorities that will not be delegated to state, local, or tribal agencies

are specified in paragraphs (a) through (g) of this section.

(a) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to this subpart and operating limits established under § 60.5175 or § 60.5190.

(b) Approval of major alternatives to test methods.

(c) Approval of major alternatives to monitoring.

(d) Approval of major alternatives to recordkeeping and reporting.

(e) The requirements in § 60.5175.

(f) The requirements in § 60.5155(b)(2).

(g) Performance test and data reduction waivers under § 60.8(b).

§ 60.5055 Does this subpart directly affect SSI unit owners and operators in my state?

(a) No. This subpart does not directly affect SSI unit owners and operators in your state. However, SSI unit owners and operators must comply with the state plan you develop to implement the emission guidelines contained in this subpart. States may choose to incorporate the model rule text directly in their state plan.

(b) If you do not submit an approvable plan to implement and enforce the guidelines contained in this subpart by March 21, 2012, EPA will implement and enforce a Federal plan, as provided in § 60.5025, to ensure that each unit within your state that commenced construction on or before October 14, 2010 reaches compliance with all the provisions of this subpart by the dates specified in § 60.5035.

APPLICABILITY OF STATE PLANS

§ 60.5060 What SSI units must I address in my state plan?

(a) Your state plan must address SSI units that meet all three criteria described in paragraphs (a)(1) through (3) of this section.

(1) SSI units in your state that commenced construction on or before October 14, 2010.

(2) SSI units that meet the definition of a SSI unit as defined in § 60.5250.

(3) SSI units not exempt under § 60.5065.

(b) If the owner or operator of a SSI unit makes changes that meet the definition of modification after September

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21, 2011, the SSI unit becomes subject to subpart LLLL of this part and the state plan no longer applies to that unit.

(c) If the owner or operator of a SSI unit makes physical or operational changes to a SSI unit for which construction commenced on or before September 21, 2011 primarily to comply with your state plan, subpart LLLL of this part does not apply to that unit. Such changes do not qualify as modifications under subpart LLLL of this part.

§ 60.5065 What SSI units are exempt from my state plan?

This subpart exempts combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge. These units may be subject to another subpart of this part (e.g., subpart CCCC of this part). The owner or operator of such a combustion unit must notify the Administrator of an exemption claim under this section.

USE OF MODEL RULE

§ 60.5070 What is the “model rule” in this subpart?

(a) The model rule is the portion of these emission guidelines (§§ 60.5085 through 60.5250) that addresses the regulatory requirements applicable to SSI units. The model rule provides these requirements in regulation format. You must develop a state plan that is at least as protective as the model rule. You may use the model rule language as part of your state plan. Alternative language may be used in your state plan if you demonstrate that the alternative language is at least as protective as the model rule contained in this subpart.

(b) In the model rule of §§ 60.5085 through 60.5250, “you” and “Administrator” have the meaning specified in § 60.5250.

§ 60.5075 How does the model rule relate to the required elements of my state plan?

Use the model rule to satisfy the state plan requirements specified in § 60.5015(a)(3) through (a)(5).

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§ 60.5080 What are the principal components of the model rule?

The model rule contains the nine major components listed in paragraphs (a) through (i) of this section.

- (a) Increments of progress toward compliance.
- (b) Operator training and qualification.
- (c) Emission limits, emission standards, and operating limits.
- (d) Initial compliance requirements.
- (e) Continuous compliance requirements.
- (f) Performance testing, monitoring, and calibration requirements.
- (g) Recordkeeping and reporting.
- (h) Definitions.
- (i) Tables.

MODEL RULE—INCREMENTS OF PROGRESS

§ 60.5085 What are my requirements for meeting increments of progress and achieving final compliance?

If you plan to achieve compliance more than 1 year following the effective date of state plan approval, you must meet the two increments of progress specified in paragraphs (a) and (b) of this section.

- (a) Submit a final control plan.
- (b) Achieve final compliance.

§ 60.5090 When must I complete each increment of progress?

Table 1 to this subpart specifies compliance dates for each increment of progress.

§ 60.5095 What must I include in the notifications of achievement of increments of progress?

Your notification of achievement of increments of progress must include the three items specified in paragraphs (a) through (c) of this section.

- (a) Notification that the increment of progress has been achieved.
- (b) Any items required to be submitted with each increment of progress.
- (c) Signature of the owner or operator of the SSI unit.