

**Pt. 62****6. References**

- (1) Environmental Protection Agency, "A Guide for Determining Compliance with the Clean Air Act Standards for Radionuclides Emissions from NRC-Licensed and Non-DOE Federal Facilities", EPA 520/1-89-002, October 1989.
- (2) Environmental Protection Agency, "User's Guide for the COMPLY Code", EPA 520/1-89-003, October 1989.
- (3) Environmental Protection Agency, "Background Information Document: Procedures Approved for Demonstrating Compliance with 40 CFR Part 61, Subpart I", EPA 520/1-89-001, January 1989.
- (4) National Council on Radiation Protection and Measurement, "Screening Techniques for Determining Compliance with Environmental Standards" NCRP Commentary No. 3, Revision of January 1989 with addendum of October, 1989.

[54 FR 51711, Dec. 15, 1989]

**PART 62—APPROVAL AND PROMulgATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS****Subpart A—General Provisions**

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- 62.100 Identification of plan.

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- 62.101 Identification of sources.

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- 62.102 Identification of sources.

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- 62.103 Identification of sources.

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

- 62.104 Identification of sources.

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- 62.105 Identification of sources.

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- 62.106 Identification of plan—negative declaration.

- 62.107 Identification of sources.

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- 62.350 Identification of plan—negative declaration.

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- 62.351 Identification of plan—negative declaration.

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- 62.352 Identification of plan—negative declaration.

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- 62.353 Identification of plan—negative declaration.

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- 62.354 Identification of plan—negative declaration.

**Subpart D—Arizona****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

- 62.600 Identification of plan.

- 62.601 Identification of sources.

- 62.602 Effective date.

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- 62.620 Identification of plan—negative declaration.

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- 62.630 Identification of plan.
- 62.631 Identification of sources.
- 62.632 Effective date.

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- 62.640 Identification of plan—negative declaration.

### EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

- 62.650 Identification of plan.

### EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

- 62.660 Identification of plan—negative declaration.

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- 62.850 Identification of plan.
- 62.852 [Reserved]

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- 62.854 Identification of plan—negative declaration.

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

- 62.855 Identification of plan—negative declaration.

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- 62.856 Identification of sources—negative declaration.

### EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

- 62.857 Identification of plan.

### TOTAL REDUCED SULPHUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

- 62.865 Identification of plan.
- 62.866 Compliance schedule.

### EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

- 62.867 Identification of plan—negative declaration.

### EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

- 62.868 Identification of plan—negative declaration.

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

- 62.875 Identification of plan—negative declaration.

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#### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

- 62.1100 Identification of plan.

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

- 62.1101 Identification of sources.

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PRODUCTION UNITS

- 62.1102 Identification of sources.

### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

- 62.1103 Identification of plan—negative declaration.

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- 62.1104 Identification of sources.

### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

- 62.1115 Identification of sources.

### EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

- 62.1125 Identification of plan—negative declaration.

### EMISSIONS FROM LARGE EXISTING MUNICIPAL WASTE COMBUSTION UNITS

- 62.1130 Identification of sources.

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- 62.1350 Identification of plan.
- 62.1351 Identification of sources.

- 62.1352 Effective date.

### AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

- 62.1360 Identification of plan—delegation of authority.

- 62.1361 Identification of sources.

- 62.1362 Effective date.

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62.1370 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.**

62.1380 Identification of plan.  
62.1381 Identification of sources.  
62.1382 Effective date.

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

62.1390 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS**

62.1400 Identification of plan—negative declaration.

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62.1490 Incorporation by reference.

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62.1500 Identification of Plan.

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62.1501 Identification of sources.

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62.1600 Identification of plan—negative declaration.

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62.1625 Identification of plan—negative declaration.

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS**

62.1650 Identification of plan—negative declaration.

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62.1700 Identification of plan—negative declaration.

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62.1725 Identification of plan—negative declaration

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62.1750 Identification of plan—negative declaration.

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62.1850 Identification of plan—negative declaration.

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62.1875 Identification of plan.

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS**

62.1900 Identification of plan—negative declaration.

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS**

62.1925 Identification of plan—negative declaration.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)**

62.1950 Identification of plan.  
62.1951 Identification of sources.  
62.1952 Effective date.

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62.1960 Identification of plan—negative declaration.

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62.1975 Identification of plan—negative declaration.  
62.1977 Effective date.

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS**

62.1980 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS**

62.1985 Identification of plan—negative declaration.

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62.1990 Identification of plan—negative declaration.

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62.1995 Identification of plan—negative declaration.

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62.2100 Identification of plan—negative declaration.

SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

62.2101 Identification of plan—negative declaration.

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

62.2110 Identification of plan—negative declaration.

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

62.2120 Identification of plan—negative declaration.

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62.2130 Identification of plan—negative declaration.

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62.2140 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

62.2145 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR (HMIWI) UNITS

62.2150 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

62.2155 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

62.2160 Identification of plan—negative declaration.

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62.2350 Identification of plan.

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62.2351 Identification of sources.

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62.2352 Identification of source—negative declaration.

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62.2353 Identification of sources.

62.2354 Compliance schedules.

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62.2355 Identification of sources.

EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS—SECTION 111(d) PLAN

62.2360 Identification of sources.

AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

62.2370 Identification of sources.

AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS (SECTION 111(d)/129 PLAN)

62.2380 Air Emissions From Commercial and Industrial Solid Waste Incineration (CISWI) Units—Section 111(d)/129 Plan

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62.2390 Identification of sources.

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62.2400 Identification of plan—negative declaration.

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62.2600 Identification of plan.

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62.2601 Identification of sources.

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62.2602 Identification of sources—negative declaration.

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62.2603 Identification of sources.

62.2604 [Reserved]

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62.2605 Identification of sources—negative declaration.

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.2606 Identification of sources.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

62.2607 Identification of sources.

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

62.2608 Identification of sources.

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62.2609 Identification of plan—negative declaration.

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62.2850 Identification of plan—negative declaration.

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62.3100 Identification of plan—negative declaration.

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62.3110 Identification of plan—Idaho Department of Environmental Quality.

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62.3120 Identification of plan.

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62.3130 Identification of plan—negative declaration.

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62.3140 Identification of plan—negative declaration.

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62.3150 Identification of plan—negative declaration.

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62.3300 Identification of plan.

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62.3325 Identification of plan—negative declaration.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

62.3330 Identification of plan.

62.3331 Identification of sources.

62.3332 Effective date.

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62.3335 Identification of plan—negative declaration.

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62.3340 Identification of plan.

62.3341 Identification of sources.

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62.3600 Identification of plan—negative declaration.

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62.3625 Identification of plan.

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62.3630 Identification of plan.

62.3631 Identification of sources.

62.3632 Effective date.

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62.3640 Identification of plan.

62.3641 Identification of sources.

62.3642 Effective date.

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62.3645 Identification of plan—negative declaration.

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62.3650 Identification of plan.

62.3651 Identification of sources.

62.3652 Effective date.

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62.3660 Identification of plan—negative declaration.

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62.3670 Identification of plan—negative declaration.

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62.3680 Identification of plan.

62.3681 Identification of sources.

62.3682 Effective date.

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62.3840 Standards of Performance for New Stationary Sources.

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62.3850 Identification of plan.

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62.3851 Identification of sources.

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62.3853 Identification of plan—negative declaration.

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62.3854 Identification of plan—negative declaration.

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62.3910 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.3911 Identification of plan—negative declaration.

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62.3912 Identification of plan—negative declaration.

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62.3913 Identification of plan.

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62.4622 Emission inventories, source surveillance, reports.	62.4875 Identification of sources—negative declaration.
62.4623 Legal authority.	SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS
SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS	62.4900 Identification of sources.
62.4624 Identification of sources.	TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS
FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS	62.4925 Identification of sources.
62.4625 Identification of sources.	FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS
62.4626 Effective date.	62.4950 Identification of plan—negative declaration.
FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS	METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.4627 Identification of sources.	62.4975 Identification of sources.
62.4628 Effective date.	
TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS	
62.4629 Identification of sources.	
62.4630 Effective date.	
LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	
62.4631 Identification of Sources.	
62.4632 Effective Date.	
EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS	
62.4633 Identification of plan—negative declaration.	

**Pt. 62****40 CFR Ch. I (7-1-25 Edition)****AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

62.4980 Identification of Plan—negative declaration.

**AIR EMISSIONS FROM EXISTING HOSPITAL/ MEDICAL INFECTIOUS WASTE INCINERATORS.**

62.4985 Identification of Plan—negative declaration.

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

62.4990 Identification of plan—negative declaration.

—XXX

62.4995 XXX

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST LESS THAN OR EQUAL TO 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.5000 Identification of sources.

**Subpart V—Maryland****PLAN FOR CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)**

62.5100 Identification of plan.

**SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS**

62.5101 Identification of sources.

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS**

62.5102 Identification of sources.

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS**

62.5103 Identification of sources.

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH A UNIT CAPACITY GREATER THAN 250 TONS PER DAY**

62.5110 Identification of plan.

62.5111 Identification of sources.

62.5112 Effective date.

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTOR (MWC) UNITS—SECTION 111(d)/129 FEDERAL PLAN DELEGATION**

62.5120 Identification of plan—delegation of authority.

62.5121 Identification of sources.

62.5122 Effective date of delegation.

**EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR (CISWI) UNITS—NEGATIVE DECLARATION**

62.5127 Identification of plan—negative declaration.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)**

62.5150 Identification of plan.

62.5151 Identification of sources.

62.5152 Effective date.

**EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/ INFECTIOUS WASTE INCINERATORS (HMIWIS) (SECTION 111(d)/129 PLAN)**

62.5160 Identification of plan.

62.5161 Identification of sources.

62.5162 Effective date.

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS (SSI)—SECTION 111(D)/129 FEDERAL PLAN DELEGATIONS**

62.5170 Identification of plan—negative declaration.

**Subpart W—Massachusetts**

62.5340 Identification of Plan.

**FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS**

62.5350 Identification of plan—negative declaration.

**SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS**

62.5351 Identification of plan—negative declaration.

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILS**

62.5375 Identification of plan—negative declaration.

**FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS**

62.5400 Identification of plan—negative declaration.

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.5425 Identification of sources.

**AIR EMISSIONS FROM EXISTING HOSPITAL/ MEDICAL/INFECTIOUS WASTE INCINERATORS**

62.5450 Identification of plan—negative declaration.

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AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS  
62.5475 Identification of Plan—negative declaration.

**Subpart X—Michigan**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS  
62.5600 Identification of plan—negative declaration.  
CONTROL OF AIR EMISSIONS FROM HOSPITAL/ MEDICAL/INFECTIOUS WASTE INCINERATORS  
62.5610 Identification of plan—negative declaration.  
CONTROL OF AIR EMISSIONS FROM SEWAGE SLUDGE INCINERATORS  
62.5620 Identification of plan.  
62.5621 Identification of sources.  
62.5622 Effective date.

CONTROL OF AIR EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTORS  
62.5630 Identification of plan—negative declaration.

**Subpart Y—Minnesota**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS  
62.5850 Identification of plan—negative declaration.  
LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS  
62.5860 Identification of plan.  
62.5861 Identification of sources.  
62.5862 Effective date.

**EXISTING LARGE MUNICIPAL WASTE COMBUSTORS**

62.5870 Identification of plan.  
62.5871 Identification of sources.  
62.5872 Effective date.

CONTROL OF AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS  
62.5880 Identification of plan—negative declaration.

CONTROL OF AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION UNITS  
62.5890 Identification of plan—negative declaration.

**Subpart Z—Mississippi**

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

62.6100 Identification of plan.  
SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS  
62.6110 Identification of sources.  
FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS  
62.6120 Identification of sources.  
FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS  
62.6121 Identification of sources—negative declaration.  
TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS  
62.6122 Identification of sources.  
MUNICIPAL WASTE COMBUSTORS  
62.6123 Identification of sources—negative declaration.  
AIR EMISSIONS FROM HOSPITAL/MEDICAL/ INFECTIOUS WASTE INCINERATORS  
62.6124 Identification of sources.  
62.6125 Identification of plan—negative declaration.  
AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS  
62.6126 Identification of plan—negative declaration.  
AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS (SECTION 111(d)/129 PLAN)  
62.6127 Identification of Sources.

**Subpart AA—Missouri**

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

62.6350 Identification of plan.  
FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS  
62.6351 Identification of plan—negative declaration.  
FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS  
62.6352 Identification of sources.  
SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PRODUCTION PLANTS  
62.6353 Identification of sources.

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TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS	FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS
62.6354 Identification of plan—negative declaration.	62.6613 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE	EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.6355 Identification of plan—negative declaration.	62.6620 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 35 MEGAGRAMS PER DAY OF MUNICIPAL SOLID WASTE	AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.
62.6356 Identification of plan—negative declaration.	62.6630 Identification of plan—negative declaration.
AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS
62.6357 Identification of plan.	62.6640 Identification of plan—negative declaration.
AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS	EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS
62.6358 Identification of plan.	62.6650 Identification of plan—negative declaration.
AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS	EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS
62.6359 Identification of plan—negative declaration.	62.6660 Identification of plan—negative declaration.
AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS	<b>Subpart CC—Nebraska</b>
62.6360 Identification of plan.	FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS
AIR EMISSIONS FROM EXISTING “OTHER” SOLID WASTE INCINERATION UNITS	62.6850 Identification of plan—negative declaration.
62.6361 Identification of plan—negative declaration.	SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS
MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM GENERATING UNITS	62.6875 Identification of plan—negative declaration.
62.6362 [Reserved]	TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS
AIR EMISSIONS FROM SEWAGE SLUDGE INCINERATOR UNITS	62.6880 Identification of plan—negative declaration.
62.6363 Identification of plan.	FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS
<b>Subpart BB—Montana</b>	62.6910 Identification of plan—negative declaration.
LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.6600 Identification of plan.	62.6911 Identification of plan—negative declaration.
62.6601 Identification of sources.	
62.6602 Effective date.	
AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS	
62.6610 Identification of plan.	
62.6611 Identification of sources.	
62.6612 Effective date.	

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EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 35 MEGAGRAMS PER DAY OF MUNICIPAL SOLID WASTE

62.6912 Identification of plan—negative declaration.

AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

62.6913 Identification of plan.

AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

62.6914 Identification of plan.

AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

62.6915 Identification of plan—negative declaration.

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

62.6916 Identification of plan—negative declaration.

AIR EMISSIONS STANDARDS OF PERFORMANCE FOR NEW SEWAGE SLUDGE INCINERATORS

62.6917 Identification of plan—negative declaration.

**Subpart DD—Nevada**

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILL

62.7100 Identification of plan.

62.7101 Identification of sources.

62.7102 Effective date.

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

62.7120 Identification of plan—negative declaration.

EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

62.7125 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

62.7130 Identification of plan.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

62.7135 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

62.7140 Identification of plan—negative declaration.

**Subpart EE—New Hampshire**

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

62.7325 Identification of plan.

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.7350 Identification of plan—negative declaration.

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS

62.7375 Identification of plan—negative declaration.

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

62.7400 Identification of sources—negative declaration.

EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

62.7405 Identification of plan—delegation of authority.

TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS

62.7425 Identification of sources.

AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

62.7450 Identification of plan—negative declaration.

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

62.7455 Identification of plan—negative declaration.

AIR EMISSIONS FROM EXISTING LARGE AND SMALL MUNICIPAL WASTE COMBUSTORS

62.7460 Identification of sources.

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

62.7465 Identification of plan—delegation of authority.

**Subpart FF—New Jersey**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.7600 Identification of plan—negative declaration.

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TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS	FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS
62.7601 Identification of plan—negative declaration.	62.7854 Identification of plan—negative declaration
FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS	LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOILD WASTE LANDFILLS
62.7602 Identification of plan—negative declaration.	62.7855 New Mexico Environment Department.
METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE	62.7856 Albuquerque/Bernalillo County Air Quality Control Board.
62.7603 Identification of plan—delegation of authority.	EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR UNITS	62.7857 Identification of plan—negative declaration.
62.7604 Identification of plan—negative declaration.	EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTION UNITS
AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS, SMALL MUNICIPAL WASTE COMBUSTION UNITS, AND HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS.	62.7860 Identification of sources—negative declaration.
62.7605 Identification of plan—delegation of authority.	EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTES INCINERATORS
AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005	62.7870 Identification of sources—negative declaration.
62.7606 Identification of plan—negative declaration.	EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS
AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS	62.7880 Identification of sources—negative declaration.
62.7607 Identification of plan—delegation of authority.	EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS
<b>Subpart GG—New Mexico</b>	
62.7850 Identification of plan.	62.7881 Identification of sources—negative declaration.
SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PLANTS	EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS
62.7851 Identification of sources.	62.7890 Identification of sources—negative declarations.
FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM PLANTS	EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS
62.7852 Identification of plan—negative declaration.	62.7892 Identification of sources.
TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS	EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS
62.7853 Identification of plan—negative declaration.	62.7893 Identification of plan—negative declarations.
<b>Subpart HH—New York</b>	
	FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS
	62.8100 Identification of plan—negative declaration.

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SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS	TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS	
62.8102 Identification of plan.	62.8353 Identification of sources.	
METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE	AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS	
62.8103 Identification of plan.	62.8354 Identification of plan—negative declaration.	
LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS—SECTION 111(d)/129 PLAN	
62.8104 Identification of plan.	62.8355 Identification of sources.	
METALS, ACID GASES, ORGANIC COMPOUNDS, PARTICULATES AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS	AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN	
62.8105 Identification of plan.	62.8356 Identification of plan—negative declaration.	
AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR UNITS	AIR EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTORS (LMWC)—SECTION 111(d)/129 PLAN	
62.8106 Identification of plan—negative declaration.	62.8357 Identification of plan—negative declaration.	
AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE OR REFUSE DERIVED FUEL AND CONSTRUCTED ON OR BEFORE AUGUST 30, 1999	AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTORS (SMWC)—SECTION 111(d)/129 PLAN	
62.8107 Identification of plan.	62.8359 Identification of plan—negative declaration.	
AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS	AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATORS (OSWI)—SECTION 111(d)/129 PLAN	
62.8108 Identification of plan.	62.8361 Identification of plan—negative declaration.	
AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005	AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS (SSI)—SECTION 111(D)/129 PLAN	
62.8109 Identification of plan—negative declaration.	62.8362 Identification of plan—North Carolina Department of Environmental Quality.	
<b>Subpart II—North Carolina</b>		
PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)	62.8363 Identification of plan—Western North Carolina Regional Air Quality Agency.	
62.8350 Identification of plan.	<b>Subpart JJ—North Dakota</b>	
SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS	LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	
62.8351 Identification of sources.	62.8600 Identification of plan.	
FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS	62.8601 Identification of sources.	
62.8352 Identification of sources.	62.8602 Effective date.	
AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS		
62.8610 Identification of plan—Negative declaration.		

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EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

62.8620 Identification of plan—negative declaration.

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.

62.8630 Identification of plan.

62.8631 Identification of sources.

62.8632 Effective date.

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

62.8640 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

62.8650 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

62.8660 Identification of plan—negative declaration.

**INCORPORATION BY REFERENCE**

62.8700 Incorporation by reference.

**Subpart KK—Ohio**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.8850 Identification of plan—negative declaration.

EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY OF MUNICIPAL SOLID WASTE BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE AND COMMENCED CONSTRUCTION ON OR BEFORE AUGUST 30, 1999

62.8855 Identification of plan—negative declaration.

TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

62.8860 Identification of plan—disapproval.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

62.8870 Identification of plan.

62.8871 Identification of sources.

62.8872 Effective date.

EMISSIONS FROM HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS (HMIWI)

62.8880 Identification of plan.

**Subpart LL—Oklahoma**

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

62.9100 Identification of plan.

SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

62.9110 Identification of sources.

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.9120 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS

62.9121 Identification of sources—negative declaration.

FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM PLANTS

62.9130 Identification of plan—negative declaration.

TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS

62.9140 Identification of source.

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

62.9150 Identification of sources.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

62.9160 Identification of sources.

AIR EMISSIONS FROM HAZARDOUS/MEDICAL/INFECTIOUS WASTE INCINERATORS

62.9170 Identification of sources.

**EFFECTIVE DATE**

62.9171 Effective date.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

62.9180 Identification of sources—negative declaration.

EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

62.9190 Identification of sources.

62.9191 Effective date.

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PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d))

62.9350 Identification of plan.

FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

62.9360 Identification of sources.

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.9500 Identification of sources.

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS

62.9501 Identification of sources.

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTES

62.9505 Identification of sources.

CONTROL OF LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

62.9510 Identification of plan.

62.9511 Identification of sources.

62.9512 Effective date.

METALS, ACID GASES, ORGANIC COMPOUNDS, PARTICULATES AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

62.9515 Identification of sources—Negative declaration.

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

62.9520 Identification of plan—negative declaration.

**Subpart NN—Pennsylvania**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.9600 Identification of plan—negative declaration.

SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

62.9601 Identification of plan.

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

62.9610 Identification of plan—negative declaration.

62.9611 Identification of plan—Pennsylvania.

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

62.9620 Identification of plan—negative declaration.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)

62.9630 Identification of plan.

62.9631 Identification of sources.

62.9632 Effective date.

62.9633 Identification of plan—negative declaration.

62.9635 Identification of plan.

62.9636 Identification of sources.

62.9637 Effective date.

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH A UNIT CAPACITY GREATER THAN 250 TONS PER DAY

62.9640 Identification of plan.

62.9641 Identification of sources.

62.9642 Effective dates.

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

62.9643 Identification of plan—negative declaration.

62.9644 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

62.9645 Identification of plan—negative declaration.

62.9646 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

62.9647 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIS) (SECTION 111(d)/129 PLANS)

62.9650 Identification of plan.

62.9651 Identification of sources.

62.9652 Effective date.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIS) (SECTION 111(d)/129 PLAN)

62.9660 Identification of plan.

62.9661 Identification of sources.

62.9662 Effective date.

62.9663 Identification of plan—negative declaration.

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EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS	MUNICIPAL WASTE COMBUSTOR EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.9665 Identification of plan—negative declaration.	62.9975 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS	AIR EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.9670 Identification of plan—negative declaration.	62.9980 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) UNITS—SECTION 111(d)/129 FEDERAL PLAN DELEGATIONS	EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS
62.9675 Identification of plan—delegation of authority.	62.9985 Identification of plan—negative declaration.
62.9676 Identification of sources.	AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS
62.9677 Effective date of delegation.	62.9990 Identification of plan—negative declaration.
62.9680 Identification of plan—delegation of authority.	AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS
62.9681 Identification of sources.	62.9995 Identification of plan—negative declaration.
62.9682 Effective date of delegation.	
AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS (SSI)—SECTION 111(D)/129 FEDERAL PLAN DELEGATIONS	
62.9690 Identification of plan—delegation of authority.	
<b>Subpart OO—Rhode Island</b>	<b>Subpart PP—South Carolina</b>
PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(D) PLAN)	PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(D) PLAN)
62.9825 Identification of plan.	62.10100 Identification of plan.
FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS	SULFURIC ACID MIST FROM SULFURIC ACID PLANTS
62.9850 Identification of plan—negative declaration.	62.10110 Identification of sources.
SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS	TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS
62.9875 Identification of plan—negative declaration.	62.10120 Identification of sources.
TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS	FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS
62.9900 Identification of plan—negative declaration.	62.10130 Identification of plan—negative declaration.
FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS	FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS
62.9950 Identification of plan—negative declaration.	62.10140 Identification of plan—negative declaration.
AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS	METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.9970 Identification of plan—negative declaration.	62.10150 Identification of plan—negative declaration.

**Environmental Protection Agency****Pt. 62****EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS—SECTION 111(D) PLAN**

62.10160 Identification of sources.

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

62.10170 Identification of sources.

**AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS**

62.10180 Identification of plan—negative declaration.

**AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS (SECTION 111(d)/129 PLAN)**

62.10190 Identification of sources.

**AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN**

62.10200 Identification of plan—negative declaration.

**Subpart QQ—South Dakota****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

62.10350 Identification of plan.

62.10351 Identification of sources.

62.10352 Effective date.

62.10353 Incorporation by reference.

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

62.10360 Identification of plan.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.10370 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WATES INCINERATORS.**

62.10380 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

62.10390 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS**

62.10400 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS**

62.10410 Identification of plan—negative declaration.

**Subpart RR—Tennessee****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS**

62.10602 Identification of sources—negative declaration.

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS**

62.10625 Identification of plan.

**PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)**

62.10626 Identification of plan.

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.10627 Identification of sources.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

62.10628 Identification of sources.

**AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

62.10629 Identification of plan—negative declaration.

62.10630 Identification of sources.

**AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN**

62.10631 Identification of plan—negative declarations.

62.10632 Identification of sources.

62.10633 Identification of plan—negative declarations.

**AIR EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTORS (MWC)—SECTION 111(d)/129 PLAN**

62.10634 Identification of plan—negative declarations.≤

**Subpart SS—Texas****PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)**

62.10850 Identification of plan.

**SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS**

62.10860 Identification of sources.

**TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS**

62.10870 Identification of sources.

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LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS
62.10880 Identification of sources.	62.11160 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE	<b>Subpart UU—Vermont</b>
62.10890 Identification of plan—negative declaration.	FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS
EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS	62.11350 Identification of plan—negative declaration.
62.10900 Identification of plan.	SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS
AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTES INCINERATORS	62.11375 Identification of plan—negative declaration.
62.10910 Identification of sources.	TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS
62.10911 Effective date.	62.11400 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS	FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS
62.10912 Identification of sources—negative declaration.	62.11425 Identification of plan—negative declaration.
<b>Subpart TT—Utah</b>	
FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS	MUNICIPAL WASTE COMBUSTOR EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.11100 Identification of plan—negative declaration.	62.11450 Identification of plan—negative declaration.
LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS	MUNICIPAL WASTE COMBUSTOR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST BETWEEN 35 AND 250 TONS PER DAY OF MUNICIPAL SOLID WASTE
62.11110 Identification of plan.	62.11460 Identification of Plan—negative declaration.
62.11111 Identification of sources.	AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS
62.11112 Effective date.	62.11475 Identification of Plan—negative declaration.
AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS	AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS
62.11120 Identification of plan.	62.11480 Identification of plan—negative declaration.
62.11121 Identification of sources.	EMISSION FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS
62.11122 Effective date.	62.11485 Identification of plan—negative declaration.
EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE	AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS
62.11130 Identification of plan—negative declaration.	62.11490 Identification of Plan—negative declaration.
AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS	
62.11140 Identification of plan—negative declaration.	
EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS	
62.11150 Identification of plan—negative declaration.	

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AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS

62.11495 Identification of plan—negative declaration.

**Subpart VV—Virginia**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.11600 Identification of plan—negative declaration.

SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

62.11601 Identification of plan.

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

62.11610 Identification of plan.

62.11611–62.11619 [Reserved—plan not submitted]

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

62.11620 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) UNITS (SECTION 111(d)/129 PLAN)

62.11621 Identification of plan.

62.11622 Identification of sources.

62.11623 Identification of plan.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI) UNITS—SECTION 111(d)/129 PLAN

62.11625 Identification of plan—negative declaration.

62.11627 Effective date.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTOR (MWC) UNITS—SECTION 111(d)/129 PLAN

62.11635 Identification of plan.

62.11636 Identification of sources.

62.11637 Effective date.

EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTOR (MWC) UNITS—SECTION 111(d)/129 PLAN

62.11640 Identification of plan.

62.11641 Identification of sources.

62.11642 Effective date of plan.

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS—SECTION 111(D)/129 PLAN

62.11650 Identification of plan.

62.11651 Identification of sources.

62.11652 Effective date.

EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS—SECTION 111(D) PLAN

62.11660 Identification of plan.

62.11661 Identification of sources.

62.11662 Effective date.

**Subpart WW—Washington**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.11850 Identification of plan—negative declaration.

PLANS FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

62.11860 Identification of plan.

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

62.11870 Identification of sources.

62.11880 Identification of plan—Spokane Regional Clean Air Agency.

62.11881 Identification of sources—Spokane Regional Clean Air Agency.

62.11882 Effective date—Spokane Regional Clean Air Agency.

**Subpart XX—West Virginia**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

62.12100 Identification of plan—negative declaration.

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

62.12110 Identification of plan—negative declaration.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d)) PLAN

62.12125 Identification of plan.

62.12126 Identification of sources.

62.12127 Effective date.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIS) (SECTION 111(d)/129 PLAN)

62.12150 Identification of plan.

62.12151 Identification of sources.

62.12152 Effective date.

EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) UNITS (SECTION 111(d)/129 PLANS)

62.12155 Identification of plan.

62.12156 Identification of sources.

62.12157 Effective date.

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62.12160 Identification of plan—negative declaration.

**EMISSIONS FROM OTHER SOLID WASTE INCINERATOR UNITS**

62.12165 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

62.12170 Identification of plan—negative declaration.

**Subpart YY—Wisconsin****CONTROL OF AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

62.12320 Identification of plan—negative declaration.

**FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS**

62.12350 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.12360 Identification of plan—negative declaration.

**Subpart ZZ—Wyoming****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

62.12600 Identification of plan.

62.12601 Identification of sources.

62.12602 Effective date.

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

62.12610 Identification of plan.

62.12611 Identification of sources.

62.12612 Effective date.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.12620 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS.**

62.12630 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

62.12640 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS**

62.12650 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS**

62.12660 Identification of plan—negative declaration.

**Subpart AAA—American Samoa****EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.12900 Identification of plan—negative declaration.

**Subpart BBB—Puerto Rico****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS**

62.13100 Identification of plan—negative declaration.

**SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION PLANTS**

62.13101 Identification of plan—negative declaration.

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS**

62.13102 Identification of plan—negative declaration.

**TOTAL REDUCED SULFUR FROM KRAFT PULP MILLS**

62.13103 Identification of plan—negative declaration.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.13104 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE OR REFUSE DERIVED FUEL AND CONSTRUCTED ON OR BEFORE AUGUST 30, 1999**

62.13105 Identification of plan—negative declaration.

**CONTROL OF AIR EMISSIONS OF DESIGNATED POLLUTANTS FROM EXISTING HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS**

62.13106 Identification of plan.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)**

62.13107 Identification of plan.

**CONTROL OF AIR EMISSIONS OF DESIGNATED POLLUTANTS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

62.13108 Identification of plan.

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

62.13109 Identification of plan.

**AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005**

62.13110 Identification of plan—negative declaration.

**Subpart CCC—Virgin Islands****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS**

62.13350 Identification of plan—negative declaration.

**SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION PLANTS**

62.13351 Identification of plan—negative declaration.

**TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS**

62.13352 Identification of plan—negative declaration.

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS**

62.13353 Identification of plant—negative declaration.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.13354 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE OR REFUSE DERIVED FUEL AND CONSTRUCTED ON OR BEFORE AUGUST 30, 1999**

62.13355 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE NOVEMBER 30, 1999 OR RECONSTRUCTED OR MODIFIED PRIOR TO JUNE 1, 2001**

62.13356 Identification of plan—negative declaration.

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS CONSTRUCTED ON OR BEFORE OCTOBER 14, 2010**

62.13357 Identification of plan—negative declaration.

**AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005**

62.13358 Identification of plan—negative declaration.

**AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS THAT COMMENCED CONSTRUCTION ON OR BEFORE JUNE 4, 2010, OR THAT COMMENCED MODIFICATION OR RECONSTRUCTION AFTER JUNE 4, 2010 BUT NOT LATER THAN AUGUST 7, 2013**

62.13359 Identification of plan—negative declaration.

**Subpart DDD—Northern Mariana Islands****EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

62.13600 Identification of plan—negative declaration.

**Subpart EEE [Reserved]****Subpart FFF—Federal Plan Requirements For Large Municipal Waste Combustors Constructed On Or Before September 20, 1994**

62.14100 Scope and delegation of authority.

62.14101 Definitions.

62.14102 Affected facilities.

62.14103 Emission limits for municipal waste combustor metals, acid gases, organics, and nitrogen oxides.

62.14104 Requirements for municipal waste combustor operating practices.

62.14105 Requirements for municipal waste combustor operating training and certification.

62.14106 Emission limits for municipal waste combustor fugitive ash emissions.

62.14107 Emission limits for air curtain incinerators.

62.14108 Compliance schedules.

62.14109 Reporting and recordkeeping, and compliance and performance testing.

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TABLE 2 TO SUBPART FFF OF PART 62—NITROGEN OXIDES REQUIREMENTS FOR AFFECTED FACILITIES

TABLE 3 TO SUBPART FFF OF PART 62—MUNICIPAL WASTE COMBUSTOR OPERATING REQUIREMENTS

TABLE 4 TO SUBPART FFF OF PART 62—GENERIC COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS (PRE-1987 MWCS)

TABLE 5 TO SUBPART FFF OF PART 62—GENERIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS (POST-1987 MWCS)

TABLE 6 TO SUBPART FFF OF PART 62—SITESPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS

### **Subpart GGG—Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991**

62.14350 Scope and delegation of authority.

62.14351 Definitions.

62.14352 Designated facilities.

62.14353 Standards for municipal solid waste landfill emissions.

62.14354 Procedures, test methods, and monitoring.

62.14355 Reporting and recordkeeping requirements.

62.14356 Compliance schedules and increments of progress.

TABLE 1 TO SUBPART GGG OF PART 62—STATES THAT HAVE AN APPROVED AND EFFECTIVE STATE PLAN

TABLE 2 TO SUBPART GGG OF PART 62—STATES THAT SUBMITTED A NEGATIVE DECLARATION LETTER

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### **Subpart HHH—Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed On Or Before December 1, 2008**

#### APPLICABILITY

62.14400 Am I subject to this subpart?

62.14401 How do I determine if my HMIWI is covered by an approved and effective State or Tribal plan?

62.14402 If my HMIWI is not listed on the Federal plan inventory, am I exempt from this subpart?

62.14403 What happens if I modify an existing HMIWI?

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#### EMISSION LIMITS

62.14410 Are there different emission limits for different locations and sizes of HMIWI?

62.14411 What emission limits apply to my HMIWI?

62.14412 What stack opacity and visible emissions requirements apply?

62.14413 When do the emissions limits and stack opacity and visible emissions requirements apply?

#### OPERATOR TRAINING AND QUALIFICATION

62.14420 Am I required to have a trained and qualified operator?

62.14421 How does an operator become trained and qualified?

62.14422 What are the requirements for a training course that is not part of a State-approved program?

62.14423 What are the qualification requirements for operators who do not participate in a State-approved program?

62.14424 What documentation must I maintain onsite?

62.14425 When must I review the documentation?

#### WASTE MANAGEMENT PLAN

62.14430 Must I prepare a waste management plan?

62.14431 What must my waste management plan include?

62.14432 When must my waste management plan be completed?

#### INSPECTION REQUIREMENTS

62.14440 Which HMIWI are subject to inspection requirements?

62.14441 When must I inspect my HMIWI equipment and air pollution control devices?

62.14442 What must my inspection include?

62.14443 When must I do repairs?

#### PERFORMANCE TESTING AND MONITORING REQUIREMENTS

62.14450 [Reserved]

62.14451 What are the testing requirements for HMIWI that are not small rural?

62.14452 What test methods and procedures must I use?

62.14453 What must I monitor?

62.14454 How must I monitor the required parameters?

62.14455 What if my HMIWI goes outside of a parameter limit?

#### REPORTING AND RECORDKEEPING REQUIREMENTS

62.14460 What records must I maintain?

62.14461 For how long must I maintain records?

62.14462 Where must I keep the records?

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- 62.14463 What reporting requirements must I satisfy?
- 62.14464 When must I submit reports?
- 62.14465 Who must sign all submitted reports?

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- 62.14470 When must I comply with this subpart if I plan to continue operation of my HMIWI?
- 62.14471 When must I comply with this subpart if I plan to shut down?
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- 62.14480 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act and implementing regulations?
- 62.14481 When must I submit a title V permit application for my HMIWI?

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- 62.14490 Definitions.

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- 62.14495 What authorities will be retained by the EPA Administrator?

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TABLE 2 TO SUBPART HHH OF PART 62—TOXIC EQUIVALENCY FACTORS

TABLE 3 TO SUBPART HHH OF PART 62—OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES

### Subpart III—Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999

#### INTRODUCTION

- 62.14500 What is the purpose of this subpart?
- 62.14505 What are the principal components of this subpart?

#### APPLICABILITY

- 62.14510 Am I subject to this subpart?
- 62.14515 Can my CISWI unit be covered by both a State plan and this subpart?
- 62.14520 How do I determine if my CISWI unit is covered by an approved and effective State or Tribal plan?
- 62.14521 If my CISWI unit is not listed in the Federal plan inventory, am I exempt from this subpart?
- 62.14525 Can my combustion unit be exempt from this subpart?
- 62.14530 What if I have a chemical recovery unit that is not listed in § 62.14525(n)?

- 62.14531 When must I submit any records required pursuant to an exemption allowed under § 62.14525?

### 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?
- 62.14536 What steps are required to request an extension of the initial compliance date if I plan to continue operation of my CISWI unit?
- 62.14540 When must I complete each increment of progress?
- 62.14545 What must I include in each notification of achievement of an increment of progress?
- 62.14550 When must I submit a notification of achievement of the first increment of progress?
- 62.14555 What if I do not meet an increment of progress?
- 62.14560 How do I comply with the increment of progress for submittal of a control plan?
- 62.14565 How do I comply with the increment of progress for achieving final compliance?
- 62.14570 What must I do if I plan to permanently close my CISWI unit?
- 62.14575 What must I do if I close my CISWI unit and then restart it?

### WASTE MANAGEMENT PLAN

- 62.14580 What is a waste management plan?
- 62.14585 When must I submit my waste management plan?
- 62.14590 What should I include in my waste management plan?

### OPERATOR TRAINING AND QUALIFICATION

- 62.14595 What are the operator training and qualification requirements?
- 62.14600 When must the operator training course be completed?
- 62.14605 How do I obtain my operator qualification?
- 62.14610 How do I maintain my operator qualification?
- 62.14615 How do I renew my lapsed operator qualification?
- 62.14620 What site-specific documentation is required?
- 62.14625 What if all the qualified operators are temporarily not accessible?

### EMISSION LIMITATIONS AND OPERATING LIMITS

- 62.14630 What emission limitations must I meet and by when?
- 62.14635 What operating limits must I meet and by when?
- 62.14640 What if I do not use a wet scrubber to comply with the emission limitations?
- 62.14645 What happens during periods of startup, shutdown, and malfunction?

**Pt. 62****40 CFR Ch. I (7-1-25 Edition)****PERFORMANCE TESTING**

62.14650 How do I conduct the initial and annual performance test?  
62.14655 How are the performance test data used?

**INITIAL COMPLIANCE REQUIREMENTS**

62.14660 How do I demonstrate initial compliance with the emission limitations and establish the operating limits?  
62.14665 By what date must I conduct the initial performance test?

**CONTINUOUS COMPLIANCE REQUIREMENTS**

62.14670 How do I demonstrate continuous compliance with the emission limitations and the operating limits?  
62.14675 By what date must I conduct the annual performance test?  
62.14680 May I conduct performance testing less often?  
62.14685 May I conduct a repeat performance test to establish new operating limits?

**MONITORING**

62.14690 What monitoring equipment must I install and what parameters must I monitor?  
62.14695 Is there a minimum amount of monitoring data I must obtain?

**RECORDKEEPING AND REPORTING**

62.14700 What records must I keep?  
62.14705 Where and in what format must I keep my records?  
62.14710 What reports must I submit?  
62.14715 When must I submit my waste management plan?  
62.14720 What information must I submit following my initial performance test?  
62.14725 When must I submit my annual report?  
62.14730 What information must I include in my annual report?  
62.14735 What else must I report if I have a deviation from the operating limits or the emission limitations?  
62.14740 What must I include in the deviation report?  
62.14745 What else must I report if I have a deviation from the requirement to have a qualified operator accessible?  
62.14750 Are there any other notifications or reports that I must submit?  
62.14755 In what form can I submit my reports?  
62.14760 Can reporting dates be changed?

**AIR CURTAIN INCINERATORS THAT BURN 100 PERCENT WOOD WASTES, CLEAN LUMBER AND/OR YARD WASTE**

62.14765 What is an air curtain incinerator?  
62.14770 When must I achieve final compliance?  
62.14795 How do I achieve final compliance?

62.14805 What must I do if I close my air curtain incinerator and then restart it?

62.14810 What must I do if I plan to permanently close my air curtain incinerator and not restart it?

62.14815 What are the emission limitations for air curtain incinerators that burn 100 percent wood wastes, clean lumber and/or yard waste?

62.14820 How must I monitor opacity for air curtain incinerators that burn 100 percent wood wastes, clean lumber and/or yard waste?

62.14825 What are the recordkeeping and reporting requirements for air curtain incinerators that burn 100 percent wood wastes, clean lumber and/or yard waste?

**TITLE V REQUIREMENTS**

62.14830 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act?  
62.14835 When must I submit a title V permit application for my existing CISWI unit?

**DELEGATION OF AUTHORITY**

62.13838 What authorities are withheld by the EPA Administrator?

**DEFINITIONS**

62.14840 What definitions must I know?

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TABLE 1 TO SUBPART III OF PART 62—EMISSION LIMITATIONS

TABLE 2 TO SUBPART III OF PART 62—OPERATING LIMITS FOR WET SCRUBBERS

TABLE 3 TO SUBPART III OF PART 62—TOXIC EQUIVALENCY FACTORS

TABLE 4 TO SUBPART III OF PART 62—SUMMARY OF REPORTING REQUIREMENTS

**Subpart IIIa—Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010, and Have Not Been Modified or Reconstructed Since August 7, 2013**

**INTRODUCTION**

62.14500a What is the purpose of this subpart?  
62.14505a What are the principal components of this subpart?

**APPLICABILITY**

62.14510a Am I subject to this subpart?  
62.14515a Can my CISWI be covered by both a state plan and this subpart?  
62.14520a How do I determine if my CISWI is covered by an approved and effective state or tribal plan?

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62.14525a If my CISWI is not listed in the Federal plan inventory, am I exempt from this subpart?

62.14530a Can my combustion unit be exempt from this subpart?

### COMPLIANCE SCHEDULE

62.14535a When must I comply with this subpart if I plan to continue operation of my CISWI?

62.14540a What must I do if I plan to permanently close my CISWI?

62.14545a What must I do if I close my CISWI and then restart it?

### WASTE MANAGEMENT PLAN

62.14550a What is a waste management plan?

62.14555a When must I submit my waste management plan?

62.14560a What should I include in my waste management plan?

### OPERATOR TRAINING AND QUALIFICATION

62.14565a What are the operator training and qualification requirements?

62.14570a When must the operator training course be completed?

62.14575a How do I obtain my operator qualification?

62.14580a How do I maintain my operator qualification?

62.14585a How do I renew my lapsed operator qualification?

62.14590a What site-specific documentation is required?

62.14595a What if all the qualified operators are temporarily not accessible?

### EMISSION LIMITATIONS AND OPERATING LIMITS

62.14600a What emission limitations must I meet and by when?

62.14605a What operating limits must I meet and by when?

62.14610a What if I do not use a wet scrubber, fabric filter, activated carbon injection, selective noncatalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations?

### PERFORMANCE TESTING

62.14615a How do I conduct the initial and annual performance test?

62.14620a How are the performance test data used?

### INITIAL COMPLIANCE REQUIREMENTS

62.14625a How do I demonstrate initial compliance with the emission limitations and establish the operating limits?

62.14630a By what date must I conduct the initial performance test?

62.14635a By what date must I conduct the initial air pollution control device inspection?

### CONTINUOUS COMPLIANCE REQUIREMENTS

62.14640a How do I demonstrate continuous compliance with the emission limitations and the operating limits?

62.14645a By what date must I conduct the annual performance test?

62.14650a By what date must I conduct the annual air pollution control device inspection?

62.14655a May I conduct performance testing less often?

62.14660a May I conduct a repeat performance test to establish new operating limits?

### MONITORING

62.14665a What monitoring equipment must I install and what parameters must I monitor?

62.14670a Is there a minimum amount of monitoring data I must obtain?

### RECORDKEEPING AND REPORTING

62.14675a What records must I keep?

62.14680a Where and in what format must I keep my records?

62.14685a What reports must I submit?

62.14690a When must I submit my waste management plan?

62.14695a What information must I submit following my initial performance test?

62.14700a When must I submit my annual report?

62.14705a What information must I include in my annual report?

62.14710a What else must I report if I have a deviation from the operating limits or the emission limitations?

62.14715a What must I include in the deviation report?

62.14720a What else must I report if I have a deviation from the requirement to have a qualified operator accessible?

62.14725a Are there any other notifications or reports that I must submit?

62.14730a In what form can I submit my reports?

62.14735a Can reporting dates be changed?

### AIR CURTAIN INCINERATORS (ACIs)

62.14740a What is an air curtain incinerator?

62.14745a What must I do if I close my air curtain incinerator and then restart it?

62.14750a What must I do if I plan to permanently close my air curtain incinerator and not restart it?

62.14755a What are the emission limitations for air curtain incinerators?

62.14760a How must I monitor opacity for air curtain incinerators?

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62.14765a What are the recordkeeping and reporting requirements for air curtain incinerators?

**TITLE V REQUIREMENTS**

62.14770a Am I required to apply for and obtain a title V operating permit for my unit?

**DELEGATION OF AUTHORITY**

62.14775a What authorities are withheld by the EPA Administrator?

**DEFINITIONS**

62.14780a What definitions must I know?

TABLE 1 TO SUBPART IIIA OF PART 62—OPERATING LIMITS FOR WET SCRUBBERS

TABLE 2 TO SUBPART IIIA OF PART 62—TOXIC EQUIVALENCY FACTORS

TABLE 3 TO SUBPART IIIA OF PART 62—SUMMARY OF REPORTING REQUIREMENTS

TABLE 4 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO INCINERATORS ON AND AFTER JANUARY 10, 2025

TABLE 5 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO ENERGY RECOVERY UNITS AFTER JANUARY 10, 2025

TABLE 6 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO WASTE-BURNING KILNS AFTER JANUARY 10, 2025

TABLE 7 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO SMALL, REMOTE INCINERATORS AFTER JANUARY 10, 2025

**Subpart JJJ—Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999**

**INTRODUCTION**

62.15000 What is the purpose of this subpart?

62.15005 What are the principal components of this subpart?

**APPLICABILITY OF THIS SUBPART**

62.15010 Is my municipal waste combustion unit covered by this subpart?

62.15015 Can my small municipal waste combustion unit be covered by both a State plan and this subpart?

62.15020 Can my small municipal waste combustion unit be exempt from this subpart?

62.15025 How do I determine if my small municipal waste combustion unit is covered by an approved and effective State or Tribal plan?

62.15030 What are my obligations under this subpart if I reduce my small municipal waste combustion unit's combustion capacity to less than 35 tons per day?

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62.15035 Is my small municipal waste combustion unit subject to different requirements based on plant capacity?

**COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS**

62.15040 What are the requirements for meeting increments of progress and achieving final compliance?

62.15045 When must I complete each increment of progress?

62.15050 What must I include in the notifications of achievement of my increments of progress?

62.15055 When must I submit the notifications of achievement of increments of progress?

62.15060 What if I do not meet an increment of progress?

62.15065 How do I comply with the increment of progress for submittal of a final control plan?

62.15070 How do I comply with the increment of progress for awarding contracts?

62.15075 How do I comply with the increment of progress for initiating onsite construction?

62.15080 How do I comply with the increment of progress for completing onsite construction?

62.15085 How do I comply with the increment of progress for achieving final compliance?

62.15090 What must I do if I close my municipal waste combustion unit and then restart my municipal waste combustion unit?

62.15095 What must I do if I plan to permanently close my municipal waste combustion unit and not restart it?

**GOOD COMBUSTION PRACTICES: OPERATOR TRAINING**

62.15100 What types of training must I do?

62.15105 Who must complete the operator training course? By when?

62.15110 Who must complete the plant-specific training course?

62.15115 What plant-specific training must I provide?

62.15120 What information must I include in the plant-specific operating manual?

62.15125 Where must I keep the plant-specific operating manual?

**GOOD COMBUSTION PRACTICES: OPERATOR CERTIFICATION**

62.15130 What types of operator certification must the chief facility operator and shift supervisor obtain and by when must they obtain it?

62.15135 After the required date for operator certification, who may operate the municipal waste combustion unit?

62.15140 What if all the certified operators must be temporarily offsite?

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### GOOD COMBUSTION PRACTICES: OPERATING REQUIREMENTS

62.15145 What are the operating practice requirements for my municipal waste combustion unit?  
62.15150 What happens to the operating requirements during periods of startup, shutdown, and malfunction?

### EMISSION LIMITS

62.15155 What pollutants are regulated by this subpart?  
62.15160 What emission limits must I meet?  
62.15165 What happens to the emission limits during periods of startup, shutdown, and malfunction?

### CONTINUOUS EMISSION MONITORING

62.15170 What types of continuous emission monitoring must I perform?  
62.15175 What continuous emission monitoring systems must I install for gaseous pollutants?  
62.15180 How are the data from the continuous emission monitoring systems used?  
62.15185 How do I make sure my continuous emission monitoring systems are operating correctly?  
62.15190 Am I exempt from any 40 CFR part 60 appendix B or appendix F requirements to evaluate continuous emission monitoring systems?  
62.15195 What is my schedule for evaluating continuous emission monitoring systems?  
62.15200 What must I do if I choose to monitor carbon dioxide instead of oxygen as a diluent gas?  
62.15205 What minimum amount of monitoring data must I collect with my continuous emission monitoring systems and is this requirement enforceable?  
62.15210 How do I convert my 1-hour arithmetic averages into appropriate averaging times and units?  
62.15215 What is required for my continuous opacity monitoring system and how are the data used?  
62.15220 What additional requirements must I meet for the operation of my continuous emission monitoring systems and continuous opacity monitoring system?  
62.15225 What must I do if my continuous emission monitoring system is temporarily unavailable to meet the data collection requirements?

### STACK TESTING

62.15230 What types of stack tests must I conduct?  
62.15235 How are the stack test data used?  
62.15240 What schedule must I follow for the stack testing?  
62.15245 What test methods must I use to stack test?

62.15250 May I conduct stack testing less often?  
62.15255 May I deviate from the 13-month testing schedule if unforeseen circumstances arise?

### OTHER MONITORING REQUIREMENTS

62.15260 What other requirements must I meet for continuous monitoring?  
62.15265 How do I monitor the load of my municipal waste combustion unit?  
62.15270 How do I monitor the temperature of flue gases at the inlet of my particulate matter control device?  
62.15275 How do I monitor the injection rate of activated carbon?  
62.15280 What minimum amount of monitoring data must I collect with my continuous parameter monitoring systems and is this requirement enforceable?

### RECORDKEEPING

62.15285 What records must I keep?  
62.15290 Where must I keep my records and for how long?  
62.15295 What records must I keep for operator training and certification?  
62.15300 What records must I keep for stack tests?  
62.15305 What records must I keep for continuously monitored pollutants or parameters?  
62.15310 What records must I keep for municipal waste combustion units that use activated carbon?

### REPORTING

62.15315 What reports must I submit and in what form?  
62.15320 What are the appropriate units of measurement for reporting my data?  
62.15325 When must I submit the initial report?  
62.15330 What must I include in the initial report?  
62.15335 When must I submit the annual report?  
62.15340 What must I include in the annual report?  
62.15345 What must I do if I am out of compliance with these standards?  
62.15350 If a semiannual report is required, when must I submit it?  
62.15355 What must I include in the semi-annual out-of-compliance reports?  
62.15360 Can reporting dates be changed?

### AIR CURTAIN INCINERATORS THAT BURN 100 PERCENT YARD WASTE

62.15365 What is an air curtain incinerator?  
62.15370 What is yard waste?  
62.15375 What are the emission limits for air curtain incinerators that burn 100 percent yard waste?

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62.15380 How must I monitor opacity for air curtain incinerators that burn 100 percent yard waste?

62.15385 What are the recordkeeping and reporting requirements for air curtain incinerators that burn 100 percent yard waste?

**EQUATIONS**

62.15390 What equations must I use?

**TITLE V REQUIREMENTS**

62.15395 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act?

62.15400 When must I submit a title V permit application for my existing small municipal waste combustion unit?

**DELEGATION OF AUTHORITY**

62.15405 What authorities are retained by the Administrator?

**DEFINITIONS**

62.15410 What definitions must I know?

**TABLES**

TABLE 1 TO SUBPART JJJ OF PART 62—GENERIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS

TABLE 2 TO SUBPART JJJ OF PART 62—CLASS I EMISSION LIMITS FOR EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

TABLE 3 TO SUBPART JJJ OF PART 62—CLASS I NITROGEN OXIDES EMISSION LIMITS FOR EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

TABLE 4 TO SUBPART JJJ OF PART 62—CLASS II EMISSION LIMITS FOR EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

TABLE 5 TO SUBPART JJJ OF PART 62—CARBON MONOXIDE EMISSION LIMITS FOR EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

TABLE 6 TO SUBPART JJJ OF PART 62—REQUIREMENTS FOR VALIDATING CONTINUOUS EMISSION MONITORING SYSTEMS (CEMS)

TABLE 7 TO SUBPART JJJ OF PART 62—REQUIREMENTS FOR CONTINUOUS EMISSION MONITORING SYSTEMS (CEMS)

TABLE 8 TO SUBPART JJJ OF PART 62—REQUIREMENTS FOR STACK TESTS

TABLE 9 TO SUBPART JJJ OF PART 62—SITESPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS

**Subpart KKK [Reserved]****Subpart LLL—Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010****APPLICABILITY**

62.15855 Am I subject to this subpart?

62.15860 What SSI units are exempt from the federal plan?

62.15865 How do I determine if my SSI unit is covered by an approved and effective state or tribal plan?

62.15870 If my SSI unit is not listed on the federal plan inventory, am I exempt from this subpart?

**COMPLIANCE SCHEDULES**

62.15875 What is my final compliance date?

62.15880 [Reserved]

62.15885 What must I include in the notifications of achievement of compliance?

62.15890 When must I submit the notifications of achievement of compliance?

62.15895 What if I do not meet the compliance date?

62.15900 How do I comply with the requirement for submittal of a control plan?

62.15905 How do I achieve final compliance?

62.15910 What must I do if I close my SSI unit and then restart it?

62.15915 What must I do if I plan to permanently close my SSI unit and not restart it?

**OPERATOR TRAINING AND QUALIFICATION**

62.15920 What are the operator training and qualification requirements?

62.15925 When must the operator training course be completed?

62.15930 How do I obtain my operator qualification?

62.15935 How do I maintain my operator qualification?

62.15940 How do I renew my lapsed operator qualification?

62.15945 What if all the qualified operators are temporarily not accessible?

62.15950 What site-specific documentation is required and how often must it be reviewed by qualified operators and plant personnel?

**EMISSION LIMITS, EMISSION STANDARDS AND OPERATING LIMITS AND REQUIREMENTS**

62.15955 What emission limits and standards must I meet and by when?

62.15960 What operating limits and requirements must I meet and by when?

62.15965 How do I establish operating limits if I do not use a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or if I limit emissions in some other manner, to comply with the emission limits?

62.15970 Do the emission limits, emission standards, and operating limits apply during periods of startup, shutdown, and malfunction?

62.15975 [Reserved]

**Environmental Protection Agency****§ 62.02****INITIAL COMPLIANCE REQUIREMENTS**

62.15980 How and when do I demonstrate initial compliance with the emission limits and standards?

62.15985 How do I establish my operating limits?

62.15990 By what date must I conduct the initial air pollution control device inspection and make any necessary repairs?

62.15995 How do I develop a site-specific monitoring plan for my continuous monitoring, bag leak detection, and ash handling systems, and by what date must I conduct an initial performance evaluation?

**CONTINUOUS COMPLIANCE REQUIREMENTS**

62.16000 How and when do I demonstrate continuous compliance with the emission limits and standards?

62.16005 How do I demonstrate continuous compliance with my operating limits?

62.16010 By what date must I conduct annual air pollution control device inspections and make any necessary repairs?

**PERFORMANCE TESTING, MONITORING, AND CALIBRATION REQUIREMENTS**

62.16015 What are the performance testing, monitoring, and calibration requirements for compliance with the emission limits and standards?

62.16020 What are the monitoring and calibration requirements for compliance with my operating limits?

**RECORDKEEPING AND REPORTING**

62.16025 What records must I keep?

62.16030 What reports must I submit?

**TITLE V—OPERATING PERMITS**

62.16035 Am I required to apply for and obtain a title V operating permit for my existing SSI unit?

62.16040 When must I submit a title V permit application for my existing SSI unit?

**DEFINITIONS**

62.16045 What definitions must I know?

**DELEGATION OF AUTHORITY**

62.16050 What authorities will be retained by the EPA Administrator?

**TABLE 1 TO SUBPART LLL OF PART 62—COMPLIANCE SCHEDULE FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS****TABLE 2 TO SUBPART LLL OF PART 62—EMISSION LIMITS AND STANDARDS FOR EXISTING FLUIDIZED BED SEWAGE SLUDGE INCINERATION UNITS****TABLE 3 TO SUBPART LLL OF PART 62—EMISSION LIMITS AND STANDARDS FOR EXISTING MULTIPLE HEARTH SEWAGE SLUDGE INCINERATION UNITS**

TABLE 4 TO SUBPART LLL OF PART 62—OPERATING PARAMETERS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS

TABLE 5 TO SUBPART LLL OF PART 62—TOXIC EQUIVALENCY FACTORS

TABLE 6 TO SUBPART LLL OF PART 62—SUMMARY OF REPORTING REQUIREMENTS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS

**Subpart OOO—Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014**

62.16710 Scope and delegated authorities.

62.16711 Designated facilities.

62.16712 Compliance schedule and increments of progress.

62.16714 Standards for municipal solid waste landfill emissions.

62.16716 Operational standards for collection and control systems.

62.16718 Test methods and procedures.

62.16720 Compliance provisions.

62.16722 Monitoring of operations.

62.16724 Reporting guidelines.

62.16726 Recordkeeping guidelines.

62.16728 Specifications for active collection systems.

62.16730 Definitions.

AUTHORITY: 42 U.S.C. 7401 *et seq.*

SOURCE: 43 FR 51393, Nov. 3, 1978, unless otherwise noted.

**Subpart A—General Provisions****§ 62.01 Definitions.**

As used in this part, all terms not defined herein shall have the meaning given to them in the Clean Air Act and in part 60 of this chapter.

**§ 62.02 Introduction.**

(a) This part sets forth the Administrator's approval and disapproval of State plans for the control of pollutants and facilities under section 111(d), and section 129 as applicable, of the Act, and the Administrator's promulgation of such plans or portions of plans thereof. Approval of a plan or any portion of a plan is based on a determination by the Administrator that it meets the requirements of section 111(d), and section 129 as applicable, of the Act and provisions of part 60 of this chapter.

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(b)(1) If a State does not submit a complete, approvable plan, the Administrator may then promulgate a substitute plan or part of a plan. The promulgated provision, plus the approved parts of the State plan, constitute the applicable plan for purposes of the act.

(2) The part 60 subpart A of this chapter general provisions and appendices to part 60 apply to part 62, except as follows: 40 CFR 60.7(a)(1), 60.7(a)(3), and 60.8(a) and where special provisions set forth under the applicable subpart of this part shall apply instead of any conflicting provisions.

(c) The Administrator will promulgate substitute provisions for the disapproved regulatory provisions only. If a nonregulatory provision is disapproved, however, it will be noted in this part and a detailed explanation will be sent to the State.

(d) Section 62.12 provides information on availability of applicable plans. The Administrator and state and local agencies shall enforce

(1) Regulatory provisions of a plan approved or promulgated by the Administrator, and

(2) All permit conditions or denials issued in carrying out the approved or promulgated regulations for the review of designated facilities.

(e) Each State's plan is dealt with in a separate subpart, with separate headings for different pollutants and facilities. The plans shall include an introductory section identifying the plan by name and the date of its submittal. Additional sections are included as necessary to specifically identify disapproved provisions, to set forth reasons for disapproval, and to set forth provisions of the plan promulgated by the Administrator. Except as otherwise specified, all supplemental information submitted to the Administrator with respect to any plan has been submitted by the Governor of the State.

(f) Revisions to applicable plans will be included in this part when approved or promulgated by the Administrator.

(g) Substitute plans promulgated by the Administrator for States that do not have approved plans are contained in separate subparts that appear after the subparts for States. These Federal plans include sections identifying the applicability of the plan, emission lim-

its, compliance schedules, record-keeping and reporting, performance testing, and monitoring requirements.

[43 FR 51393, Nov. 3, 1978, as amended at 63 FR 63201, Nov. 12, 1998; 68 FR 5158, Jan. 31, 2003; 84 FR 45657, Aug. 30, 2019]

### § 62.03 Extensions.

The Administrator may, whenever he determines necessary, extend the period for submission of any plan or plan revision or portion thereof.

### § 62.04 Approval status.

The approval status of each State's plan or portions thereof, are set forth in each subpart. All plans are approved unless specifically disapproved in the appropriate subpart.

### § 62.05 Legal authority.

(a) The Administrator's determination of the absence or inadequacy of legal authority required to be included in the plan is set forth in each subpart. This includes the legal authority of local agencies and State governmental agencies other than an air pollution control agency if such other agencies are assigned responsibility for carrying out a plan or portion thereof.

(b) No legal authority as such is promulgated by the Administrator. Where required regulatory provisions are not included in the plan by the State because of inadequate authority, substitute provisions are promulgated by the Administrator.

### § 62.06 Negative declarations.

A State may submit to the Administrator a letter certifying that no designated facilities exist in the State if such is the case. The negative declaration will be in lieu of a plan.

### § 62.07 Emission standards, compliance schedules.

(a) In each subpart, emission standards and compliance schedules which have been disapproved by the Administrator are identified, and those promulgated by the Administrator are set forth.

(b) The Administrator's approval or promulgation of any compliance schedule shall not affect the responsibility of the owner or operator to comply

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with any applicable emission limitation on or after the date for final compliance specified in the applicable schedule.

**§ 62.08 Emission inventories and source surveillance.**

(a) Each subpart identifies the plan provisions for source surveillance which are disapproved, and sets forth the Administrator's promulgation of necessary provisions for requiring designated sources to maintain records, make reports, and submit information.

(b) The Administrator will not promulgate provisions for disapproved State or local agency procedures for testing, inspection, investigation, or detection. However, detailed critiques of such portions will be provided to the State.

**§ 62.09 Revision of plans by Administrator.**

After notice and opportunity for public hearing in each affected State, the Administrator may revise any provision of an applicable plan if:

(a) The provision was promulgated by the Administrator and

(b) The plan, as revised, will be consistent with the Act and with the requirements of part 60, subpart B of this chapter.

**§ 62.10 Submission to Administrator.**

Except as otherwise provided in § 60.23 of this chapter, all requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional office of the Environmental Protection Agency." The Regional offices are as follows:

TABLE 1 TO § 62.10

Region and jurisdiction	Address
I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Director, Enforcement and Compliance Assurance Division, U.S. EPA Region I, 5 Post Office Square—Suite 100 (04–2), Boston, MA 02109–3912, Attn: Air Compliance Clerk.
II—New York, New Jersey, Puerto Rico, Virgin Islands .....	290 Broadway, New York, NY 10007–1866.
III—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.	Air Protection Division, Mail Code 3AP00, 1650 Arch Street, Philadelphia, PA 19103–1129.
IV—Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee.	61 Forsyth Street SW, Atlanta, GA 30303–3104.
V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin .....	Mail Code A–17J, 77 West Jackson Blvd., Chicago, IL 60604–3590.
VI—Arkansas, Louisiana, New Mexico, Oklahoma, Texas .....	1201 Elm Street, Suite 500, Dallas, TX 75270.
VII—Iowa, Kansas, Missouri, Nebraska .....	Air and Waste Management Division 11201 Renner Boulevard, Lenexa, Kansas 66219.
VIII—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	Director, Air Program, Office of Partnerships and Regulatory Assistance, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, CO 80202–1129.
IX—Arizona, California, Hawaii, Nevada, the territories of American Samoa and Guam; the Commonwealth of the Northern Mariana Islands; the territories of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Palmyra Atoll, and Wake Islands; and certain U.S. Government activities in the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.	75 Hawthorne Street, San Francisco, CA 94105.

[43 FR 51393, Nov. 3, 1978, as amended at 62 FR 1834, Jan. 14, 1997; 68 FR 35729, June 17, 2003; 73 FR 24871, May 6, 2008; 74 FR 66923, Dec. 17, 2009; 75 FR 69352, Nov. 12, 2010; 76 FR 49673, Aug. 11, 2011; 78 FR 37977, June 25, 2013; 84 FR 34069, July 17, 2019; 84 FR 44230, Aug. 23, 2019; 84 FR 45657, Aug. 30, 2019]

**§ 62.11 Severability.**

The provisions promulgated in this part and the various applications thereof are distinct and severable. If any provision of this part or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of such provision to

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other persons or circumstances which can be given effect without the invalid provision or application.

### § 62.12 Availability of applicable plans.

Copies of the applicable plans will be available for public inspection at the following locations:

(a) EPA Docket Center, Room 3334, WJC West Building, 1301 Constitution Avenue NW, Washington, DC.

(b) The applicable EPA Regional office, at the address listed in § 62.10.

[43 FR 51393, Nov. 3, 1978, as amended at 84 FR 45658, Aug. 30, 2019]

### § 62.13 Federal plans.

The Federal plans apply to owners and operators of affected facilities that are not covered by an EPA approved and currently effective State or Tribal plan. This Federal plan, or portions thereof, also applies to each affected facility located in any State or portion of Indian country whose approved State or Tribal plan for that area is subsequently vacated in whole or in part. Affected facilities are defined in each Federal plan.

(a) The substantive requirements of the municipal waste combustor Federal plan are contained in subpart FFF of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

(b) The substantive requirements of the municipal solid waste landfills Federal plan that implements 40 CFR part 60, subpart Cc of this chapter, are contained in subpart GGG of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements. After June 21, 2021, per paragraph (j) of this section, the substantive requirements of the municipal solid waste landfills Federal plan are contained in subpart OOO of this part and owners and operators of municipal solid waste landfills must comply with subpart OOO of this part or a state/tribal plan implementing 40 CFR part 60, subpart Cf of this chapter, instead of subpart GGG of this part.

(c) The substantive requirements of the hospital/ medical/infectious waste incinerator Federal plan are contained

in subpart HHH of this part. These requirements include emission limits, compliance schedules, testing, monitoring and reporting and recordkeeping requirements.

(d) The substantive requirements of the commercial and industrial solid waste incineration units Federal plan are contained in subpart III of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

(e) The substantive requirements of the small municipal waste combustion unit Federal plan are contained in subpart JJJ of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

(f) [Reserved]

(g) The substantive requirements of the sewage sludge incineration units Federal plan are contained in subpart LLL of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

(h)-(i) [Reserved]

(j) The substantive requirements of the municipal solid waste landfills Federal plan that implements 40 CFR part 60, subpart Cf of this chapter, are contained in subpart OOO of this part. These requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

[63 FR 63201, Nov. 12, 1998, as amended at 65 FR 49881, Aug. 15, 2000; 68 FR 5158, Jan. 31, 2003; 68 FR 57539, Oct. 3, 2003; 86 FR 27769, May 21, 2021]

## Subpart B—Alabama

SOURCE: 48 FR 31402, July 8, 1983, unless otherwise noted.

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.100 Identification of plan.

(a) *Identification of plan.* Alabama Designated Facility Plan (Section (d) Plan).

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(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on May 18, 1980;

(2) Control of fluoride emissions from existing phosphate fertilizer plants, submitted on April 10, 1978.

(3) Alabama Department of Environmental Management Plan For the Control of Landfill Gas Emissions at Existing Municipal Solid Waste Landfills, submitted on January 6, 1998, by the Alabama Department of Environmental Management.

(4) State of Alabama Plan for Implementation of 40 CFR part 60, Subpart Cb, For Existing Municipal Waste Combustors, submitted on September 11, 1998, by the Alabama Department of Environmental Management.

(5) Alabama Department of Environmental Management Plan for the Control of Hospital/Medical/Infectious Waste Incinerators, submitted on April 20, 1999, by the Alabama Department of Environmental Management.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants;
- (2) Phosphate fertilizer plants.
- (3) Existing municipal solid waste landfills.
- (4) Existing municipal waste combustors.
- (5) Existing hospital/medical/infectious waste incinerators.

[48 FR 31402, July 8, 1983, as amended at 63 FR 54058, Oct. 8, 1998; 63 FR 63990, Nov. 18, 1998; 65 FR 18911, Apr. 10, 2000]

**SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS****§ 62.101 Identification of sources.**

The plan applies to existing facilities at the following sulfuric acid plants:

- (a) Acid plants operated by
  - (1) Reichhold Chemical Company in Tuscaloosa,
  - (2) Stauffer Chemical Company in Mobile, and
  - (3) Estech Chemical in Dothan.
- (b) There are no oleum plants.
- (c) There are not sulfur-burning plants.
- (d) There are no bound sulfur feedstock plants.

**FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.102 Identification of sources.**

The plan currently does not identify any sources subject to its fluoride emission limits.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.103 Identification of sources.**

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 54058, Oct. 8, 1998]

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.104 Identification of sources.**

The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW) at the following MWC sites:

- (a) Solid Waste Disposal Authority of the City of Huntsville MWC, Huntsville, Alabama.
- (b) [Reserved]

[63 FR 63990, Nov. 18, 1998]

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.105 Identification of sources.**

The plan applies to existing hospital/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

[65 FR 18911, Apr. 10, 2000]

## § 62.106

### AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.106 Identification of plan—negative declaration.

Letter from the Alabama Department of Environmental Management submitted January 11, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[67 FR 273, Jan. 3, 2002]

#### § 62.107 Identification of sources.

(a) *Approval of State Plan for Commercial and Industrial Solid Waste Incineration Units.* Effective February 10, 2020, EPA approved Alabama's State Plan for Commercial and Solid Waste Incineration Units, which is codified at Alabama Rule 335-3-3-.05, amended December 8, 2017, and which is incorporated by reference. The plan applies to each existing commercial and industrial solid waste incineration unit and air curtain incineration unit in the State of Alabama that commenced construction on or before June 4, 2010, or commenced modification or construction after June 4, 2010, but no later than August 7, 2013, as such incineration units are defined in 40 CFR 60.2875 and 40 CFR part 60.

(b) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected or obtained from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 or U.S. EPA, Region 4, Air Analysis and Support Branch, 61 Forsyth Street, Atlanta, GA 30303. The telephone number for the Public Reading Room is (202) 566-1744. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of Alabama, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Mont-

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gomery, AL 36110, 334-271-7700, [adem.alabama.gov](http://adem.alabama.gov).

(i) Administrative Rule 335-3-3-.05, Incineration of Commercial and Industrial Solid Waste (Administrative Code division 335-3, Air Division—Air Pollution Control Program), adopted October 20, 2017.

(ii) [Reserved]

[85 FR 1120, Jan. 9, 2020]

## Subpart C—Alaska

SOURCE: 44 FR 76281, Dec. 26, 1979, unless otherwise noted.

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.350 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

### ACID MIST FROM SULFURIC ACID PLANTS

#### § 62.351 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing sulfuric acid plants in the State subject to part 60, subpart B of this chapter.

### TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

#### § 62.352 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there are no existing kraft pulp mills in the State subject to part 60, subpart B of this chapter.

### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.353 Identification of plan—negative declaration.

The Alaska Department of Environmental Conservation submitted on June 9, 1977, certification that there

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## § 62.602

are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.354 Identification of plan—negative declaration.

Letter from the Department of Environmental Conservation submitted June 30, 1997 certifying that there are no existing municipal waste combustor units in the State of Alaska that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

## Subpart D—Arizona

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

SOURCE: Sections 62.600 through 62.602 appear at 64 FR 50771, Sept. 20, 1999, unless otherwise noted.

### § 62.600 Identification of plan.

(a) The Arizona Department of Environmental Quality submitted on June 17, 1997, and June 29, 1999, the State of Arizona's Section 111(d) Plan for Existing Municipal Solid Waste Landfills.

(b) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Arizona Department of Environmental Quality on July 24, 2018, to implement 40 CFR part 60, subpart Cf. The Plan includes the regulatory provisions cited in paragraph (d) of this section, which the EPA incorporates by reference.

(c) After August 27, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in Arizona must comply with the requirements in paragraph (b) of this section.

(d)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies at

the EPA Region 9 office, 75 Hawthorne Street, San Francisco, California 94105, 415-947-8000 or from the source listed in this paragraph (d). Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of Arizona, Arizona Secretary of State, 1700 W Washington St Floor 7, Phoenix, AZ 85007.

(i) Title 18 Arizona Administrative Code, Title 2, Department of Environmental Quality—Air Pollution Control:

(A) Article 7. Existing Stationary Source Performance Standards R18-2-731 Standards of Performance for Existing Municipal Solid Waste Landfills, effective August 10, 2018.

(B) Article 9. New Source Performance Standards R18-2-901 Standards of Performance for New Stationary Sources, paragraph (80), effective August 10, 2018.

(ii) [Reserved]

[85 FR 45329, July 28, 2020]

### § 62.601 Identification of sources.

(a) The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

(b) The plan in § 62.600(b) applies to all existing municipal solid waste landfills under the jurisdiction of the Arizona Department of Environmental Quality for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

[85 FR 45329, July 28, 2020]

### § 62.602 Effective date.

(a) The effective date of EPA approval of the plan is November 19, 1999.

(b) The effective date of the plan submitted on July 24, 2018, by the Arizona Department of Environmental Quality for municipal solid waste landfills is August 27, 2020.

[85 FR 45329, July 28, 2020]

**§ 62.620**

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.620 Identification of plan—negative declaration.**

Letter from the Department of Environmental Quality submitted June 7, 1996 certifying that there are no existing municipal waste combustor units in the State of Arizona that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SOURCE: Sections 62.630 through 62.632 appear at 65 FR 38744, June 22, 2000, unless otherwise noted.

**§ 62.630 Identification of plan.**

The Arizona Department of Environmental Quality submitted on November 16, 1999 the State of Arizona's section 111(d)/129 Plan for Existing Hospital/Medical/Infectious Waste Incinerators (HMIWI). The submitted plan does not apply to sources located in Pima and Pinal counties.

**§ 62.631 Identification of sources.**

The plan applies to existing HMIWI for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

**§ 62.632 Effective date.**

The effective date of EPA approval of the plan is August 21, 2000.

EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

**§ 62.640 Identification of plan—negative declaration.**

Letter from the Arizona Department of Environmental Quality, submitted on March 15, 2001, certifying that there are no small municipal waste combustion units subject to part 60, subpart BBBB, of this chapter.

[66 FR 67098, Dec. 28, 2001]

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EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

**§ 62.650 Identification of plan.**

(a) The Arizona Department of Environmental Quality submitted on April 25, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units within the Department's jurisdiction that are subject to 40 CFR part 60, subpart DDDD.

(b) The Maricopa County Environmental Services Department submitted on February 4, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units within the Department's jurisdiction that are subject to 40 CFR part 60, subpart DDDD.

(c) The Pima County Air Quality District submitted on February 5, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units within the District's jurisdiction that are subject to 40 CFR part 60, subpart DDDD.

(d) The Pinal County Air Quality Control District submitted on January 24, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units within the District's jurisdiction that are subject to 40 CFR part 60, subpart DDDD.

[68 FR 49364, Aug. 18, 2003]

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

**§ 62.660 Identification of plan—negative declaration.**

Letter from the Pima County Department of Environmental Quality, submitted on April 14, 2008, certifying that there are no existing other solid waste incineration units in its jurisdiction subject to 40 CFR part 60, subpart FFFF, of this chapter.

[74 FR 13123, Mar. 26, 2009]

**Subpart E—Arkansas**

SOURCE: 47 FR 20491, May 12, 1982, unless otherwise noted.

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## § 62.857

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.850 Identification of plan.

(a) Identification of plan: Arkansas Plan for the Control of Designated Pollutants from Existing Plants (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from sulfuric acid plants, and fluoride emissions from phosphate fertilizer plants, submitted on July 11, 1979, having been adopted by the State on May 25, 1979, and letter dated August 6, 1981.

(2) Control of total reduced sulfur (TRS) emissions from existing kraft pulp mills submitted by the Governor on February 28, 1983, and adopted by the State on January 28, 1983.

(3) Revisions to the Plan adopted by the Arkansas Commission on Pollution Control and Ecology on July 24, 1992, effective August 30, 1992, and a negative declaration for phosphate fertilizer plants dated September 2, 1992, submitted by the Governor on September 14, 1992.

(4) Revisions to the Plan adopted by the Arkansas Commission on Pollution Control and Ecology on May 30, 1997, effective July 1, 1997, and submitted by the Governor on August 18, 1997.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

- (1) Kraft pulp mills.
- (2) Municipal solid waste landfills.
- (3) [Reserved]

[47 FR 20491, May 12, 1982, as amended at 49 FR 35773, Sept. 12, 1984; 63 FR 11608, Mar. 10, 1998; 87 FR 80076, Dec. 29, 2022; 89 FR 15040, Mar. 1, 2024]

#### § 62.852 [Reserved]

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

#### § 62.854 Identification of plan—negative declaration.

On September 24, 1992, the Arkansas Department of Pollution Control and Ecology submitted a negative declaration, signed by the Chief of the Air Division on September 2, 1992, certifying that there are no existing phosphate fertilizer plants in the State of Arkansas.

sas subject to part 60, subpart B, of this chapter.

[63 FR 11608, Mar. 10, 1998]

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

#### § 62.855 Identification of plan—negative declaration.

Submittal from the Arkansas Department of Energy and Environment, Division of Environmental Quality (ADEQ) dated June 20, 2022, and supplemented on August 24, 2022, and August 31, 2022, certifying that there are no known existing sulfuric acid plants subject to the Sulfuric Acid Plants Emission Guidelines and 40 CFR part 60, subpart Cd, within its jurisdiction.

[89 FR 15040, Mar. 1, 2024]

### EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS

#### § 62.856 Identification of sources—negative declaration.

Letter from the Arkansas Department of Environmental Quality, dated May 21, 2012, certifying that there are no known existing sewage sludge incineration (SSI) units subject to 40 CFR part 60, subpart MMMM, within its jurisdiction.

[80 FR 24222, Apr. 30, 2015]

### EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.857 Identification of plan.

(a) *Identification of plan.* Control of air emissions from existing municipal solid waste landfills, as adopted by the State of Arkansas on January 28, 2022, and submitted on June 20, 2022, by the Governor in a letter dated May 12, 2022. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan, as adopted by the State of Arkansas on January 28, 2022, and submitted on June 20, 2022, applies to existing municipal solid waste landfills subject to the Municipal Solid Waste Landfills Emission Guidelines, at 40 CFR part 60, subpart Cf, within its jurisdiction in the State of Arkansas.

## § 62.865

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(c) *Effective Date.* The effective date of the plan is January 30, 2023.

(d) *Incorporation by reference.* The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected or obtained from the EPA Region 6 office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214-665-2200. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html), or email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The material is available from State of Arkansas, Office of the Secretary of State, Arkansas Register, State Capitol, Room 026, Little Rock, AR 72201, [arkansasregister@sos.arkansas.gov](mailto:arkansasregister@sos.arkansas.gov), <https://www.sos.arkansas.gov/rules-regulations/arkansas-register/>.

(1) APC&EC Rule No. 19 Chapter 17, Arkansas Pollution Control and Ecology Commission Rule 19, Rules of the Arkansas Plan of Implementation for Air Pollution Control, Chapter 17, 111(d) Requirements for Landfills, adopted January 28, 2022.

(2) [Reserved]

[87 FR 80076, Dec. 29, 2022]

TOTAL REDUCED SULFUR EMISSIONS  
FROM EXISTING KRAFT PULP MILLS

### § 62.865 Identification of plan.

(a) *Identification of plan.* Control of air emissions from existing kraft pulp mills, as adopted by the State of Arkansas on January 28, 2022, and submitted on June 20, 2022, by the Governor in a letter dated May 12, 2022. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan, as adopted by the State of Arkansas on January 28, 2022, and submitted on June 20, 2022, applies to existing kraft pulp mills subject to the Kraft Pulp Mills Emission Guidelines (*i.e.*, kraft pulp mills, as defined in 40 CFR 60.281(a), that commenced construction, reconstruction, or modification on or before September 24, 1976) within

its jurisdiction in the State of Arkansas.

(c) *Effective date.* The effective date of the plan is April 1, 2024.

(d) *Incorporation by reference.* The material listed in this paragraph (d) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact the EPA Region 6 office at 1201 Elm Street, Suite 500, Dallas, Texas 75270; phone 214-665-2200. For information on the availability of this material at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The material may be obtained from the State of Arkansas, Office of the Secretary of State, Arkansas Register, State Capitol, Room 026, Little Rock, AR 72201, [arkansasregister@sos.arkansas.gov](mailto:arkansasregister@sos.arkansas.gov), <https://www.sos.arkansas.gov/rules-regulations/arkansas-register/>.

(1) Arkansas Pollution Control and Ecology Commission (APC&EC) Rule No. 19, Rules of the Arkansas Plan of Implementation for Air Pollution Control, Chapter 8, 111(d) Designated Facilities, approved January 28, 2022.

(2) [Reserved]

[89 FR 15040, Mar. 1, 2024]

### § 62.866 Compliance schedule.

The Compliance Schedules were submitted on December 16, 1985, by the Governor to control total reduced Sulfur emissions from the seven kraft pulp mills identified in § 62.865(a). The schedules specify final compliance dates and enforceable increments to be as expeditiously as practicable but not more than six years from approval of the state regulations; *i.e.*, October 12, 1990.

[51 FR 40803, Nov. 10, 1986]

**Environmental Protection Agency****§ 62.1100****EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS****§ 62.867 Identification of plan—negative declaration.**

Letter from the Arkansas Department of Environmental Quality dated April 26, 2017, certifying that there are no incinerators subject to the commercial and industrial solid waste incineration (CISWI) Emission Guidelines, under 40 CFR part 60, subpart DDDD, within its jurisdiction.

[85 FR 72968, Nov. 16, 2020]

**EMISSIONS FROM EXISTING HOSPITAL/ MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.868 Identification of plan—negative declaration.**

Letter from the Arkansas Department of Environmental Quality dated May 21, 2012, certifying that there are no known existing hospital/medical/infectious waste incinerator (HMIWI) units subject to 40 CFR part 60, subpart Ce, within its jurisdiction.

[86 FR 12110, Mar. 2, 2021]

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.875 Identification of plan—negative declaration.**

Letter from the Department of Pollution Control and Ecology submitted July 1, 1997 certifying that there are no existing municipal waste combustor units in the State of Arkansas that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

**Subpart F—California****PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)**

AUTHORITY: Sec. 111 of the Clean Air Act, as amended (42 U.S.C. 7411).

SOURCE: 47 FR 28100, June 29, 1982, unless otherwise noted.

**§ 62.1100 Identification of plan.**

(a) State of California Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of fluoride emissions from existing facilities at phosphate fertilizer plants, submitted on February 26 and July 16, 1979 and April 7, 1980 having been adopted by the Districts on December 1 and 6, 1979 and January 9, 1979. A letter clarifying the plan was submitted on March 27, 1979. Revisions to the plan were submitted on September 23, 1980 and February 5 and July 6, 1981.

(2) Control of sulfuric acid mist from existing facilities at sulfuric acid production units, submitted on February 26, July 16, and September 7, 1979 and April 7, 1980, having been adopted by the Districts on December 1 and 6, 1978 and January 9, 1979. Revisions to the plan were submitted on October 31, 1980, February 18, and May 1, 1981.

(3) Control of total reduced sulfur (TRS) emissions from existing kraft pulping mills submitted as follows:

(i) 9-25-79; submittal of existing rules. (A) Bay Area Air Quality Management District (AQMD) Rule 1, Regulation 12—Kraft Pulp Mills.

(B) Humboldt County Air Pollution Control District Regulation 1; Rule 130—Definitions, Rule 240—Permit to Operate, Rule 450—Sulfide Emissions from Kraft Pulp Mills.

(C) Shasta County Air Pollution Control District Rule 3:2—Specific Air Contaminants.

(ii) 3-21-80; Clarification of Bay Area Rule 1, Regulation 12—Kraft Pulp Mills.

(iii) 4-7-80; Summary of district rules and State laws that meet the requirements of 40 CFR, parts 60.23–60.26 for Designated Facilities in general.

(iv) 5-29-80; revision of Bay Area AQMD Rule 1, Regulation 12—Kraft Pulp Mills.

(v) 9-5-80; Evidence of public hearing and annual report schedule defined for Bay Area Rule 1, Regulation 12—Kraft Pulp Mills.

(vi) 11-4-81. (A) Humboldt County APCD Rules 130—Definitions; 240—Permit to Operate; and 450—Kraft Pulp Mills amended (7-28-81).

## § 62.1101

(B) Shasta County APCD Rule 3:2—Specific Contaminants amended (8-4-81).

(C) A summary of compliance of all districts with the requirements set forth in 40 CFR 60.23 through 60.26.

(D) A list of witnesses appearing at Humboldt and Shasta Counties public hearings and a summary of testimonies Statewide emissions inventory of all TRS sources in the State.

(4) [Reserved]

(5) State of California's Section 111(d) Plan For Existing Municipal Solid Waste Landfills, submitted on September 26, 1997, June 26, 1998, November 9, 1998, and July 14, 1999 by the California Air Resources Board.

(i) Revision to the State of California's Section 111(d) Plan for Existing Municipal Solid Waste Landfills, submitted by the California Air Resources Board on December 20, 2000.

(ii) [Reserved]

(6) State of California's Section 129/111(d) Plan for Existing Large Municipal Waste Combustors, submitted by the California Air Resources Board on September 23, 1998, with supplemental materials submitted on May 2, 2002.

(7) State of California's Section 111(d) Plan for Existing Municipal Solid Waste Landfills, including 17 CCR 95460-95476 (collectively, subarticle 6 entitled "Methane Emissions from Municipal Solid Waste Landfills,") operative June 17, 2010, submitted on May 30, 2017 by the California Air Resources Board to implement 40 CFR part 60, subpart Cf. The Plan does not include provisions relating to 40 CFR 60.34f(c), 60.36f(a)(5), 60.37f(a)(2) and (3), 60.38f(k), and 60.39f(e)(2) and (5). The Plan includes the regulatory provisions cited in paragraph (d) of this section, which the EPA incorporates by reference.

(c) Designated facilities: The plans apply to existing facilities in the following categories of sources:

- (1) Existing phosphate fertilizer plants.
- (2) Existing sulfuric acid production units.
- (3) Existing kraft pulp mills.
- (4) [Reserved]
- (5) Existing municipal solid waste landfills.
- (6) Existing large municipal waste combustors.

## 40 CFR Ch. I (7-1-25 Edition)

(d)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the material at the EPA Region 9 office, 75 Hawthorne Street, San Francisco, CA 94105, 415-947-8000 or from the source listed in paragraph (d) of this section. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of California, Barclays Official California Code of Regulations.

(i) 17 CCR, Division 3. Air Resources, Chapter 1. Air Resources Board, Subchapter 10. Climate Change, Article 4. Regulations to Achieve Greenhouse Gas Emission Reductions, Subarticle 6. Methane Emissions from Municipal Solid Waste Landfills, sections 95460-95476, operative June 17, 2010.

(ii) [Reserved]

[47 FR 28100, June 29, 1982, as amended at 47 FR 47384, Oct. 26, 1982; 64 FR 51451, Sept. 23, 1999; 66 FR 48356, Sept. 20, 2001; 68 FR 34333, June 9, 2003; 85 FR 1123, Jan. 9, 2020]

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

#### § 62.1101 Identification of sources.

The plan applies to existing facilities at the following phosphate fertilizer plants:

- (a) Occidental Chemical Company in San Joaquin County.
- (b) Simplot Company in Kings County.
- (c) Valley Nitrogen Products, Inc., in Fresno County.

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PRODUCTION UNITS

#### § 62.1102 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid production units:

- (a) Allied Chemical Corporation in Alameda County.
- (b) Monsanto Company in Alameda County.

**Environmental Protection Agency****§ 62.1350**

- (c) Occidental Chemical Company in Fresno County.
- (d) Stauffer Chemical Company in Alameda County.
- (e) Valley Nitrogen Products, Inc. in Kern County.

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS****§ 62.1103 Identification of plan—negative declaration.****TOTAL REDUCED SULPHUR EMISSIONS FROM EXISTING KRAFT PULP MILLS****§ 62.1104 Identification of sources.**

The plan applies to existing facilities at the following kraft pulp mills:

- (a) Louisiana Pacific, Antioch, Contra Costa County Pulp Mill.
- (b) Louisiana Pacific Corp., Samoa Complex.
- (c) Crown Simpson Pulp Company, Fairhaven.
- (d) Simpson Paper Company, Shasta County Pulp Mill.

[47 FR 47385, Oct. 26, 1982]

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.1115 Identification of sources.**

(a) The plan in § 62.1100(b)(5) applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

(b) The plan in § 62.1100(b)(7) applies to existing municipal solid waste landfills that commenced construction, modification or reconstruction on or before July 17, 2014.

(1) After February 10, 2020, the substantive requirements of the municipal solid waste landfills State plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in California must comply with the requirements in paragraph (b) of this section.

(2) The requirements of §§ 60.34f(c), 60.36f(a)(5), 60.37f(a)(2) and (3), 60.38f(k), and 60.39f(e)(2) and (5) of this chapter are not met since the plan does not provide for wellhead operational standards, wellhead monitoring, corrective action and recordkeeping related to

temperature. Municipal solid waste landfills subject to the plan in § 62.1100(b)(7) must also implement the provisions of §§ 62.16716(c), 62.16720(a)(4), 62.16722(a)(2) and (3), 62.16724(k), and 62.16726(e)(2) and (5).

(c)(1) The effective date of the plan in § 62.1100(b)(5) by the California Air Resources Board for municipal solid waste landfills is November 22, 1999.

(2) The effective date of the plan in § 62.1100(b)(7) by the California Air Resources Board for municipal solid waste landfills is February 10, 2020.

[85 FR 1123, Jan. 9, 2020, as amended at 86 FR 27769, May 21, 2021]

**EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.1125 Identification of plan—negative declaration.**

Letter from the California Air Resources Board, submitted on July 20, 2001, certifying that there are no small municipal waste combustion units subject to part 60, subpart BBBB, of this chapter.

[66 FR 67098, Dec. 28, 2001]

**EMISSIONS FROM LARGE EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.1130 Identification of sources.**

The plan applies to existing large municipal waste combustors that were constructed on or before September 20, 1994, as described in 40 CFR part 60, subpart Cb.

[68 FR 34334, June 9, 2003]

**Subpart G—Colorado****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.1350 Identification of plan.**

Section 111(d) State Plan for Municipal Solid Waste Landfills and the associated State regulations contained in the Code of Colorado Regulations (CCR) at 5 CCR 1001-8 part A, subpart Cf (incorporated by reference, see § 62.1490), submitted by the State on March 23, 2021.

[86 FR 62100, Nov. 9, 2021]

## § 62.1351

### § 62.1351 Identification of sources.

The plan applies to all existing municipal solid waste landfills under the jurisdiction of the Colorado Department of Public Health and Environment for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

[86 FR 62100, Nov. 9, 2021]

### § 62.1352 Effective date.

The effective date of the plan for existing municipal solid waste landfills is December 9, 2021.

[86 FR 62100, Nov. 9, 2021]

## AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SOURCE: Sections 62.1360 through 62.1362 appear at 65 FR 38740, June 22, 2000, unless otherwise noted.

### § 62.1360 Identification of plan—delegation of authority.

On August 8, 2022, EPA signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR part 62, subpart HHH (the Federal Plan) by which the Federal Plan will be administered by the Colorado Department of Public Health and Environment (CDPHE).

[88 FR 2545, Jan. 17, 2023]

### § 62.1361 Identification of sources.

The MOA and related Federal Plan apply to existing hospital/medical/infected waste incinerators for which construction was commenced on or before December 1, 2008, or for which modification was commenced on or before April 6, 2010.

[88 FR 2546 Jan. 17, 2023]

### § 62.1362 Effective date.

The delegation became fully effective on August 8, 2022, the date the MOA was signed by the EPA Region 8 Regional Administrator.

[88 FR 2546, Jan. 17, 2023]

## 40 CFR Ch. I (7-1-25 Edition)

## EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.1370 Identification of plan—negative declaration.

Letter from the Colorado Department of Public Health and Environment submitted October 13, 2015, certifying that there are no existing large municipal waste combustion units within the State of Colorado that are subject to part 60, subpart Cb, of this chapter.

[82 FR 44741, Sept. 26, 2017]

## AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS

### § 62.1380 Identification of plan.

111(d) Plan for Commercial and Industrial Solid Waste Incineration Units and the associated State regulation as it is incorporated in the Code of Colorado Regulations (CCR) under the Colorado Air Quality Control Commission's Standards of Performance for New Stationary Sources, 5 CCR 1001-8, part A, subpart DDDD. The plan and associated regulation were submitted by the State on July 14, 2017.

[83 FR 13113, Mar. 27, 2018]

### § 62.1381 Identification of sources.

The plan applies to each existing commercial and industrial solid waste incinerator unit and air curtain incinerator in the State of Colorado that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013, as such incinerator units are defined in § 60.2875 of 40 CFR part 60. The plan applies only to units not exempt under the conditions of § 60.2555 of that part.

[83 FR 13113, Mar. 27, 2018]

### § 62.1382 Effective date.

The federally enforceable effective date of the plan for commercial and industrial solid waste incinerators is April 26, 2018.

[83 FR 13113, Mar. 27, 2018]

**Environmental Protection Agency****§ 62.1500****EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.1390 Identification of plan—negative declaration.**

Letter from Colorado Department of Public Health & Environment submitted to EPA on April 3, 2013, certifying that there are no known existing sewage sludge incineration units in the State of Colorado.

[80 FR 10610, Feb. 27, 2015]

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS****§ 62.1400 Identification of plan—negative declaration.**

Letter from the Colorado Department of Public Health and Environment submitted January 8, 2001, certifying that there are no existing small municipal waste combustion units within the State of Colorado that are subject to part 60, subpart BBBB, of this chapter.

[82 FR 44741, Sept. 26, 2017]

**INCORPORATION BY REFERENCE****§ 62.1490 Incorporation by reference.**

(a) The material incorporated by reference in this subpart was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material may be inspected or obtained from the EPA Region 8 office, 1595 Wynkoop Street, Denver, CO 80202-1129, 303-312-6312 or from the other sources listed in this section. It may also be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(b) State of Colorado, Colorado Department of State, 1700 Broadway, Suite 550, Denver, CO 80290, (303) 894-2200, <https://www.sos.state.co.us/CCR/NumericalDeptList.do>, Code of Colorado Regulations (CCR).

(1) 5 CCR 1001-8, part A, subpart Cf: Department of Public Health and Environment—Air Quality Control Commission—Regulation Number 6—Standards of Performance for New Stationary

Sources—5 CCR 1001-8. Part A—FEDERAL REGISTER Regulations Adopted by Reference, Subpart Cf—Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, 40 CFR part 60, subpart Cf (July 1, 2019), as amended March 26, 2020; effective July 15, 2020; IBR approved for § 62.1350.

(2) [Reserved]

[86 FR 62100, Nov. 9, 2021]

**Subpart H—Connecticut****PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)****§ 62.1500 Identification of Plan.**

(a) *Identification of Plan.* Connecticut Plan for the Control of Designated Pollutants from Existing Plants (section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Plan for Implementing the Municipal Waste Combustor Guidelines and New Source Performance Standards, submitted on October 1, 1999.

(2) Revisions to Plan for Implementing the Municipal Waste Combustor Guidelines and New Source Performance Standards, submitted by the Connecticut Department of Environmental Protection on October 15, 2001 and including Connecticut DEP's revised regulation 22a-174-38. Certain provisions of the revised regulation 22a-174-38 submitted with the MWC Plan are stricken from the regulatory text. The stricken provisions include standards for MWC units constructed after September 20, 1994, more stringent mercury emission standards, and shutdown provisions for mass burn refractory MWC units.

(3) Revision to Plan to implement the Large and Small Municipal Waste Combustors, submitted on September 16, 2004.

(4) Revised State Plan for Large and Small Municipal Waste Combustors was submitted on October 22, 2008. Revisions included amendments to Regulations of Connecticut State Agencies section 22a-174-38 (Section 38) in response to amended emission guidelines for Large MWCs (40 CFR part 60, subpart Cb) published on May 10, 2006 (71 FR 27324). Certain new provisions of

## § 62.1501

Section 38 (subdivision (12) and (13) of subsection (k)) were revised in the state regulation, but not submitted for approval in the State Plan.

(c) The Plan applies to existing sources in the following categories:

(1) Existing municipal waste combustor units greater than 250 tons per day.

(2) Small municipal waste combustors with a design combustion capacity of 35 to 250 tons per day of municipal solid waste.

[65 FR 21358, Apr. 21, 2000, as amended at 66 FR 63313, Dec. 6, 2001; 70 FR 9229, Feb. 25, 2005; 78 FR 21849, Apr. 12, 2013]

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDES FROM EXISTING LARGE AND SMALL MUNICIPAL WASTE COMBUSTORS

### § 62.1501 Identification of sources.

(a) The plan applies to the following existing municipal waste combustor facilities:

- (1) Bridgeport RESCO in Bridgeport.
- (2) Ogden Martin Systems of Bristol.
- (3) Resource Recovery Systems of Mid-Connecticut in Hartford.
- (4) Riley Energy Systems of Lisbon.
- (5) American Ref-Fuel Company of Southeastern Connecticut in Preston.
- (6) Connecticut Resource Recovery Authority/Covanta Projects of Wallingford, L.P. in Wallingford.

(b) [Reserved]

[65 FR 21358, Apr. 21, 2000, as amended at 70 FR 9229, Feb. 25, 2005]

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.1600 Identification of plan—negative declaration.

The State Department of Environmental Protection submitted on November 30, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

## 40 CFR Ch. I (7-1-25 Edition)

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS

### § 62.1625 Identification of plan—negative declaration.

The State Department of Environmental Protection submitted on November 30, 1977, a letter certifying that there are no existing sulfuric acid plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

### § 62.1650 Identification of plan—negative declaration.

The State Department of Environmental Protection submitted on December 28, 1988, a letter certifying that there are no existing kraft pulp mills in the State subject to part 60, subpart B of this chapter.

[54 FR 9046 Mar. 3, 1989]

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

### § 62.1700 Identification of plan—negative declaration.

The State Department of Environmental Protection submitted on December 28, 1988, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[54 FR 9046 Mar. 3, 1989]

AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATION UNITS

### § 62.1725 Identification of plan—negative declaration

On January 25, 2013, the State of Connecticut Department of Energy and Environmental Protection submitted a letter certifying no Hospital/Medical/Infectious Waste Incineration units subject to 40 CFR part 60, subpart C operate within its jurisdiction.

[79 FR 16206, Mar. 25, 2014]

## Environmental Protection Agency

## § 62.1950

### AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### § 62.1750 Identification of plan—negative declaration.

On September 1, 2015, the State of Connecticut Department of Energy and Environmental Protection submitted a letter certifying no Commercial and Industrial Solid Waste Incineration units subject to 40 CFR 60, subpart DDDD operate within the state's jurisdiction.

[82 FR 25972, June 6, 2017]

### Subpart I—Delaware

#### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.1850 Identification of plan—negative declaration.

The Delaware Department of Natural Resources and Environmental Control submitted on November 7, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[45 FR 43412, June 27, 1980]

#### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

#### § 62.1875 Identification of plan.

(a) Title of plan: State implementation plan for control of sulfuric acid mist from existing sulfuric acid plants.

(b) The plan was officially submitted on September 8, 1978 with amendments submitted on December 29, 1980.

(c) Identification of Sources: The plan includes the following sulfuric acid plants:

(1) Allied Chemical Company, Claymont (New Castle County).

[47 FR 10536, Mar. 11, 1982]

#### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

#### § 62.1900 Identification of plan—negative declaration.

The Delaware Department of Natural Resources and Environmental Control submitted on September 8, 1982, a letter certifying that there are no kraft

pulp mills in the State subject to part 60, subpart B of this chapter.

[48 FR 10652, Mar. 14, 1983]

#### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.1925 Identification of plan—negative declaration.

The Delaware Department of Natural Resources and Environmental Control submitted on September 8, 1982, a letter certifying that there are no primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[48 FR 10652, Mar. 14, 1983]

#### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)

SOURCE: Sections 62.1950 through 62.1952 appear at 64 FR 50457, Sept. 17, 1999, unless otherwise noted.

#### § 62.1950 Identification of plan.

(a) Section 111(d) plan for municipal solid waste landfills and the associated Delaware Department of Natural Resources, Division of Air and Waste Management, Regulation No. 20, Section 28, as submitted on April 23, 1998, to implement 40 CFR part 60, subpart Cc.

(b) Control of Emissions from Existing Municipal Solid Waste Landfills, including Delaware Administrative Code 1120 (Section 30), submitted by the Delaware Department of Natural Resources and Environmental Control on October 10, 2017, to implement 40 CFR part 60, subpart Cf. The Plan includes the regulatory provisions cited in paragraph (d) of this section, which the EPA incorporates by reference.

(c) After March 23, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in Delaware must comply with the requirements in paragraph (b) of this section.

(d)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the material is

**§ 62.1951**

available at the EPA Region III office, 1650 Arch Street, Philadelphia, PA 19103, 215-814-5000. You may inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of Delaware, Delaware Department of Natural Resources and Environmental Control, State of Delaware Administrative Code.

(i) Title 7 Natural Resources and Environmental Control, 1120 New Source Performance Standards, 30.0 Standards of Performance for Municipal Solid Waste Landfills After July 11, 2017, dated July 11, 2017.

(ii) [Reserved]

[85 FR 9675, Feb. 20, 2020]

**§ 62.1951 Identification of sources.**

(a) The plan in § 62.1950(a) applies to all Delaware existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

(b) The plan in § 62.1950(b) applies to all existing municipal solid waste landfills under the jurisdiction of the Delaware Department of Natural Resources and Environmental Control for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

[85 FR 9675, Feb. 20, 2020]

**§ 62.1952 Effective date.**

(a) The effective date of the plan submitted on April 23, 1998 by the Delaware Department of Natural Resources and Environmental Control for municipal solid waste landfills is November 16, 1999.

(b) The effective date of the plan submitted on October 10, 2017 by the Delaware Department of Natural Resources and Environmental Control for municipal solid waste landfills is March 23, 2020.

[85 FR 9675, Feb. 20, 2020]

**40 CFR Ch. I (7-1-25 Edition)****EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.1960 Identification of plan—negative declaration.**

Letter from the Department of Natural Resources and Environmental Control submitted March 26, 1996 certifying that there are no existing municipal waste combustor units in the State of Delaware that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

**EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI) (SECTION 111(d)/129 PLAN)**

SOURCE: Sections 62.1975 through 62.1977 appear at 65 FR 20090, Apr. 14, 2000, unless otherwise noted.

**§ 62.1975 Identification of plan—negative declaration.**

(a) Section 111(d)/129 plan for HMIWI and the associated Delaware Department of Natural Resources, Division of Air and Waste Management, Regulation No. 20, section 29, as submitted on September 17, 1998.

(b) On June 17, 2010, the Delaware Department of Natural Resources and Environmental Control submitted a negative declaration and request for withdrawal of EPA's plan approval under paragraph (a) of this section.

[43 FR 51393, Nov. 3, 1978, as amended at 75 FR 73969, Nov. 30, 2010]

**§ 62.1977 Effective date.**

The effective date of the negative declaration and EPA withdrawal of the plan approval is January 31, 2011.

[75 FR 73969, Nov. 30, 2010]

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS****§ 62.1980 Identification of plan—negative declaration.**

Letter from the Delaware Department of Natural Resources and Environmental Control submitted November 16, 2001, certifying that there are no

**Environmental Protection Agency****§ 62.2120**

existing small municipal waste combustion units within the State of Delaware that are subject to 40 CFR part 60, subpart BBBB.

[68 FR 51, Jan. 2, 2003]

**EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS****§ 62.1985 Identification of plan—negative declaration.**

(a) Letter from the Delaware Department of Natural Resources and Environmental Control submitted November 16, 2001, certifying that there are no existing commercial/industrial solid waste incineration units within the State of Delaware that are subject to 40 CFR part 60, subpart DDDD.

(b) Letter from the Delaware Department of Natural Resources and Environmental Control submitted January 7, 2014, certifying that there are no existing commercial/industrial solid waste incineration units within the State of Delaware that are subject to 40 CFR part 60, subpart DDDD.

[82 FR 20278, May 1, 2017]

**EMISSIONS FROM EXISTING OTHER SOLID WASTE COMBUSTION UNITS****§ 62.1990 Identification of plan—negative declaration.**

Letter from the Delaware Department of Natural Resources and Environmental Control submitted June 26, 2006, certifying that there are no existing other solid waste incinerator units within the State of Delaware that are subject to 40 CFR part 60, subpart FFFF.

[72 FR 37633, July 11, 2007]

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.1995 Identification of plan—negative declaration.**

Letter from the Delaware Department of Natural Resources and Environmental Control, submitted to EPA on February 7, 2012, certifying that there are no known existing sewage sludge incineration units in the State of Delaware.

[79 FR 39336, July 10, 2014]

**Subpart J—District of Columbia****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.2100 Identification of plan—negative declaration.**

The Department of Environmental Services submitted on December 12, 1977 a letter certifying that there are no existing phosphate fertilizer plants in the District subject to part 60, subpart B of this chapter.

[45 FR 43412, June 27, 1980]

**SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS****§ 62.2101 Identification of plan—negative declaration.**

The Director, Department of Environmental Services submitted on March 7, 1978 a letter certifying there are no existing sulfuric acid production units in the District subject to part 60, subpart B of this chapter.

[46 FR 41783, Aug. 18, 1981]

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS****§ 62.2110 Identification of plan—negative declaration.**

The Mayor of the District of Columbia submitted on July 16, 1980 a letter certifying there are no existing primary kraft pulp mills in the District subject to part 60, subpart B of this chapter.

[46 FR 41783, Aug. 18, 1981]

**FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS****§ 62.2120 Identification of plan—negative declaration.**

The Mayor of the District of Columbia submitted on May 29, 1980 a letter certifying there are no existing primary aluminum plants in the District subject to part 60, subpart B of this chapter.

[46 FR 41783, Aug. 18, 1981]

## § 62.2130

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.2130 Identification of plan—negative declaration.

Letter from the Department of Consumer and Regulatory Affairs submitted July 6, 1992 certifying that there are no existing municipal waste combustor units in the District of Columbia that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.2140 Identification of plan—negative declaration.

Letter from the District of Columbia, Department of Energy and Environment, submitted November 15, 2019, certifying that there are no existing municipal solid waste landfills in the District of Columbia that are subject to 40 CFR part 60, subpart Cf.

[85 FR 74890, Nov. 24, 2020]

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

### § 62.2145 Identification of plan—negative declaration.

Letter from the District of Columbia Department of Health, Environmental Health Administration, submitted November 27, 2001, certifying that there are no existing small municipal waste combustion units within the District of Columbia that are subject to 40 CFR part 60, subpart BBBB.

[68 FR 51, Jan. 2, 2003]

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATOR (HMIWI) UNITS

### § 62.2150 Identification of plan—negative declaration.

(a) Letter from the Department of Health, Environmental Health Administration, submitted to EPA on June 25, 1999, certifying that there are no known existing HMIWI units in the District of Columbia.

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(b) Letter from the District Department of the Environment, submitted to EPA on July 26, 2012, certifying that there are no known existing HMIWI units in the District of Columbia.

[68 FR 53, Jan. 2, 2003, as amended at 78 FR 40017, July 3, 2013]

EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

### § 62.2155 Identification of plan—negative declaration.

(a) Letter from the District of Columbia Department of Health, Environmental Health Administration, submitted November 27, 2001, certifying that there are no existing commercial/industrial solid waste incineration units within the District of Columbia that are subject to 40 CFR part 60, subpart DDDD.

(b) Letter from the District of Columbia, District Department of Energy & Environment, submitted November 8, 2013, certifying that there are no existing commercial/industrial solid waste incineration units within the District of Columbia that are subject to 40 CFR part 60, subpart DDDD.

[82 FR 20278, May 1, 2017]

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

### § 62.2160 Identification of plan—negative declaration.

Letter from the District Department of the Environment, submitted to EPA on July 26, 2012, certifying that there are no known existing sewage sludge incineration units in the District of Columbia.

[79 FR 39336, July 10, 2014]

## Subpart K—Florida

AUTHORITY: Secs. 110(a) and 111(d), Clean Air Act (42 U.S.C. 7410(a) and 7411(d)).

SOURCE: 48 FR 31402, July 8, 1983, unless otherwise noted.

## Environmental Protection Agency

## § 62.2352

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.2350 Identification of plan.

(a) *Identification of plan.* Florida Designated Facility Plan (Section 111(d) Plan).

(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on December 14, 1978.

(2) Control of total reduced sulfur (TRS) emissions from existing kraft pulp mills and tall oil plants (both new and existing) submitted on May 24, 1985, and revision submitted on June 10, 1986, by the Florida Department of Environmental Regulation (FDER). No action is taken on sections 17-2.600(4)(c)7 and 8.

(3) The final compliance date to achieve the TRS emission limits for the black liquor evaporation system, the batch digester system and the continuous digester system for St. Joe Paper Company in Port St. Joe is September 14, 1989.

(4) The final compliance date to achieve TRS emission limits for the No. 5 Multiple Effect Evaporation System, batch digester system and Kamyr digester system for Container Corporation of America in Fernandina Beach, Florida is June 1, 1990.

(5) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing municipal waste combustors was submitted by the Florida Department of Environmental Protection on November 18, 1996.

(6) State of Florida Department of Environmental Protection Section 111(d) State Plan For Municipal Solid Waste Landfills, submitted on October 28, 1998, by the Florida Department of Environmental Protection.

(7) State of Florida Department of Environmental Protection Section 111(d) State Plan for Hospital/Medical/Infectious Waste Incinerators, submitted on September 16, 1999, by the Florida Department of Environmental Protection.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Kraft pulp mills.
- (3) Existing municipal waste combustors.

(4) Existing municipal solid waste landfills.

(5) Existing hospital/medical/infectious waste incinerators.

[48 FR 31402, July 8, 1983, as amended at 53 FR 30053, Aug. 10, 1988; 54 FR 40003, Sept. 29, 1989; 54 FR 48102, Nov. 21, 1989; 62 FR 60787, Nov. 13, 1997; 64 FR 29964, June 4, 1999; 65 FR 68908, Nov. 15, 2000]

### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

#### § 62.2351 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

- (a) Acid plants operated by:
  - (1) Occidental Petroleum Company in Hamilton County,
  - (2) AMAX Phosphate Inc. in Manatee County,
  - (3) Conserv Chemical in Nichols,
  - (4) Farmland Industry in Bartow County,
  - (5) W. R. Grace Company in Polk County,
  - (6) Royster Fertilizer in Polk County,
  - (7) USS Agrichemicals in Polk County,
  - (8) Central Farmers Co-Op in Polk County,
  - (9) Agrico Chemical Company in Polk County,
  - (10) Gardiner, Inc. in Hillsborough County, and
  - (11) ESTECH in Polk County.
- (b) There are no oleum plants.
- (c) There are no sulfur-burning plants.
- (d) There are no bound sulfur feedstock plants.

### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.2352 Identification of source—negative declaration.

The Florida Department of Environmental Regulation submitted on April 22, 1985, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[50 FR 26204, June 25, 1985]

## § 62.2353

### TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS AND TALL OIL PLANTS

#### § 62.2353 Identification of sources.

The plan applies to existing facilities at the following existing kraft pulp plants and tall oil plants:

- (a) Alton Packaging Corporation in Jacksonville
- (b) Buckeye Cellulose Corporation in Perry
- (c) Champion International Corporation (Formerly St. Regis Paper Company) in Cantonment
- (d) Container Corporation of America in Fernandina Beach
- (e) Georgia-Pacific Corporation in Palatka
- (f) Jacksonville Kraft Paper Company in Jacksonville
- (g) St. Joe Paper Company in Port St. Joe
- (h) Southwest Forest Industries in Panama City
- (i) Arizona Chemical Company (Tall Oil Plant) in Panama City
- (j) Sylvachem Corporation (Tall Oil Plant) in Port St. Joe

[53 FR 30053, Aug. 10, 1988]

#### § 62.2354 Compliance schedules.

The State of Florida has provided that the individual source compliance schedules would be developed and submitted by the affected sources to the State following plan adoption; and that the increments of progress pursuant to 40 CFR 60.21(h) would be specified at that time; this is an acceptable procedure pursuant to 40 CFR 60.24(e)(2). However, the State must submit these schedules to EPA for approval; and these schedules must meet the public hearing requirements of 40 CFR 60.23 or ones deemed equivalent by the Administrator pursuant to 40 CFR 60.23(g).

[53 FR 30053, Aug. 10, 1988]

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### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.2355 Identification of sources.

(a) The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW), and for which construction, reconstruction, or modification was commenced on or before September 20, 1994.

(b) On July 12, 2007, Florida submitted a revised State plan and related Florida Administrative Code amendments as required by 40 CFR part 60, subpart Cb, amended on May 10, 2006.

(c) The plan is effective as of May 31, 2007.

[75 FR 82272, Dec. 30, 2010, as amended at 77 FR 6682, Feb. 9, 2012]

### EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS—SECTION 111(D) PLAN

#### § 62.2360 Identification of sources.

(a) *Identification of plan.* Florida's State Plan for Existing Municipal Solid Waste Landfills, as submitted on December 22, 2020, and supplemented on May 16, 2022. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to each existing municipal solid waste landfill in the State of Florida that commenced construction on or before July 17, 2014, as such landfills are defined in 40 CFR 60.41f and 40 CFR part 60.

(c) *Effective date.* The effective date of the plan is August 16, 2022.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at: EPA Region 4 office, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404-562-

**Environmental Protection Agency****§ 62.2600**

9900. For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html). The material may be obtained from the source in paragraph (d)(2) of this section.

(2) *State of Florida—Department of State.* R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; phone: (850) 245-6270; email: [AdministrativeCode@dos.myflorida.com](mailto:AdministrativeCode@dos.myflorida.com); website: <https://flrules.org/>.

(i) F.A.C. 62-204.800(9)(h), Florida Administrative Code (F.A.C.) Department of Environmental Protection, Air Pollution Controls—General Provisions, Federal Regulations Adopted by Reference, effective October 8, 2021.

(ii) [Reserved]

[87 FR 50271, Aug. 16, 2022]

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.2370 Identification of sources.**

(a) The plan applies to existing hospital/medical/infectious waste incinerators for which construction was commenced on or before December 1, 2008, or for which modification was commenced on or before April 6, 2010.

(b) On December 21, 2010, Florida submitted a revised state plan and related Florida Administrative Code amendments as required by 40 CFR part 60, subpart Ce, amended on October 6, 2009.

[76 FR 80780, Dec. 27, 2011]

**AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS (SECTION 111(d)/129 PLAN)****§ 62.2380 Identification of sources.**

The Plan applies to existing Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.

[68 FR 17885, Apr. 14, 2003]

**AIR EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTION (SMWC) UNITS—SECTION 111(d)/129 PLAN****§ 62.2390 Identification of sources.**

The Plan applies to existing Small Municipal Waste Combustion Units that Commenced Construction On or Before August 30, 1999.

[72 FR 5942, Feb. 8, 2007]

**AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATORS (OSWI)—SECTION 111(d)/129 PLAN****§ 62.2400 Identification of plan—negative declaration.**

Letter from Florida Department of Environmental Protection submitted on January 18, 2007, certifying that there are no Other Solid Waste Incinerator units subject to 40 CFR part 60, subpart FFFF in its jurisdiction.

[76 FR 22824, Apr. 25, 2011]

**Subpart L—Georgia**

AUTHORITY: Secs. 110(a) and 111(d), Clean Air Act (42 U.S.C. 7410(a) and 7411(d)).

SOURCE: 48 FR 31402, July 8, 1983, unless otherwise noted.

**PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)****§ 62.2600 Identification of plan.**

(a) *Identification of plan.* Georgia Designated Facility Plan (Section 111(d) Plan).

(b) *The plan was officially submitted as follows.* (1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on January 31, 1978;

(2) Control of total reduced sulfur emissions from existing facilities at kraft pulp mills, submitted on January 8, 1982.

(3) A compliance schedule for sources subject to the plan for the control of total reduced sulfur emissions from existing kraft pulp mills and a starting date for such rule, submitted on June 3, 1988.

(4) State of Georgia Plan for Implementation of 40 CFR Part 60, Subpart

## § 62.2601

Cb, For Existing Municipal Waste Combustors, submitted on November 13, 1997, by the Georgia Department of Natural Resources.

(5) State of Georgia Plan for Implementation of 40 CFR Part 60, Subpart Cc, For Existing Municipal Solid Waste Landfills, submitted on January 20, 1998, by the Georgia Department of Natural Resources.

(6) State of Georgia Plan for Implementation of 40 CFR Part 60, Subpart Ce, for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996, submitted on September 15, 1998, by the Georgia Department of Natural Resources.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants;
- (2) Kraft pulp mills.

(3) Existing municipal waste combustors.

(4) Existing municipal solid waste landfills.

(5) Existing hospital/medical/infectious waste incinerators.

[48 FR 31402, July 9, 1983, as amended at 63 FR 27496, May 19, 1998; 63 FR 63416, Nov. 13, 1998; 65 FR 10024, Feb. 25, 2000]

### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

#### § 62.2601 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

(a) Sulfur-burning plants operated by:

(1) American Cyanamid Company in Savannah, and

(2) Cities Service Company in Augusta.

(b) Oleum plant of Cities Service Company in Augusta.

(c) There are no bound sulfur feedstock plants.

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.2602 Identification of sources—negative declaration.

The Georgia Environmental Protection Division submitted on July 14, 1977, a letter certifying that there are no existing phosphate fertilizer plants

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in the State subject to part 60, subpart B, of this chapter.

### TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

#### § 62.2603 Identification of sources.

The plan applies to existing facilities at the following kraft pulp mills:

- (a) Continental Can in Augusta,
- (b) Continental Can in Port Wentworth,
- (c) Brunswick in Brunswick,
- (d) Georgia Kraft in Rome,
- (e) Georgia Kraft in Macon,
- (f) Gilman in St. Marys,
- (g) Great Southern in Cedar Springs,
- (h) Interstate in Riceboro,
- (i) ITT Rayonier in Jesup,
- (j) Owens-Illinois in Valdosta, and
- (k) Union Camp in Savannah.

#### § 62.2604 [Reserved]

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.2605 Identification of sources—negative declaration.

The Georgia Environmental Protection Division submitted a letter on October 19, 1983, certifying that there are no existing primary aluminum reduction plants in the State of Georgia subject to 40 CFR part 60, subpart B, of this chapter.

[49 FR 3855, Jan. 31, 1984]

### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.2606 Identification of sources.

The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW) at the following MWC sites:

(1) Savannah Energy Systems Company, Savannah, Georgia.

(2) [Reserved]

[63 FR 27496, May 19, 1998]

**Environmental Protection Agency****§ 62.3110****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.2607 Identification of sources.**

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 63416, Nov. 13, 1998]

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.2608 Identification of sources.**

The plan applies to existing hospital/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR Part 60, Subpart Ce.

[65 FR 10024, Feb. 25, 2000]

**AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.2609 Identification of plan—negative declaration.**

Letter from the Georgia Department of Natural Resources submitted December 13, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[67 FR 273, Jan. 3, 2002]

**Subpart M—Hawaii****EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.2850 Identification of plan—negative declaration.**

Letter from the State of Hawaii Department of Health, submitted on March 13, 2001, certifying that there are no small municipal waste combustion units subject to part 60, subpart BBBB, of this chapter.

[66 FR 67098, Dec. 28, 2001]

**Subpart N—Idaho****FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS****§ 62.3100 Identification of plan—negative declaration.**

The State of Idaho Department of Health and Welfare submitted on February 23, 1981, certification that there are no existing primary aluminum plants in the State subject to part 60, subpart B of this chapter.

[47 FR 47250, Oct. 25, 1982]

**METALS, ACID GASES, ORGANIC COMPOUNDS, PARTICULATES AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(D)/129 PLAN****§ 62.3110 Identification of plan—Idaho Department of Environmental Quality.**

(a) *Delegation of authority.* On October 9, 2014, and November 7, 2014, the EPA and the IDEQ, respectively, signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to subpart HHH of this part (the “Federal Plan”) by which the Federal Plan will be administered by the Idaho Department of Environmental Quality (IDEQ).

(b) *Identification of sources.* The MOA and related Federal Plan apply to existing hospital/medical/infectious waste incinerators for which construction was commenced on or before December 1, 2008, or for which modification was commenced on or before April 6, 2010.

(c) *Effective date of delegation.* The delegation became fully effective on November 7, 2014, the effective date of the MOA between the EPA and the IDEQ.

[89 FR 63101, Aug. 2, 2024]

**§ 62.3120**

CONTROL OF NON-METHANE ORGANIC COMPOUNDS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

**§ 62.3120 Identification of plan.**

(a) The Idaho Division of Environmental Quality submitted to the Environmental Protection Agency a State Plan for the control of air emissions from Municipal Solid Waste Landfills on December 16, 1999.

(b) Identification of Sources: The Idaho State Plan applies to all existing Municipal Solid Waste Landfills which commenced construction, reconstruction, or modification before May 30, 1991, as described in 40 CFR part 60, subpart Cc. (This plan does not apply to facilities on tribal lands).

(c) The effective date for the portion of the plan applicable to existing Municipal Solid Waste Landfills is May 30, 2000.

[65 FR 16323, Mar. 28, 2000]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.3130 Identification of plan—negative declaration.**

Letter from the Department of Health and Welfare submitted October 28, 1996 certifying that there are no existing municipal waste combustor units in the State of Idaho that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

**§ 62.3140 Identification of plan—negative declaration.**

Letter from the Idaho Department of Environmental Quality, submitted on March 11, 2013, certifying that there are no existing sewage sludge incineration units subject to 40 CFR part 60, subpart MMMM operating within its jurisdiction.

[80 FR 5485, Feb. 2, 2015]

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EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS

**§ 62.3150 Identification of plan—negative declaration.**

Letter from the Idaho Department of Environmental Quality, submitted on April 14, 2014, certifying that there are no existing commercial industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD operating within its jurisdiction.

[80 FR 5485, Feb. 2, 2015]

**Subpart O—Illinois**

SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PRODUCTION PLANTS

**§ 62.3300 Identification of plan.**

(a) Title of Plan: "Illinois Plan for the Control of Sulfuric Acid Mist from Existing Contract Process Sulfuric Acid Plants."

(b) The plan was officially submitted on August 10, 1978.

(c) Identification of sources: The plan includes the following sulfuric acid production plants:

(1) Beker Industries in LaSalle County.

(2) U.S.I. Chemical Company in Douglas County.

(3) Mobil Chemical Company in Bureau County.

(4) Swift Chemical Company in Cook County.

(5) American Cyanamid Company in Will County.

(6) Amax Zinc Company in St. Clair County.

(7) Monsanto Company in St. Clair County.

(8) Smith Douglas—Division of Border Chemical in Livingston County.

[46 FR 57896, Nov. 27, 1981]

TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

**§ 62.3325 Identification of plan—negative declaration.**

The Illinois Environmental Protection Agency submitted on July 23, 1979,

**Environmental Protection Agency****§ 62.3340**

a letter certifying that there are no existing kraft pulp mills in the State subject to part 60, subpart B of this chapter.

[46 FR 57896 Nov. 27, 1981]

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.3330 Identification of plan.**

The Illinois Plan for implementing the Federal Municipal Solid Waste Landfill Emission Guidelines to control air emissions from existing landfills in the State was submitted on July 21, 1998. The Illinois rules for Municipal Solid Waste Landfills are primarily found in Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter C: Emission Standards and Limitations for Stationary Sources; Part 220: Nonmethane Organic Compounds of the Illinois Administrative Code (35 IAC). Part 220 was adopted by the IPCB on June 17, 1998 and filed in the principal office on that day. Part 220 was published in the *Illinois Register* on July 10, 1998 at 22 Ill. Reg. 11790 and became effective on July 31, 1998. As part of the same rulemaking action, the IPCB amended 35 IAC Part 201: Permits and General Provisions; Subpart A: Definitions; Section 201.103 (a) by adding the following abbreviations: Mg = megagrams, M(3) = cubic meters, NMOC = nonmethane organic compounds, and yr = year. In Section 201.103 (b) the conversion factor for 1000 gal was changed from 3.785 cubic meters to 3.785 M(3). In Subpart C: Prohibitions, Section 201.146 was amended by adding paragraph (ggg) which states that municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million M(3) are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the [Illinois Environmental Protection] Act. These amendments were published in the *Illinois Register* on July 10, 1998 at 22 Ill. Reg. 11824 and became effective on July 31, 1998.

[63 FR 64632, Nov. 23, 1998]

**§ 62.3331 Identification of sources.**

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as consistent with 40 CFR part 60.

[63 FR 64632, Nov. 23, 1998]

**§ 62.3332 Effective date.**

The effective date of the plan for municipal solid waste landfills is January 22, 1999.

[63 FR 64632, Nov. 23, 1998]

**EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY OF MUNICIPAL SOLID WASTE BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE AND COMMENCED CONSTRUCTION ON OR BEFORE AUGUST 30, 1999****§ 62.3335 Identification of plan—negative declaration.**

On June 25, 2001, the State of Illinois certified to the satisfaction of the United States Environmental Protection Agency that no major sources categorized as small Municipal Waste Combustors are located in the State of Illinois.

[66 FR 59713, Nov. 30, 2001]

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL / MEDICAL INFECTIOUS WASTE INCINERATORS**

SOURCE: Sections 62.3340 through 62.3342 appear at 64 FR 36605, July 7, 1999, unless otherwise noted.

**§ 62.3340 Identification of plan.**

Illinois submitted, on November 8, 2011 and supplemented on December 28, 2011, a revised State Plan for implementing the Emission Guidelines affecting Hospital/Medical Infectious Waste Incinerators (HMIWI). The enforceable mechanism for this revised State plan is 35 Ill. Adm. Code Part 229. This rule was adopted by the Illinois

## § 62.3341

Pollution Control Board on September 22, 2011 and became effective on September 30, 2011.

[77 FR 24405, Apr. 24, 2012]

### § 62.3341 Identification of sources.

The Illinois State Plan for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) applies to all HMIWIs for which:

- (a) Construction commenced either on or before June 20, 1996 or modification was commenced either on or before March 16, 1998; or
- (b) Construction commenced either after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.

[77 FR 24405, Apr. 24, 2012]

### § 62.3342 Effective date.

The Federal effective date of the Illinois State Plan for existing Hospital/Medical/Infectious Waste Incinerators is June 25, 2012.

[77 FR 24405, Apr. 24, 2012]

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE**

### § 62.3350 Identification of plan—negative declaration.

(a) Illinois submitted “State Plan to Implement Emission Guidelines for Large Municipal Waste Combustors” on June 23, 1997. The plan applies specifically to Robbins Resource Recovery Center (RRRC), located in Robbins, Illinois. The enforceable mechanism for this source is special condition 18(c) of operating permit number 88120055, issued to RRRC by Illinois on June 2, 1997.

(b) On February 1, 2012, the Illinois Environmental Protection Agency submitted a negative declaration that there are no large municipal waste combustors in the State of Illinois subject to part 60, subpart Cb emission guidelines and requested withdrawal of its State Plan for LMWC units ap-

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proved under paragraph (a) of this section.

[62 FR 67572, Dec. 29, 1997, as amended at 77 FR 32024, May 31, 2012]

### § 62.3351 Effective date.

The Federal effective date of the negative declaration and withdrawal of Illinois’ State Plan for LMWC units is July 30, 2012.

[77 FR 32024, May 31, 2012]

## Subpart P—Indiana

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.3600 Identification of plan—negative declaration.

The State Board of Health submitted on April 18, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

### § 62.3625 Identification of plan.

(a) *Title of plan.* “Fluoride Emission Limitations for Existing Primary Aluminum Plants.”

(b) The plan was officially submitted on January 7, 1981 by the Technical Secretary of the Indiana Air Pollution Control Board.

(c) The State on July 17, 1981, submitted Alcoa methods 4075A, 4076A, 913A, 914E and 914F as alternate test methods.

(d) On October 17, 2002, and January 22, 2003, the State notified EPA that it is revising the control strategy for this plan. Rule 326 IAC 11-5 is removed as the control strategy for this plan and the Federal NESHAP for controlling fluoride emissions from primary aluminum reduction plants promulgated on October 7, 1997 (62 FR 52384), and codified at 40 CFR part 63, subpart LL is the revised control strategy for this plan.

[46 FR 57896, Nov. 27, 1981, as amended at 46 FR 57897, Nov. 27, 1981; 68 FR 11474, Mar. 11, 2003]

## **Environmental Protection Agency**

## **§ 62.3645**

### **LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS**

SOURCE: Sections 62.3630 through 62.3631 appear at 65 FR 16327, Mar. 28, 2000, unless otherwise noted.

#### **§ 62.3630 Identification of plan.**

On March 20, 2023, Indiana submitted a revised CAA section 111(d) state plan for implementing the revised emission guidelines for Municipal Solid Waste (MSW) Landfills. The enforceable mechanism for this state plan is a state rule codified in 326 Indiana Administrative Code (IAC) 8-8.2. The rule was adopted on September 14, 2022, and became effective on March 10, 2023.

[88 FR 85126, Dec. 7, 2023]

#### **§ 62.3631 Identification of sources.**

The Indiana CAA section 111(d) state plan for existing MSW landfills applies to all MSW landfills for which commenced construction on or before July 17, 2014, and have not been modified or reconstructed since July 17, 2014.

[88 FR 85126, Dec. 7, 2023]

#### **§ 62.3632 Effective Date.**

The Federal effective date of the Indiana CAA Section 111(d) state plan for existing MSW landfills is January 8, 2024.

[88 FR 85126, Dec. 7, 2023]

### **METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL/MEDICAL INFECTIOUS WASTE INCINERATORS**

SOURCE: Sections 62.3640 through 62.3642 appear at 64 FR 70599, Dec. 17, 1999, unless otherwise noted.

#### **§ 62.3640 Identification of plan.**

On December 14, 2011, Indiana submitted a revised State Plan for implementing the revised emission guidelines for Hospital/Medical/Infectious Waste Incinerators (HMIWI). The enforceable mechanism for this revised State Plan is a State rule codified in 326 Indiana Administrative Code (IAC) 11-6. The rule was adopted on August 3, 2011, and became effective on October

28, 2011. A typographical correction was submitted to the Indiana Air Pollution Control Board and accepted on December 6, 2011 and became effective on January 20, 2012.

[77 FR 24407, Apr. 24, 2012]

#### **§ 62.3641 Identification of sources.**

The Indiana State Plan for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) applies to all HMIWIs for which construction commenced on

(a) On or before June 20, 1996 or for which modification was commenced on or before March 1998; or

(b) After June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.

[77 FR 24407, Apr. 24, 2012]

#### **§ 62.3642 Effective Date.**

The Federal effective date of the Indiana State Plan for existing Hospital/Medical/Infectious Waste Incinerators is June 25, 2012.

[77 FR 24407, Apr. 24, 2012]

### **EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY OF MUNICIPAL SOLID WASTE BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE AND COMMENCED CONSTRUCTION ON OR BEFORE AUGUST 30, 1999**

#### **§ 62.3645 Identification of plan—negative declaration.**

On November 7, 2001, and December 3, 2001, the State of Indiana certified to the satisfaction of the United States Environmental Protection Agency that no sources categorized as small Municipal Waste Combustors are located in the State of Indiana.

[67 FR 10622, Mar. 8, 2002]

## § 62.3650

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.3650 Identification of plan.

(a) On September 30, 1999, Indiana submitted the State plan for implementing the Federal Large Municipal Waste Combustor (MWC) Emission Guidelines to control emissions from existing MWCs with the capacity to combust greater than 250 tons per day of municipal solid waste. The enforceable mechanism for this plan is a State rule codified in 326 Indiana Administrative Code (IAC) 11-7. The rule was adopted on September 2, 1998, filed with the Secretary of State on January 18, 1999, and became effective on February 17, 1999. The rule was published in the *Indiana Register* on March 1, 1999 (22 IR 1967).

(b) On August 24, 2007 (with corrections submitted on July 29, 2008), Indiana submitted a revised State plan as required by Sections 129(a)(5) and 129(b)(2) of the Act. The revised (Phase II) State plan implements amendments to 40 CFR part 60, subpart Cb published in the *FEDERAL REGISTER* on May 10, 2006. The Phase II State plan includes an amendment to State Rule 326 IAC 11-7 that was adopted by Indiana on February 7, 2007.

[73 FR 56982, Oct. 1, 2008]

### § 62.3651 Identification of sources.

The plan applies to all existing MWCs with the capacity to combust greater than 250 tons per day of municipal solid waste, and for which construction, reconstruction, or modification was commenced on or before September 20, 1994, as consistent with 40 CFR Part 60, subpart Cb.

[73 FR 56983, Oct. 1, 2008]

### § 62.3652 Effective date.

The effective date of Phase I of the approval of the Indiana State plan for MWCs with the capacity to combust greater than 250 tons per day of municipal solid waste was January 18, 2000.

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Phase II of the State plan revision is effective December 1, 2008.

[73 FR 56983, Oct. 1, 2008]

CONTROL OF AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR UNITS

### § 62.3660 Identification of plan—negative declaration.

On July 31, 2017, the Indiana Department of Environmental Management submitted a negative declaration letter to EPA certifying that there are no existing Commercial and Industrial Solid Waste Incineration (CISWI) units in the State of Indiana subject to the emissions guidelines at 40 CFR part 60, subpart DDDD.

[84 FR 3714, Feb. 13, 2019]

CONTROL OF AIR EMISSIONS FROM SEWAGE SLUDGE INCINERATORS

### § 62.3670 Identification of plan—negative declaration.

On July 31, 2017, the Indiana Department of Environmental Management submitted a negative declaration letter to EPA certifying that there are no existing Sewage Sludge Incineration (SSI) units in the State of Indiana subject to the emissions guidelines at 40 CFR part 60, subpart MMMM.

[84 FR 3714, Feb. 13, 2019]

### § 62.3671–62.3672 [Reserved]

CONTROL OF AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATOR UNITS

### § 62.3680 Identification of plan.

On November 27, 2007, Indiana submitted the State Plan for implementing the Other Solid Waste Incineration Units (OSWI). The enforceable mechanism for this State Plan is a State rule codified in 326 Indiana Administrative Code (IAC) 11-9. The rule was adopted on February 7, 2007, and became effective on August 9, 2007.

[80 FR 10359, Feb. 26, 2015]

### § 62.3681 Identification of sources.

The Indiana State Plan for existing Other Solid Waste Incineration (OSWI)

## Environmental Protection Agency

## § 62.3854

units applies to all OSWI units as defined in § 60.3078 for which construction commenced on or before December 9, 2004 to comply with this subpart.

[80 FR 10359, Feb. 26, 2015]

### § 62.3682 Effective date.

The Federal effective date of the Indiana State Plan for existing Sewage Sludge Incinerators is April 27, 2015.

[80 FR 10359, Feb. 26, 2015]

## Subpart Q—Iowa

SOURCE: 50 FR 52921, Dec. 27, 1985, unless otherwise noted.

### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

#### § 62.3840 Standards of Performance for New Stationary Sources.

Rule 567-23.1(5), Emission guidelines, which adopts by reference 40 CFR part 60, subpart A and appendices A-C, and F, as amended through July 23, 2001, is approved.

[68 FR 40533, July 8, 2003]

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.3850 Identification of plan.

(a) *Identification of plan.* Iowa Plan for Control of Designated Pollutants from Existing Facilities (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from existing facilities at sulfuric acid production plants, effective on June 16, 1971, having been submitted by the State on February 23, 1978. Additional information was provided in letters of February 7, 1983; May 13, 1985; and June 12, 1985.

(2) Control of fluoride emissions from existing facilities at phosphate fertilizer plants, effective on August 29, 1979, having been submitted by the State on October 19, 1979. Additional information was provided in letters of February 7, 1983; May 13, 1985; and June 12, 1985.

(3) Control of sulfur dioxide and sulfuric acid mist from sulfuric acid man-

ufacturing plants in Polk County were adopted on October 26, 1993, and submitted on March 23, 1994.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid production plants.
- (2) Phosphate fertilizer plants.

[50 FR 52921, Dec. 27, 1985, as amended at 60 FR 31092, June 13, 1995]

### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PRODUCTION PLANTS

#### § 62.3851 Identification of sources.

(a) The plan applies to existing facilities at the following sulfuric acid production plants:

- (1) Agrico Chemical Company, Fort Madison, Iowa
- (2) Koch Sulfur Products Company, Dubuque, Iowa

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

#### § 62.3852 Identification of sources.

(a) The plan applies to existing facilities at the following phosphate fertilizer plants:

- (1) Agrico Chemical Company, Fort Madison, Iowa.
- (2) Chevron Chemical Company, Fort Madison, Iowa.
- (3) Occidental Chemical Company, Buffalo, Iowa.

### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

#### § 62.3853 Identification of plan—negative declaration.

Letter from Executive Director of Iowa Department of Environmental Quality submitted on February 7, 1983, certifying that there are no kraft pulp mills in the State of Iowa subject to part 60, subpart B of this chapter.

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.3854 Identification of plan—negative declaration.

Letter from the Iowa Department of Water, Air and Waste Management submitted on May 13, 1985, certifying that there are no primary aluminum reduction plants in the State of Iowa subject to part 60, subpart B of this chapter.

## § 62.3910

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

### § 62.3910 Identification of plan—negative declaration.

Letter from Executive Director of Iowa Department of Environmental Quality submitted on February 7, 1983, certifying that there are no kraft pulp mills in the State of Iowa, subject to part 60, subpart B of this chapter.

[49 FR 43058, Oct. 26, 1984]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.3911 Identification of plan—negative declaration.

Letter from the Administrator of the Environmental Protection Division of the Department of Natural Resources submitted June 4, 1991, certifying that there are no existing municipal waste combustors in the state of Iowa subject to this 111(d) requirement.

[56 FR 56321, Nov. 4, 1991]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 35 MEGAGRAMS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.3912 Identification of plan—negative declaration.

Letter from the Iowa Department of Natural Resources submitted December 27, 1996, certifying that there are no municipal waste combustors in the state of Iowa subject to part 60, subpart Cb of this chapter.

[62 FR 41873, Aug. 4, 1997]

AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.3913 Identification of plan.

(a) *Identification of plan.* Iowa plan for control of landfill gas emissions from existing municipal solid waste landfills and associated state regulations submitted on December 22, 1997.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills for which construction,

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reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, and have design capacities greater than 2.5 million megagrams and nonmethane organic emissions greater than 50 megagrams per year, as described in 40 CFR part 60, subpart Cc.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is June 22, 1998.

(d) *Amended plan, submitted September 19, 2001.* Clarifying revisions to the plan with regard to design capacity reports for control of air emissions from municipal solid waste landfills submitted by the Iowa Department of Natural Resources on September 19, 2001. The amended plan was effective February 11, 2002.

(e) *Amended plan, submitted April 13, 2017.* Grammatical revision to the plan for the control of air emissions from municipal solid waste landfills submitted by the Iowa Department of Natural Resources, on April 13, 2017. The state effective date of the revision was March 22, 2017. The effective date of the amended plan is August 7, 2018.

[63 FR 20103, Apr. 23, 1998, as amended at 66 FR 64154, Dec. 12, 2001; 83 FR 26604, June 8, 2018]

AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

### § 62.3914 Identification of plan—negative declaration.

(a) *Identification of plan—negative declaration.* Letter from the Iowa Department of Natural Resources, submitted March 1, 2011, certifying that there are no Hospital Medical Infectious Waste Incinerators subject to 40 CFR part 60, subpart Ce of this chapter. Submission included a negative declaration, supporting state documentation, and request for EPA withdrawal of EPA's prior plan approval for HMIWI Units.

(b) *Effective date.* The effective date of the negative declaration and EPA withdrawal of the prior plan approval is December 24, 2013.

[78 FR 63892, Oct. 25, 2013]

**Environmental Protection Agency****§ 62.4150****AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.3915 Identification of plan—negative declaration.**

Letter from the Iowa Department of Natural Resources submitted March 21, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[66 FR 46961, Sept. 10, 2001]

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS****§ 62.3916 Identification of Plan.**

(a) *Identification of plan.* The Iowa Department of Natural Resources approved this revision to the 567 Iowa Administrative Code, 23.1(5)(455B) to the State of Iowa section 111(d) plan for the purpose of adopting by reference subpart III of 40 CFR part 62, the commercial and industrial solid waste incineration rule, which became effective on April 21, 2004. For purposes of this adoption by reference, references that refer to EPA's authority will be IDNR's authority except for § 62.14838, "What authorities are withheld by the EPA Administrator?" This revision was submitted on June 29, 2004.

(b) *Identification of sources.* The plan applies to all applicable existing Commercial and Industrial Solid Waste Incineration Units for which construction commenced on or before November 30, 1999.

(c) *Effective date.* The effective date of the plan is October 25, 2004.

[69 FR 51958, Aug. 24, 2004]

**AIR EMISSIONS FROM EXISTING "OTHER" SOLID WASTE INCINERATION UNITS****§ 62.3917 Identification of plan—negative declaration.**

Letter from the Iowa Department of Natural Resources submitted March 8, 2007, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart EEEE.

[72 FR 25979, May 8, 2007]

**MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM GENERATING UNITS****§ 62.3918 Identification of plan.**

(a) *Identification of plan.* Section 111(d) plan and associated State regulations as adopted in the Iowa Administrative Bulletin on June 7, 2006, page 1811 and associated amendments on February 28, 2007, page 1157.

(b) *Identification of sources.* The plan applies to all new and existing mercury budget units meeting the applicability requirements in Iowa's State rule 567-34.301.

(c) *Effective date.* The effective date for the portion of the plan applicable to mercury budget units as described in Iowa State rule 567-34.301 is January 25, 2008.

[72 FR 72955, Dec. 26, 2007]

**Subpart R—Kansas**

SOURCE: 49 FR 7234, Feb. 28, 1984, unless otherwise noted.

**FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS****§ 62.4100 Identification of plan—negative declaration.**

Letter from the Director of the Department of Health and Environment submitted on August 2, 1978, certifying that there are no phosphate fertilizer manufacturing facilities in the State of Kansas.

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS****§ 62.4125 Identification of plan—negative declaration.**

Letter from the Director of the Department of Health and Environment submitted on July 17, 1979, certifying that there are no kraft pulp mills in the State of Kansas.

**FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS****§ 62.4150 Identification of plan—negative declaration.**

Letter from the Director, Division of Environment, Kansas Department of Health and Environments submitted on May 23, 1984, certifying that there are

## § 62.4175

no primary aluminum reduction plants on the State of Kansas, subject to part 60, subpart B of this chapter.

[49 FR 43058, Oct. 26, 1984]

### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PRODUCTION PLANTS

#### § 62.4175 Identification of plan.

(a) *Identification of plan.* State of Kansas Implementation Plan for Control of Sulfuric Acid Mist from Existing Sulfuric Acid Plants.

(b) The Plan was officially submitted on February 6, 1986.

(c) *Identification of sources.* The Plan applies to existing facilities at the following existing sulfuric acid plant:

(1) Koch Sulfur Products, DeSoto, Kansas.

[51 FR 37275, Oct. 21, 1986]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.4176 Identification of plan—negative declaration.

Letter from the Director of the Bureau of Air and Waste Management of the Department of Health and Environment submitted July 3, 1991, certifying that there are no existing municipal waste combustors in the state of Kansas subject to this 111(d) requirement.

[56 FR 56321, Nov. 4, 1991]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 35 MEGAGRAMS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.4177 Identification of plan—negative declaration.

Letter from the Kansas Department of Health submitted April 26, 1996, certifying that there are no municipal waste combustors in the state of Kansas subject to part 60, subpart Cb of this chapter.

[62 FR 41874, Aug. 4, 1997]

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### AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.4178 Identification of plan.

(a) *Identification of plan.* Kansas plan for control of landfill gas emissions from existing municipal solid waste landfills and associated state regulations submitted on December 1, 1997.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, and have design capacities greater than 2.5 million megagrams and nonmethane organic emissions greater than 50 megagrams per year, as described in 40 CFR part 60, subpart Cc.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is May 19, 1998.

[63 FR 13532, Mar. 20, 1998]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.4179 Identification of plan.

(a) *Identification of plan.* Kansas plan for the control of air emissions from hospital/medical/infectious waste incinerators submitted by the Kansas Department of Health and Environment on May 4, 2000.

(b) *Identification of sources.* The plan applies to existing hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.

(c) *Effective date.* The effective date of the plan is September 12, 2000.

(d) Amended plan for the control of air emissions from hospital/medical/infectious waste incinerators submitted by the Kansas Department of Health and Environment on October 25, 2001. This plan revision establishes a final compliance date of September 15, 2002, for two incinerators in Johnson and Wyandotte Counties, Kansas. The effective date of the amended plan is February 19, 2002.

[65 FR 43704, July 14, 2000, as amended at 66 FR 65450, Dec. 19, 2001]

**Environmental Protection Agency****§ 62.4352****AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.4180 Identification of plan—negative declaration.**

Letter from the Kansas Department of Health and Environment submitted February 13, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[66 FR 46961, Sept. 10, 2001]

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS****§ 62.4181 Identification of plan—negative declaration.**

Letter from the Kansas Department of Health and Environment submitted November 16, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

[67 FR 4181, Jan. 29, 2002]

**AIR EMISSIONS FROM EXISTING “OTHER” SOLID WASTE INCINERATION UNITS****§ 62.4182 Identification of plan—negative declaration.**

Letter from the Kansas Department of Health and Environment submitted December 7, 2006, certifying that there are no “other” solid waste incineration units subject to 40 CFR part 60, subpart EEEE.

[72 FR 25980, May 8, 2007]

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.4183 Identification of plan—negative declaration.**

Letter from the Kansas Department of Health and Environment submitted April 30, 2018, certifying that there are no sewage sludge incineration units subject to 40 CFR part 60, subpart MMMM.

[84 FR 8263, Mar. 7, 2019]

**Subpart S—Kentucky**

SOURCE: 47 FR 22956, May 26, 1982, unless otherwise noted.

**PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)****§ 62.4350 Identification of plan.**

(a) *Identification of plan.* Kentucky Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist emissions from existing facilities at sulfuric acid plants, total reduced sulfur emissions from existing facilities at kraft pulp mills, fluoride emissions from existing facilities at primary aluminum reduction plants, officially submitted on December 15, 1981.

(2) Commonwealth of Kentucky's Section 111(d) Plan For Existing Municipal Solid Waste Landfills, submitted on December 3, 1998, by the Kentucky Division for Air Quality.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Kraft pulp mills.
- (3) Primary aluminum reduction plants.
- (4) Existing municipal solid waste landfills.

[47 FR 22956, May 26, 1982, as amended at 64 FR 19293, Apr. 20, 1999]

**SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS****§ 62.4351 Identification of sources.**

The plan applies to existing facilities at the following sulfuric acid plant: E.I. du Pont sulfuric acid plant in Wurtland, Ky.

**TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS****§ 62.4352 Identification of sources.**

The plan applies to existing facilities at the following kraft pulp mills:

- (a) Westvaco Corp., Fine Papers Division, Wickliffe, Ky.
- (b) Willamette Industries, Corrugated Medium Mill and Bleached Pulp Mill, Hawesville, Kentucky.

## § 62.4353

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS

### § 62.4353 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plants:

- (a) National Southwire Aluminum, Hawesville, Ky.
- (b) Anaconda Company, Aluminum Division, Henderson, Ky.

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.4354 Identification of plan—negative declaration.

The Kentucky Department for Natural Resources and Environmental Protection certified in a letter dated August 25, 1978, that Kentucky has no designated facilities in this source category.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.4355 Identification of sources.

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[64 FR 19293, Apr. 20, 1999]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.4370 Identification of plan—negative declaration.

(a) Letter from the Department for Environmental Protection submitted December 18, 1996 certifying that there are no existing municipal waste combustor units in the State of Kentucky that are subject to part 60, subpart Cb, of this chapter.

(b) Letter from Louisville, Kentucky, Air Pollution Control District submitted on February 11, 2010, certifying that there are no Large Municipal

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Waste Combustor units subject to 40 CFR part 60, subpart Cb in its jurisdiction.

[65 FR 33466, May 24, 2000, as amended at 76 FR 22824, Apr. 25, 2011]

AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

### § 62.4371 Identification of plan—negative declaration.

(a) Letter from the Kentucky Department for Environmental Protection submitted March 5, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

(b) Letter from Louisville, Kentucky, Air Pollution Control District submitted on February 11, 2010, certifying that there are no Small Municipal Waste Combustion units subject to 40 CFR part 60, subpart BBBB in its jurisdiction.

[67 FR 273, Jan. 3, 2002, as amended at 76 FR 22824, Apr. 25, 2011]

AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

### § 62.4372 Identification of plan—negative declaration.

Letters from the Commonwealth of Kentucky Department for Environmental Protection, and from the Jefferson County, Kentucky, Air Pollution Control District were submitted on March 5, 2001, and April 21, 2003, certifying that there are no Commercial and Industrial Solid Waste Incineration units subject to 40 CFR part 60, subpart DDDD.

[68 FR 48320, Aug. 14, 2003]

AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN

### § 62.4373 Identification of plan—negative declaration.

Letter from Jefferson County Air Pollution Control District, KY, submitted on September 29, 1998, certifying that there are no Hospital/Medical/Infectious Waste Incinerator units

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subject to 40 CFR part 60, subpart Ce in its jurisdiction.

[74 FR 27721, June 11, 2009]

### § 62.4374 Identification of plan—negative declaration.

Letter from Kentucky Division of Air Quality submitted on Dec. 1, 2000, certifying that there are no Hospital/Medical/Infectious Waste Incinerator units subject to 40 CFR part 60, subpart Ce in its jurisdiction.

[74 FR 27720, June 11, 2009]

AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATORS (OSWI)—SECTION 111(d)/129 PLAN

### § 62.4375 Identification of plan—negative declaration.

Letter from Louisville, Kentucky, Air Pollution Control District submitted on February 11, 2010, certifying that there are no Other Solid Waste Incinerator units subject to 40 CFR part 60, subpart FFFF in its jurisdiction.

[76 FR 22824, Apr. 25, 2011]

## Subpart T—Louisiana

SOURCE: 44 FR 54053, Sept. 18, 1979, unless otherwise noted.

PLAN FOR CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

### § 62.4620 Identification of plan.

(a) *Identification of plan.* Louisiana Plan for Control of Designated Pollutants from Existing Facilities (111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from sulfuric acid plants, and fluoride emissions from existing facilities at phosphate fertilizer plants, submitted on July 18, 1978, having been adopted by the State November 30, 1977, and letter dated February 16, 1982.

(2) Control of fluoride emissions from existing facilities at primary aluminum plants, submitted on January 12, 1981, having been adopted by the State on December 11, 1980.

(3) Control of total reduced sulfur from existing facilities at kraft pulp

mill plants, submitted in December 1979, having been adopted November 27, 1979, and letter dated February 16, 1982.

(4) Control of landfill gas emissions from existing municipal solid waste landfills, submitted on December 9, 1996 (LAC 33.III.3003.B, Table 2), and revised on December 20, 1998 (LAC 33.III.3003.C.4).

(5) [Reserved]

(6) Control of air emissions from existing commercial and industrial solid waste incineration units, submitted by the Louisiana Department of Environmental Quality on February 18, 2003 (LAC 33.III.3003.B.6).

(7) Control of mercury emissions from coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8): Clean Air Act Section 111(d) Plan for Coal-Fired Electrical Steam Generating Units, submitted by the Louisiana Department of Environmental Quality on October 25, 2006 (LAC 33.III.3003.A).

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Phosphate fertilizer plants.
- (3) Primary aluminum plants.
- (4) Kraft pulp mills.
- (5) Municipal solid waste landfills.
- (6) [Reserved]
- (7) Commercial and industrial solid waste incineration units.

(8) Coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8).

[47 FR 20491, May 12, 1982, as amended at 62 FR 45732, Aug. 29, 1997; 64 FR 32433, June 17, 1999; 69 FR 9953, Mar. 3, 2004; 72 FR 46164, Aug. 17, 2007; 86 FR 12110, Mar. 2, 2021]

### § 62.4621 Emission standards and compliance schedules.

(a) The requirements of § 60.24(b)(2) of this chapter are not met since the test methods and procedures for determining compliance with the sulfuric acid mist emission standards are not specified.

(b) Emissions from sulfuric acid plants must be measured by the methods in appendix A to part 60, or by equivalent or alternative methods as defined in § 60.2 (t) and (u) respectively.

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### § 62.4622 Emission inventories, source surveillance, reports.

(a) The requirements of § 60.25(a) of this chapter are not met since the emission inventories do not provide information as specified in appendix D to part 60.

(b) The requirements of § 60.25(c) of this chapter are not met since the plan does not provide for the disclosure of emission data, as correlated with applicable emission standards, to the general public.

(c) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (c)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.

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(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the State designated by the Regional Administrator.

### § 62.4623 Legal authority.

(a) The requirements of § 60.26(a) of this chapter are not met since the plan does not provide adequate legal authority for the State to make emission data, as correlated with applicable emissions standards, available to the general public.

## SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

### § 62.4624 Identification of sources.

Identification of sources: The plan includes the following sulfuric acid plants:

(1) Agrico Chemical Company in St. James Parish.

(2) Allied Chemical Corporation in Ascension and Iberville Parishes.

(3) Beker Industries in St. Charles Parish.

(4) Cities Services Oil Company in Calcasieu Parish.

(5) E. I. du Pont de Nemours & Company, Inc. in Ascension Parish.

(6) Freeport Chemical Company in St. James Parish.

(7) Freeport Chemical Company in Plaquemines Parish.

(8) Olin Corporation in Caddo Parish.

(9) Stauffer Chemical Company in East Baton Rouge Parish.

[44 FR 54053, Sept. 18, 1979. Redesignated at 47 FR 20491, May 12, 1982]

**Environmental Protection Agency****§ 62.4650****FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS****§ 62.4625 Identification of sources.**

(a) The Plan applies to existing facilities at the following phosphate fertilizer plants:

- (1) Agrico Chemical Company at Donaldsville, Louisiana.
- (2) Allied Chemical Corporation at Geismar, Louisiana.
- (3) Beker Industries at Taft, Louisiana.
- (4) Freeport Chemical at Uncle Sam, Louisiana.
- (5) Monsanto at Luling, Louisiana.

[47 FR 20491, May 12, 1982]

**§ 62.4626 Effective date.**

(a) The effective date of the portion of the plan applicable to phosphate fertilizer plants is July 12, 1982.

[47 FR 20491, May 12, 1982]

**FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS****§ 62.4627 Identification of sources.**

The plan applies to existing facilities at the following primary aluminum plants:

- (1) The Kaiser Plant at Chalmette, Louisiana.
- (2) The CONALCO Plant at Lake Charles, Louisiana.

[47 FR 20492, May 12, 1982]

**§ 62.4628 Effective date.**

The effective date of this portion of the State's plan is July 12, 1982.

[47 FR 20492, May 12, 1982]

**TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS****§ 62.4629 Identification of sources.**

The plan applies to existing facilities at the following kraft pulp mill plants:

- (1) Boise at DeRidder, La.
- (2) Boise at Elizabeth, La.
- (3) Continental at Hodge, La.
- (4) Crown-Zellerbach at Bogalusa, La.
- (5) Crown-Zellerbach at St. Francisville, La.
- (6) Georgia-Pacific at Port Hudson, La.
- (7) International Paper at Bastrop, La.

- (8) Olinkraft at West Monroe, La.
- (9) Pineville Kraft at Pineville, La.
- (10) Western Kraft at Compte, La.

[47 FR 20493, May 12, 1982]

**§ 62.4630 Effective date.**

The effective date of the portion of the plan applicable to kraft pulp mills is July 12, 1982.

[47 FR 20493, May 12, 1982]

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.4631 Identification of Sources.**

The plan applies to all existing municipal solid waste landfills with design capacities greater than 2.5 million megagrams and non-methane organic emissions greater than 50 megagrams per year as described in 40 CFR part 60, subpart Cc.

[62 FR 54591, Oct. 21, 1997]

**§ 62.4632 Effective Date.**

The effective date of the portion of the plan applicable to existing municipal solid waste landfills is October 28, 1997.

[62 FR 54591, Oct. 21, 1997]

**EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.4633 Identification of plan—negative declaration.**

Letter from the Louisiana Department of Environmental Quality dated June 25, 2012, certifying that there are no known existing hospital/medical/infectious waste incinerator (HMIWI) units subject to 40 CFR part 60, subpart Ce, within its jurisdiction.

[86 FR 12110, Mar. 2, 2021]

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.4650 Identification of plan—negative declaration.**

Letter From the Department of Environmental Quality submitted May 21,

## § 62.4660

1996 certifying that there are no existing municipal waste combustor units in the State of Louisiana that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

### EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.4660 Identification of sources—negative declaration.

Letter from the Louisiana Department of Environmental Quality dated December 20, 2002, certifying that there are no existing small municipal waste combustion units in the State of Louisiana subject to 40 CFR part 60, subpart BBBB.

[68 FR 35302, June 13, 2003]

### EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

SOURCE: 69 FR 9954, Mar. 3, 2004, unless otherwise noted.

#### § 62.4670 Identification of sources.

The plan applies to the following existing commercial and industrial solid waste incineration units:

- (a) BASF Corporation, Geismar, Louisiana.
- (b) DSM Copolymer, Baton Rouge, Louisiana.
- (c) LA Skid & Pallet Co., Baton Rouge, Louisiana.
- (d) Shell Chemicals, Norco, Louisiana.

#### § 62.4671 Effective date.

The effective date of this portion of the State's plan applicable to existing commercial and industrial solid waste incineration units is May 3, 2004.

### EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

#### § 62.4675 Identification of plan—negative declaration.

Letter from the Louisiana Department of Environmental Quality dated November 24, 2020, certifying that there are no incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines, at 40 CFR

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part 60, subpart FFFF, within its jurisdiction in the State of Louisiana.

[86 FR 22876, Apr. 30, 2021]

### MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM GENERATING UNITS

#### § 62.4680 Identification of sources.

The plan applies to Coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8) including the following existing coal-fired electric generating units:

- (a) Big Cajun 2 (Unit 1) at New Roads, LA.
- (b) Big Cajun 2 (Unit 2) at New Roads, LA.
- (c) Big Cajun 2 (Unit 3) at New Roads, LA.
- (d) Rodemacher (Unit 2) at Lena, LA.
- (e) R.S. Nelson (Unit 6) at Westlake, LA.
- (f) Dolet Hills at Mansfield, LA.

[72 FR 46164, Aug. 17, 2007]

#### § 62.4681 Effective date.

The effective date for the portion of the plan applicable to mercury budget units at coal-fired electric steam generating units and coal-fired electric generating units as defined in 40 CFR 60.24(h)(8) is effective October 16, 2007.

[72 FR 46164, Aug. 17, 2007]

## Subpart U—Maine

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.4845 Identification of plan.

(a) *Identification of plan.* Maine Plan for the Control of Designated Pollutants from Existing Plants (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on November 10, 1988.

(2) Control of total reduced sulfur (TRS) emissions from existing kraft pulp mills, submitted on February 15, 1990.

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(3) A revision to the plan to control TRS from existing kraft pulp mills, which extends the final compliance date for brown stock washers to January 1, 1997, was submitted on April 27, 1994.

(4) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing large municipal waste combustors with the capacity to combust greater than 250 tons per day of municipal solid waste, submitted on April 15, 1998.

(5) A revision to the plan controlling TRS from existing kraft pulp mills to incorporate the pulp and paper maximum achievable control technology (MACT) requirements that impact TRS emission sources such as brownstock washer systems, low volume high concentration (LVHC) systems, steam strippers, and waste water treatment plants. Changes have also been made to clarify venting allowances and record-keeping and reporting requirements.

(6) A revision to the plan controlling TRS from existing kraft pulp mills which extends the final compliance date for brownstock washers to April 17, 2007, was submitted on June 23, 2004.

(7) A revision to the plan controlling metals, acid gases, organic compounds and nitrogen oxide emissions from large municipal waste combustors with the capacity to combust greater than 250 tons per day of municipal solid waste, submitted on December 24, 2019 (incorporated by reference, see paragraph (d)(1) of this section).

(8) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing small municipal waste combustors with the capacity to combust less than or equal to 250 tons per day of municipal solid waste, submitted on December 24, 2019 (incorporated by reference, see paragraph (d)(1) of this section).

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Kraft pulp mills.
- (3) Existing municipal waste combustors.

(d) *Incorporation by reference.* The material listed in this paragraph (d) is incorporated by reference in this section with the approval of the Director of the

Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at: EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square-Suite 100, Boston, MA, 617-918-1111. For information on the availability of this material at NARA, visit: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The material may be obtained from: State of Maine, Maine Department of Environmental Protection, 17 State House Station, 28 Tyson Drive, Augusta, Maine 04333, 207-287-7688, [www.maine.gov/dep/](http://www.maine.gov/dep/).

(1) 06-096 Code of Maine Regulations: Department of Environmental Protection, Chapter 121, "Emission Limitations and Emission Testing of Resource Recovery Facilities," excluding Section 6 "Large Municipal Waste Combustor Units Subject to 40 CFR part 60, subpart Eb," amended September 14, 2019.

(2) [Reserved]

[54 FR 22896, May 30, 1989, as amended at 55 FR 38548, Sept. 19, 1990; 59 FR 50507, Oct. 4, 1994; 63 FR 68397, Dec. 11, 1998; 68 FR 23211, May 1, 2003; 70 FR 22268, Apr. 29, 2005; 88 FR 15613, Mar. 14, 2023]

**FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS****§ 62.4875 Identification of sources—negative declaration.**

The State Department of Environmental Protection submitted on October 3, 1988, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[54 FR 9046 Mar. 3, 1989]

**SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS****§ 62.4900 Identification of sources.**

The plan applies to the following existing sulfuric acid plants:

- (a) Delta Chemical in Searsport, Maine.

[54 FR 22896, May 30, 1989]

**§ 62.4925**

TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS

**§ 62.4925 Identification of sources.**

(a) The plan applies to the following existing kraft pulp mills:

- (1) International Paper Company in Jay.
- (2) S.D. Warren Company in Westbrook.
- (3) Boise Cascade in Rumford.
- (4) James River Corporation in Old Town.
- (5) Georgia-Pacific Corporation in Woodland.
- (6) Lincoln Pulp and Paper Company in Lincoln.

[55 FR 38548, Sept. 19, 1990]

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

**§ 62.4950 Identification of plan—negative declaration.**

The State Department of Environmental Protection submitted on April 19, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979. Redesignated at 54 FR 22896, May 30, 1989]

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.4975 Identification of sources.**

(a) Penobscot Energy Recovery Company, Orrington, Maine  
(b) [Reserved]  
(c) ecomaine, Portland, Maine

[88 FR 15613, Mar. 14, 2023]

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

**§ 62.4980 Identification of Plan—negative declaration.**

On May 3, 2018, the Maine Department of Environmental Protection submitted a letter certifying no existing sources subject to 40 CFR part 60, sub-

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part DDDD operate within the State's jurisdiction.

[89 FR 82515, Oct. 11, 2024]

AIR EMISSIONS FROM EXISTING HOPITAL/ MEDICAL INFECTIOUS WASTE INCINERATORS.

**§ 62.4985 Identification of Plan—negative declaration.**

On May 2, 2005, the Maine Department of Environmental Protection submitted a letter certifying that there are no existing hospital/medical/infectious waste incinerators in the state subject to the emission guidelines under part 60, subpart Ce of this chapter.

[70 FR 48656, Aug. 19, 2005]

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

**§ 62.4990 Identification of plan—negative declaration.**

On July 20, 2012, the State of Maine Department of Environmental Protection submitted a letter certifying no Sewage Sludge Incineration units subject to 40 CFR part 60, subpart MMMM operate within its jurisdiction.

[79 FR 16206, Mar. 25, 2014]

EMISSIONS FROM EXISTING SOLID WASTE LANDFILLS

**§ 62.4995 Identification of plan—negative declaration.**

On March 11, 2020, the Maine Department of Environmental Protection submitted a letter certifying no existing source Municipal Solid Waste Landfills subject to 40 CFR part 60, subpart Cf, operate within the State's jurisdiction.

[86 FR 9023, Feb. 11, 2021]

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST LESS THAN OR EQUAL TO 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.5000 Identification of sources.**

(a) Mid-Maine Waste Action Corporation, Auburn, Maine

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## § 62.5111

(b) [Reserved]  
[88 FR 15613, Mar. 14, 2023]

### Subpart V—Maryland

AUTHORITY: Clean Air Act, sec. 111(d).

SOURCE: 49 FR 8613, Mar. 8, 1984, unless otherwise noted.

PLAN FOR CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.5100 Identification of plan.

(a) *Identification of plan.* Maryland Plan for Control Designated Pollutants from Existing Facilities (Section 111(d) plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from sulfuric acid plants, submitted by the Secretary of Health and Mental Hygiene, State of Maryland on August 30, 1978.

(2) Control of TRS emissions from kraft pulp mills, submitted by the Governor of Maryland on May 18, 1981, and approval of a compliance schedule, submitted by the State of Maryland on September 24, 1982.

(3) Control of fluoride emissions from primary aluminum reduction plants, submitted by the Secretary of Health and Mental Hygiene, State of Maryland on January 26, 1984.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric acid plants;  
(2) Kraft pulp mills.  
(3) Primary aluminum reduction plants.

(d) *Submittal of plan revisions*—On April 2, 1992, Maryland submitted revisions to COMAR 26.11.14.05A. and .05B. governing the testing, monitoring, and reporting of total reduced sulfur (TRS) emissions from kraft pulp mills.

[49 FR 8613, Mar. 8, 1984, as amended at 50 FR 9628, Mar. 11, 1985; 64 FR 59650, Nov. 3, 1999]

#### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

#### § 62.5101 Identification of sources.

(a) The plan applies to the following existing sulfuric acid plants:

(1) Olin Corporation, Baltimore City, Maryland.

#### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

#### § 62.5102 Identification of sources.

(a) The plan applies to existing facilities at the following kraft pulp mills:

(1) Westvaco Fine Papers Divisions, Luke, Maryland.

#### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.5103 Identification of sources.

(a) The plan applies to the following existing primary aluminum reduction plants:

(1) Eastalco Aluminum Plant, Frederick, Maryland.

[50 FR 9628, Mar. 11, 1985]

#### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH A UNIT CAPACITY GREATER THAN 250 TONS PER DAY

#### § 62.5110 Identification of plan.

(a) 111(d)/129 plan for municipal waste combustors (MWCs) with a unit capacity greater than 250 tons per day (TPD) and the associated Code of Maryland Regulation (COMAR 26.11.08), as submitted by the Air and Radiation Management Administration, Maryland Department of the Environment, on December 4, 1997, and as amended on October 7, 1998.

(b) On October 24, 2007, Maryland submitted a revised State plan (Phase II) and related COMAR 26.11.08.01, .02, and .08 amendments as required by 40 CFR part 60, subpart Cb, amended May 10, 2006.

(c) On May 10, 2016, Maryland submitted a revised State Plan and related COMAR 26.11.08.08 amendments.

[64 FR 19922, Apr. 23, 1999, as amended at 73 FR 18970, Apr. 8, 2008; 83 FR 24941, May 31, 2018]

#### § 62.5111 Identification of sources.

The plan applies to all existing MWC facilities with a MWC unit capacity

## § 62.5112

greater than 250 TPD of municipal solid waste.

[64 FR 19922, Apr. 23, 1999]

### § 62.5112 Effective date.

(a) The effective date of the 111(d)/129 plan is June 22, 1999.

(b) The plan revision (Phase II) is effective June 9, 2008.

(c) The plan revision is effective July 30, 2018.

[64 FR 19922, Apr. 23, 1999, as amended at 73 FR 18970, Apr. 8, 2008; 83 FR 24941, May 31, 2018]

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTOR (MWC) UNITS—SECTION 111(d)/129 FEDERAL PLAN DELEGATION

### § 62.5120 Identification of plan—delegation of authority.

On May 12, 2005, EPA signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR 62 subpart JJ (the “Federal plan”) by which it will be administered by the MDE for existing small MWC units. On May 25, 2005, the MDE Secretary signed the MOA, thus agreeing to its terms and conditions.

[70 FR 46776, Aug. 11, 2005]

### § 62.5121 Identification of sources.

The MOA and related Federal plan apply to all affected small MWC units for which construction commenced on or before August 30, 1999.

[70 FR 46776, Aug. 11, 2005]

### § 62.5122 Effective date of delegation.

The delegation became fully effective on May 25, 2005, the date the MOA was signed by the MDE Secretary.

[70 FR 46776, Aug. 11, 2005]

EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR (CISWI) UNITS—NEGATIVE DECLARATION

### § 62.5127 Identification of plan—negative declaration.

(a) May 12, 2005 Maryland Department of the Environment letter certifying that existing CISWI units, sub-

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ject to 40 CFR part 60, subpart DDDD, have been permanently shut down and have been dismantled in the state.

(b) Letter from the State of Maryland, Department of the Environment, submitted January 20, 2017, certifying that there are no existing commercial/industrial solid waste incineration units within the State of Maryland that are subject to 40 CFR part 60, subpart DDDD.

[83 FR 13879, Apr. 2, 2018]

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)

SOURCE: Sections 62.5150 through 62.5152 appear at 64 FR 48717, Sept. 8, 1999, unless otherwise noted.

### § 62.5150 Identification of plan.

On March 23, 1999, the Maryland Department of the Environment submitted to the Environmental Protection Agency a 111(d) Plan to implement and enforce the requirements of 40 CFR part 60, subpart Cc, Emissions Guidelines for Municipal Solid Waste Landfills.

### § 62.5151 Identification of sources.

The plan applies to all Maryland existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

### § 62.5152 Effective date.

The effective date of the plan for municipal solid waste landfills is November 8, 1999.

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIS)(SECTION 111(d)/129 PLAN)

SOURCE: Sections 62.5160 through 62.5162 appear at 65 FR 53608, Sept. 5, 2000, unless otherwise noted.

### § 62.5160 Identification of plan.

(a) Section 111(d)/129 plan for HMIWIs and the associated Code of Maryland

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(COMAR) 26.11.08 regulations, as submitted on April 14, 2000.

(b) Section 111(d)/129 plan for HMIWIs and the associated Code of Maryland (COMAR) regulations, as submitted on January 10, 2013.

[82 FR 19614, Apr. 28, 2017]

### § 62.5161 Identification of sources.

(a) The plan submitted on April 14, 2000 applies to all existing HMIWIs located in Maryland for which construction was commenced on or before June 20, 1996.

(b) The January 10, 2013 submittal applies to all existing HMIWIs as defined in the approved Maryland Section 111(d)/129 plan.

[82 FR 19614, Apr. 28, 2017]

### § 62.5162 Effective date.

(a) The effective date of the plan submitted on April 14, 2000 is October 20, 2000.

(b) The effective date of the plan submitted on January 10, 2013 is May 30, 2017.

[82 FR 19614, Apr. 28, 2017]

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS (SSI)—SECTION 111(D)/129 FEDERAL PLAN DELEGATIONS

### § 62.5170 Identification of plan—negative declaration.

Letter from the State of Maryland, Department of the Environment, submitted April 3, 2020, certifying that there are no existing sewage sludge incineration units within the State of Maryland that are subject to 40 CFR part 60, subpart MMMM.

[86 FR 8700, Feb. 9, 2021, as amended at 86 FR 13459, Mar. 9, 2021]

## Subpart W—Massachusetts

### § 62.5340 Identification of plan.

(a) *Identification of plan.* Massachusetts Plan for the Control of Designated Pollutants from Existing Plants (Section 111(d) Plan).

(b) *Official submission of plan.* Revised State Plan for the control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing

municipal waste combustors—as submitted December 18, 2018, by the Massachusetts Department of Environmental Protection. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(c) *Identification of sources.* The plan applies to existing sources in the following categories of sources:

- (1) Municipal waste combustors.
- (2) [Reserved]

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies at the EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA, 617-918-1078 and from the source listed in paragraph (d)(2) of this section. You may also inspect the materials at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) Commonwealth of Massachusetts, Massachusetts Department of Environmental Protection, 1 Winter Street, Boston, Massachusetts 02108, 617-292-5500, [mass.gov/orgs/massachusetts-department-of-environmental-protection](http://mass.gov/orgs/massachusetts-department-of-environmental-protection); Code of Massachusetts Regulations (CMR):

(i) 310 CMR 7.08(2): Title 310—Department of Environmental Protection, chapter 7.00—Air Pollution Control, section 7.08—U Incinerators, paragraph (2) “Municipal Waste Combustors,” in effect March 9, 2018 (as corrected and revised through August 21, 1998), excluding the following: subparagraph (2)(a) “Site Assignment”; the definition of “materials separation plan” in subparagraph (2)(c); and subparagraph (2)(f)8. “Material Separation Plan”.

- (ii) [Reserved]

[86 FR 59858, Oct. 29, 2021]

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.5350 Identification of plan—negative declaration.

The State Department of Environmental Quality Engineering submitted

## § 62.5351

on April 12, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

#### § 62.5351 Identification of plan—negative declaration.

On February 18, 1986, the Commonwealth of Massachusetts submitted a letter certifying that there are no existing sulfuric acid plants in the Commonwealth of Massachusetts.

[51 FR 40801, Nov. 10, 1986]

### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

#### § 62.5375 Identification of plan—negative declaration.

The State Department of Environmental Quality Engineering submitted on July 31, 1979, a letter certifying that there are no existing kraft pulp mills in the State subject to part 60, subpart B of this chapter.

[54 FR 9047, Mar. 3, 1989]

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

#### § 62.5400 Identification of plan—negative declaration.

The State Department of Environmental Quality Engineering submitted on January 18, 1989, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[54 FR 9047, Mar. 3, 1989]

### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.5425 Identification of sources.

(a) The plan applies to the following existing municipal waste combustor facilities:

(1) [Reserved]

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(2) Covanta Haverhill, Inc., in Haverhill.

(3) American Ref-Fuel of SEMASS, L.P. in Rochester.

(4) Wheelabrator Millbury Inc., in Millbury.

(5) Wheelabrator Saugus, J.V., in Saugus.

(6) Wheelabrator North Andover Inc., in North Andover.

(b) [Reserved]

[67 FR 62896, Oct. 9, 2002, as amended at 86 FR 59858, Oct. 29, 2021]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.5450 Identification of plan—negative declaration.

On August 23, 2005, the Massachusetts Department of Environmental Protection submitted a letter certifying that there are no existing hospital/medical/infected waste incinerators in the state subject to the emission guidelines under part 60, subpart Ce of this chapter.

[70 FR 58330, Oct. 6, 2005]

### AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### § 62.5475 Identification of Plan—negative declaration.

On December 18, 2018, the Massachusetts Department of Environmental Protection submitted a letter certifying no existing sources subject to 40 CFR part 60, subpart DDDD operate within the Commonwealth's jurisdiction.

[89 FR 82515, Oct. 11, 2024]

## Subpart X—Michigan

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.5600 Identification of plan—negative declaration.

The State Department of Resources submitted on April 18, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

**Environmental Protection Agency****§ 62.5870****CONTROL OF AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.5610 Identification of plan—negative declaration.**

On August 9, 2013, the Michigan Department of Environmental Quality submitted a negative declaration letter to EPA certifying that there are no existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) units in the State of Michigan subject to the emissions guidelines at 40 CFR part 60, subpart Ce.

[78 FR 72583, Dec. 3, 2013]

**CONTROL OF AIR EMISSIONS FROM SEWAGE SLUDGE INCINERATORS****§ 62.5620 Identification of plan.**

On September 21, 2015, Michigan submitted a State Plan for implementing the emission guidelines for Sewage Sludge Incinerators (SSI). The enforceable mechanism for this State Plan is a State rule codified in R 336.1972, “Emission standards for existing sewage sludge incineration units,” and R 336.1902 “Adoption of standards by reference.” The State’s final rule became effective on May 20, 2015.

[80 FR 70697, Nov. 16, 2015]

**§ 62.5621 Identification of sources.**

The Michigan State Plan for existing Sewage Sludge Incinerators (SSI) applies to all SSIs for which construction commenced on or before October 14, 2010 or for which a modification was commenced on or before September 21, 2011 primarily to comply with this rule.

[80 FR 70697, Nov. 16, 2015]

**§ 62.5622 Effective date.**

The Federal effective date of the Michigan State Plan for existing Sewage Sludge Incinerators is January 15, 2016.

[80 FR 70697, Nov. 16, 2015]

**CONTROL OF AIR EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTORS****§ 62.5630 Identification of plan—negative declaration.**

On July 27, 2015, the Michigan Department of Environmental Quality sub-

mitted a negative declaration letter to EPA certifying that there are no existing Small Municipal Waste Combustors (SMWC) units in the State of Michigan subject to the emissions guidelines at 40 CFR part 60, subpart BBBB.

[80 FR 70697, Nov. 16, 2015]

**Subpart Y—Minnesota****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.5850 Identification of plan—negative declaration.**

The State Pollution Control Agency submitted on April 7, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.5860 Identification of plan.**

“Section 111(d) Plan for Municipal Solid Waste Landfills,” submitted by the State on March 4, 1997.

[63 FR 40052, July 27, 1998]

**§ 62.5861 Identification of sources.**

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 40052, July 27, 1998]

**§ 62.5862 Effective date.**

The effective date of the plan for municipal solid waste landfills is September 25, 1998.

[63 FR 40053, July 27, 1998]

**EXISTING LARGE MUNICIPAL WASTE COMBUSTORS****§ 62.5870 Identification of plan.**

“Section 111(d) Plan for Implementing the Large Municipal Waste

## § 62.5871

Combustor Emission Guidelines," submitted by the State on April 28, 1998. The rules being approved as part of this plan are being approved for their applicability to large municipal waste combustors in Minnesota and should apply only to these sources.

[63 FR 43083, Aug. 12, 1998]

### § 62.5871 Identification of sources.

The plan applies to all existing municipal waste combustor units with the design capacity of  $93.75 \times 10^6$  Btu/hr or more. This is the same as having an applicability threshold of the capacity to process 250 tons per day or more of municipal solid waste.

[63 FR 43083, Aug. 12, 1998]

### § 62.5872 Effective date.

The effective date of the plan for existing large waste combustors is October 13, 1998.

[63 FR 43083, Aug. 12, 1998]

## CONTROL OF AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

### § 62.5880 Identification of plan—negative declaration.

On February 3, 2017, the Minnesota Pollution Control Agency submitted a negative declaration letter to EPA certifying that there are no existing Commercial and Industrial Solid Waste Incineration (CISWI) units in the State of Minnesota subject to the emissions guidelines at 40 CFR part 60, subpart DDDD.

[84 FR 8003, Mar. 6, 2019]

## CONTROL OF AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION UNITS

### § 62.5890 Identification of plan—negative declaration.

On June 21, 2017, the Minnesota Pollution Control Agency submitted a negative declaration letter to EPA certifying that there are no existing Other Solid Waste Incineration (OSWI) units in the State of Minnesota subject to the emissions guidelines at 40 CFR part 60, subpart FFFF.

[84 FR 8003, Mar. 6, 2019]

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### Subpart Z—Mississippi

## PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

SOURCE: 47 FR 29235, July 6, 1982, unless otherwise noted.

### § 62.6100 Identification of plan.

(a) *Identification of plan.* Untitled (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist emissions from existing facilities at sulfuric acid plants, submitted on September 17, 1981.

(2) Control of total reduced sulfur emissions from existing kraft pulp mills, submitted on October 30, 1987.

(3) Adopted State Plan for Control of Air Emissions from Existing Hospital/Medical/Infectious Waste Incinerators, submitted on May 5, 1999, by the Mississippi Department of Environmental Quality.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Phosphate fertilizer plants.
- (3) Kraft pulp mills.
- (4) Existing hospital/medical/infectious waste incinerators.

[47 FR 29235, July 6, 1982, as amended at 54 FR 7771, Feb. 23, 1989; 65 FR 18255, Apr. 7, 2000]

## SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

### § 62.6110 Identification of sources.

The plan applies to existing plants at the following locations: Sulfur burning plant and oleum plant of Mississippi Chemical Corporation in Pascagoula.

## FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.6120 Identification of sources.

The plan applies to existing facilities at the following phosphate fertilizer plants.

(1) Mississippi Chemical Corporation in Pascagoula.

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### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.6121 Identification of sources—negative declaration.

The Mississippi Bureau of Pollution Control submitted on March 6, 1985, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[50 FR 26204, June 25, 1985]

### TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

#### § 62.6122 Identification of sources.

The plan applies to existing facilities at the following kraft pulp mills:

- (a) Georgia-Pacific Corporation, Monticello.
- (b) International Paper Company, Moss Point.
- (c) International Paper Company, Natchez.
- (d) International Paper Company, Vicksburg.

[54 FR 7771, Feb. 23, 1989]

### MUNICIPAL WASTE COMBUSTORS

#### § 62.6123 Identification of sources—negative declaration.

The Mississippi Bureau of Pollution Control submitted on August 6, 1991, a letter certifying that there are no municipal waste combustors in the State subject to part 60, subpart B of this chapter.

[57 FR 43405, Sept. 21, 1992]

### AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.6124 Identification of sources.

The plan applies to existing hospital/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

[65 FR 18255, Apr. 7, 2000]

#### § 62.6125 Identification of plan—negative declaration.

Letter from the Department of Environmental Quality submitted September 24, 1997 certifying that there

are no existing municipal waste combustor units in the State of Mississippi that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33466, May 24, 2000]

### AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.6126 Identification of plan—negative declaration.

Letter from the Mississippi Department of Environmental Quality submitted March 27, 2002, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[67 FR 67317, Nov. 5, 2002]

### AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS (SECTION 111(d)/129 PLAN)

#### § 62.6127 Identification of Sources.

The Plan applies to existing Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.

[68 FR 25293, May 12, 2003]

## Subpart AA—Missouri

SOURCE: 51 FR 8828, Mar. 14, 1986, unless otherwise noted.

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.6350 Identification of plan.

(a) *Identification of plan.* Missouri Plan for Control of Designated Pollutants from Existing Facilities (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

- (1) Control of fluoride emissions from existing facilities at phosphate fertilizer plants, and fluoride emissions from existing facilities at primary aluminum reduction plants, submitted on September 22, 1981, having been adopted by the State on June 17 and June 21, 1981. A letter conveying additional information regarding this plan was submitted on January 3, 1985.

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(2) Control of sulfuric acid mist from existing facilities at sulfuric acid production plants, submitted on March 12, 1979, having been adopted by the State in 1967 and 1971. A letter providing additional information regarding this plan was submitted on January 3, 1985.

(3) A revision to Missouri's 111(d) plan for Sulfuric Acid Mist from Existing Sulfuric Acid Production Plants which was effective on August 30, 1996. This revision incorporates the 111(d) requirements from two existing regulations into a new consolidated regulation.

(4) A revision to Missouri's 111(d) plan for sulfuric acid mist production was state effective on May 30, 2004. This revision approves the renumbering of the rule. The effective date of the amended plan is April 12, 2006.

(5) A revision to Missouri's 111(d) plan to incorporate state regulation 10 CSR 10-6.020 Definitions and Common Reference Tables was state effective on February 28, 2013. The effective date of the amended plan is May 16, 2014.

(6) A revision to Missouri's 111(d) plan to incorporate state regulation 10 CSR 10-6.020 Definitions and Common Reference Tables was state effective March 30, 2014. The effective date of the amended plan is May 4, 2015.

(7) A withdrawal of Missouri's 111(d) plan, including state rule 10 CSR 10.3.160, for control of fluoride emissions from existing phosphate fertilizer plants was state effective on September 30, 2018 and was submitted on December 3, 2018.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Primary aluminum reduction plants.

(2) Sulfuric acid production plants.

[51 FR 8828, Mar. 14, 1986, as amended at 63 FR 45729, Aug. 27, 1998; 71 FR 12626, Mar. 13, 2006; 79 FR 14616, Mar. 17, 2014; 80 FR 11580, Mar. 4, 2015; 84 FR 16407, Apr. 19, 2019]

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

#### § 62.6351 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources, submitted December 3, 2018, certifying that there are

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no Diammonium Phosphate Fertilizer Units subject to 40 CFR part 60, subpart V of this chapter. *Effective date:* The effective date of the negative declaration and EPA withdrawal of the prior plan approval is May 20, 2019.

[84 FR 16407, Apr. 19, 2019]

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.6352 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plant:

Noranda Aluminum, Inc., New Madrid, Missouri

### SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PRODUCTION PLANTS

#### § 62.6353 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid production plant:

W.R. Grace and Company, Joplin, Missouri

### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

#### § 62.6354 Identification of plan—negative declaration.

Letter from the Director of the Missouri Department of Natural Resources submitted on May 14, 1982, certifying that there are no kraft pulp mills in the State subject to part 60, subpart B of this chapter.

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.6355 Identification of plan—negative declaration.

Letter from the Director of the Air Pollution Control Program of the Department of Natural Resources submitted May 23, 1991, certifying that there are no existing municipal waste combustors in the state of Missouri subject to this 111(d) requirement.

[56 FR 56321, Nov. 4, 1991]

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### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 35 MEGAGRAMS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.6356 Identification of plan—negative declaration.

Letter from the Air Pollution Control Program of the Department of Natural Resources submitted June 3, 1996, certifying that there are no municipal waste combustors in the state of Missouri subject to part 60, subpart Cb of this chapter.

[62 FR 41874, Aug. 4, 1997]

### AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.6357 Missouri Department of Natural Resources.

(a) *Identification of plan.* Missouri plan for control of landfill gas emissions from existing municipal solid waste landfills and associated state regulations submitted on January 26, 1998, with amendments on September 8, 2000, February 9, 2012, and July 25, 2022. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, and have design capacities greater than 2.5 million megagrams and nonmethane organic emissions greater than 50 megagrams per year, as described in 40 CFR part 60, subpart Cc.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is June 23, 1998. The amendments are effective January 16, 2001, May 30, 2012, and January 15, 2025, respectively.

(d) *Incorporation by reference.* (1) Certain material is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference material is available

for inspection at the Environmental Protection Agency (EPA) and at the National Archives and Records Administration (NARA). Contact the EPA Region 7 office, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7003; email address: [prue.allyson@epa.gov](mailto:prue.allyson@epa.gov). You may obtain copies from the EPA Region 7 office or the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004; telephone number: (202) 566-1744. For information on the availability of this material at NARA, visit <https://www.archives.gov/federal-register/cfr/ibr-locations> or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). You may also obtain this material from the source in paragraph (d)(2) of this section.

(2) State of Missouri, 600 West Main Street, Jefferson City, Missouri 65101; telephone number: (573) 751-4015; <https://www.sos.mo.gov/adrules/csr/current/10csr/10csr.asp#10-10>.

(i) 10 CSR 10-5.490, Municipal Solid Waste Landfills, effective July 30, 2022.

(ii) 10 CSR 10-6.310, Restriction of Emissions from Municipal Solid Waste Landfills, effective July 30, 2022.

[89 FR 101482, Dec. 16, 2024]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.6358 Identification of plan.

(a) *Identification of plan.* Missouri plan for the control of air emissions from hospital/medical/infectious waste incinerators submitted by the Missouri Department of Natural Resources on June 15, 1999.

(b) *Identification of sources.* The plan applies to existing hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.

(c) *Effective date.* The effective date of the plan is October 18, 1999.

(d) Amended plan for the control of air emissions from Hospital/Medical/Infectious Waste Incinerators submitted by the Missouri Department of Natural Resources on July 13, 2001. The effective date of the amended plan is December 11, 2001.

(e) *Amended plan.* Submitted by the Missouri Department of Natural Resources on July 3, 2014 and August 8,

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2011. The effective date of the amended plan is May 24, 2018.

[64 FR 45187, Aug. 19, 1999, as amended at 66 FR 52062, Oct. 12, 2001; 83 FR 17758, Apr. 24, 2018]

AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

### § 62.6359 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources submitted March 22, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[66 FR 46961, Sept. 10, 2001]

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

### § 62.6360 Identification of plan.

(a) *Identification of plan.* The Missouri Department of Natural Resources approved this revision to the Missouri state plan section 111(d) for the purpose of adopting by reference subpart DDDD of part 62, the Commercial and Industrial Solid Waste Incineration (CISWI) rule, 10 CSR 10-6.161, which became effective on November 21, 2013. This revision was submitted on March 5, 2014.

(b) *Identification of sources.* The plan applies to existing commercial and industrial solid waste incineration (CISWI) units that commenced construction on or before November 30, 1999.

(c) The effective date of the amended plan is November 17, 2015.

[80 FR 56392, Sept. 18, 2015]

AIR EMISSIONS FROM EXISTING “OTHER” SOLID WASTE INCINERATION UNITS

### § 62.6361 Identification of plan—negative declaration.

Letter from the Missouri Department of Natural Resources submitted April 7, 2006, certifying that there are no “other” solid waste incineration units subject to 40 CFR part 60, subpart EEEE.

[72 FR 25980, May 8, 2007]

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MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM GENERATING UNITS

### § 62.6362 [Reserved]

AIR EMISSIONS FROM SEWAGE SLUDGE INCINERATOR UNITS

### § 62.6363 Identification of plan.

(a) On September 20, 2013, EPA received the Missouri Department of Natural Resources (MDNR) section 111(d)/129 plan for implementation and enforcement of 40 CFR part 60, subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

(b) Identification of sources: The plan applies to existing sewage sludge incineration (SSI) units that:

(1) Commenced construction on or before October 14, 2010, or

(2) Commenced a modification on or before September 21, 2011, primarily to comply with Missouri’s plan, and

(3) Meets the definition of a SSI unit defined in MDNR’s plan

(c) The effective date of the plan for existing sewage sludge incineration units is February 5, 2013.

(1) A revision to Missouri’s 111(d) plan to incorporate state regulation 10 CSR 10-6.191 Sewage Sludge Incinerators was state effective May 30, 2013. The effective date of the amended plan is November 16, 2015.

(2) [Reserved]

[80 FR 55550, Sept. 16, 2015]

## Subpart BB—Montana

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.6600 Identification of plan.

“Section 111(d) Plan for Municipal Solid Waste Landfills” and the associated State regulations in sections 17.8.302(1)(j) and 17.8.340 of the Administrative Rules of Montana, submitted by the State on July 2, 1997.

[63 FR 36861, July 8, 1998]

### § 62.6601 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30,

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1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 36861, July 8, 1998]

**§ 62.6602 Effective date.**

The effective date of the plan for municipal solid waste landfills is September 8, 1998.

[63 FR 36861, July 8, 1998]

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

SOURCE: Sections 62.6610 through 62.6612 appear at 65 FR 38740, June 22, 2000, unless otherwise noted.

**§ 62.6610 Identification of plan.**

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation in sections 17.8.302(1)(k) and 17.8.340 of the Administrative Rules of Montana, submitted by the State on January 19, 1999.

**§ 62.6611 Identification of sources.**

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

**§ 62.6612 Effective date.**

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is August 21, 2000.

**FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS****§ 62.6613 Identification of plan—negative declaration.**

The Montana Department of Environmental Quality certified in a letter dated February 14, 2001, that there are no phosphate fertilizer plants in Montana that meet the definition of affected facility under any of the subparts T, U, V, W or X. Additionally, there are no phosphate fertilizer plants in Montana that meet the definition of affected facility under any of the subparts T, U, V, W, or X, constructed be-

fore October 22, 1974, and that have not reconstructed or modified since 1974.

[66 FR 42439, Aug. 13, 2001]

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.6620 Identification of plan—negative declaration.**

Letter from the Montana Department of Environmental Quality submitted March 18, 2015, certifying that there are no existing large municipal waste combustion units within the State of Montana that are subject to part 60, subpart Cb, of this chapter.

[82 FR 44741, Sept. 26, 2017]

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS****§ 62.6630 Identification of plan—negative declaration.**

Letter from the Montana Department of Environmental Quality submitted March 18, 2015, certifying that there are no existing commercial and industrial solid waste incineration units within the State of Montana that are subject to part 60, subpart DDDD, of this chapter.

[82 FR 44741, Sept. 26, 2017]

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.6640 Identification of plan—negative declaration.**

Letter from Montana Department of Environmental Quality submitted to EPA on December 10, 2013, certifying that there are no known existing sewage sludge incineration units in the State of Montana.

[80 FR 10610, Feb. 27, 2015]

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS****§ 62.6650 Identification of plan—negative declaration.**

Letter from the Montana Department of Environmental Quality submitted June 27, 2005, certifying that

## § 62.6660

there are no existing small municipal waste combustion units within the State of Montana that are subject to part 60, subpart BBBB, of this chapter.

[82 FR 44742, Sept. 26, 2017]

### EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

#### § 62.6660 Identification of plan—negative declaration.

Letter from the Montana Department of Environmental Quality submitted March 18, 2015, certifying that there are no existing other solid waste incineration units within the State of Montana that are subject to part 60, subpart FFFF, of this chapter.

[82 FR 44742, Sept. 26, 2017]

## Subpart CC—Nebraska

SOURCE: 49 FR 7234, Feb. 28, 1984, unless otherwise noted.

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

#### § 62.6850 Identification of plan—negative declaration.

Letter from the Director of the Department of Environmental Control submitted on May 4, 1977, certifying that there are no phosphate fertilizer plants in the State of Nebraska.

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

#### § 62.6875 Identification of plan—negative declaration.

Letter from the Chief of the Air Pollution Control Division of the Department of Environmental Control submitted on December 9, 1977, certifying that there are no existing sulfuric acid plants in the State of Nebraska.

### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

#### § 62.6880 Identification of plan—negative declaration.

Letter from the Chief of the Air Pollution Control Division of the Department of Environmental Control submitted on March 16, 1984, certifying that there are no existing kraft pulp

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mills in the State of Nebraska, subject to part 60, subpart B of this chapter.

[49 FR 43058, Oct. 26, 1984]

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.6910 Identification of plan—negative declaration.

Letter from the Chief of the Air Pollution Control Division of the Department of Environmental Control submitted on March 16, 1984, certifying that there are no existing primary aluminum reduction plants in the State of Nebraska, subject to part 60, subpart B of this chapter.

[49 FR 43058, Oct. 26, 1984]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.6911 Identification of plan—negative declaration.

Letter from the Chief of the Air Quality Division of the Department of Environmental Control submitted April 1, 1991, certifying that there are no existing municipal waste combustors in the state of Nebraska subject to this 111(d) requirement.

[56 FR 56321, Nov. 4, 1991]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 35 MEGAGRAMS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.6912 Identification of plan—negative declaration.

Letter from the Air Quality Section of the Nebraska Department of Environmental Quality submitted May 13, 1996, certifying that there are no municipal waste combustors in the state of Nebraska subject to part 60, subpart Cb of this chapter.

[62 FR 41874, Aug. 4, 1997]

**Environmental Protection Agency****§ 62.7101****AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.6913 Identification of plan.**

(a) *Identification of plan.* Nebraska plan for control of landfill gas emissions from existing municipal solid waste landfills and associated state regulations submitted on January 6, 1998.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, and have design capacities greater than 2.5 million megagrams and nonmethane organic emissions greater than 50 megagrams per year, as described in 40 CFR part 60, subpart Cc.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is June 22, 1998.

[63 FR 20101, Apr. 23, 1998]

**AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.6914 Identification of plan.**

(a) *Identification of plan.* Nebraska plan for the control of air emissions from hospital/medical/infectious waste incinerators submitted by the Nebraska Department of Environmental Quality on July 30, 1999.

(b) *Identification of sources.* The plan applies to existing hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.

(c) *Effective date.* The effective date of the plan is January 18, 2000.

[64 FR 62117, Nov. 16, 1999]

**AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS****§ 62.6915 Identification of plan—negative declaration.**

Letter from the Nebraska Department of Environmental Quality submitted June 8, 2001, certifying that there are no small municipal waste

combustion units subject to 40 CFR part 60, subpart BBBB.

[66 FR 46961, Sept. 10, 2001]

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS****§ 62.6916 Identification of plan—negative declaration.**

Letter from the Nebraska Department of Environmental Quality submitted June 8, 2001, certifying that there are no commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD.

[67 FR 4181, Jan. 29, 2002; 67 FR 13272, Mar. 22, 2002]

**AIR EMISSIONS STANDARDS OF PERFORMANCE FOR NEW SEWAGE SLUDGE INCINERATORS****§ 62.6917 Identification of plan—negative declaration.**

Letter from the Nebraska Department of Environmental Quality received December 6, 2012, certifying that there are no Sewage Sludge Incinerator units subject to 40 CFR part 60, subpart MMMM.

[81 FR 381, Jan. 6, 2016]

**Subpart DD—Nevada**

SOURCE: 64 FR 50768, Sept. 20, 1999, unless otherwise noted.

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.7100 Identification of plan.**

(a) The Washoe County Department of Health submitted on May 7, 1997 a letter certifying that there are no existing municipal solid waste landfills in Washoe County subject to 40 CFR part 60, subpart Cc.

(b) The Nevada Division of Environmental Protection submitted on June 3, 1998 and May 21, 1999 the State of Nevada's Section 111(d) Plan for Existing Municipal Solid Waste Landfills.

**§ 62.7101 Identification of sources.**

The plan applies to all existing municipal solid waste landfills for which

## § 62.7102

construction, reconstruction, or modification was commenced before May 30, 1991, as described in 40 CFR part 60, subpart Cc.

### § 62.7102 Effective date.

The effective date of EPA approval of the plan is November 19, 1999.

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.7120 Identification of plan—negative declaration.

Letter from the Nevada Division of Environmental Protection submitted March 26, 1997 certifying that there are no existing municipal waste combustor units in the State of Nevada that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33467, May 24, 2000]

EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

### § 62.7125 Identification of plan—negative declaration.

Letter from the Nevada Division of Environmental Protection, submitted on March 26, 1997, certifying that there are no existing municipal waste combustion units subject to part 60, subpart BBBB, of this chapter.

[66 FR 67098, Dec. 28, 2001]

EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

### § 62.7130 Identification of plan.

(a) The Clark County Department of Air Quality Management submitted on February 27, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units in Clark County that are subject to 40 CFR part 60, subpart DDDD.

(b) The Washoe County District Health Department Air Quality Management Division submitted on January 28, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units in Washoe County that are subject to 40 CFR part 60, subpart DDDD.

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(c) The Nevada Division of Environmental Protection submitted on October 16, 2003, a letter certifying that there are no existing commercial/industrial solid waste incineration units in its jurisdiction that are subject to 40 CFR part 60, subpart DDDD.

[68 FR 49365, Aug. 18, 2003, as amended at 68 FR 68740, Dec. 10, 2003]

EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

### § 62.7135 Identification of plan—negative declaration.

Letter from the Nevada Division of Environmental Protection, submitted on May 26, 1998, certifying that there are no existing hospital/medical/infec-tious waste incineration units subject to 40 CFR part 60, subpart Ce, of this chapter.

[68 FR 58614, Oct. 10, 2003]

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

### § 62.7140 Identification of plan—negative declaration.

Letter from the Nevada Division of Environmental Protection, submitted on December 19, 2006, certifying that there are no existing other solid waste incineration units subject to 40 CFR part 60, subpart FFFF, of this chapter.

[72 FR 61535, Oct. 31, 2007]

## Subpart EE—New Hampshire

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

### § 62.7325 Identification of plan.

(a) *Identification of plan.* New Hampshire Plan for the Control of Designated Pollutants from Existing Plants (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of total reduced sulfur (TRS) emissions from existing kraft pulp mills, submitted on January 3, 1992.

(2)–(3)[Reserved]

(4) Control of air emissions from existing large and small municipal waste

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combustors, submitted on August 16, 2002.

(i) Revised State Plan for Large and Small Municipal Waste Combustors was submitted on January 29, 2009, with a technical amendment submitted on February 13, 2009. Revisions included amendments to New Hampshire Code of Administrative Rules Env-A 3300 *Municipal Waste Combustion* in response to amended emission guidelines for Large MWCs (40 CFR Part 60, Subpart Cb) published on May 10, 2006 and emission limits for Small MWCs enacted by the New Hampshire General Court in 2005 and codified at New Hampshire Revised Statutes Annotated 125-C:10-a.

(ii) Revised State Plan for Large and Small Municipal Waste Combustors was submitted on July 28, 2016. Revisions included amendments to New Hampshire Code of Administrative Rules Env-A 3300 Municipal Waste Combustion in response to more stringent emission limits for Small MWCs enacted by the New Hampshire General Court in 2016 and codified at New Hampshire Revised Statutes Annotated 125-C:10-a.

(iii) Revised State Plan for Large and Small Municipal Waste Combustors was submitted on October 1, 2018. Revisions included amendments to New Hampshire Code of Administrative Rules Env-A 3300 Municipal Waste Combustion in response to a change in the state statute relative to "Devices Contributing to Air Pollution" enacted by the New Hampshire General Court in 2016 and codified at New Hampshire Revised Statutes Annotated 125-C:10-c, that incorporates fuel quality standards and test methods for Large MWCs that combust processed wood residue from construction and demolition debris. The plan includes revisions to the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Kraft pulp mills.

(2)-(3) [Reserved]

(4) Municipal waste combustors. (i) Large MWCs with a capacity greater than 250 tons per day.

(ii) Small MWCs with a capacity of 250 tons per day or less.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies at the EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square-Suite 100, Boston, MA, 617-918-1111 and from the source listed in paragraph (d)(2) of this section. You may also inspect the materials at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of New Hampshire, New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH 03302, 603-271-3503, <https://www.des.nh.gov/rules-and-regulatory/administrative-rules>.

(i) New Hampshire Code of Administrative Rules Env-A 3300, "Municipal Waste Combustion," effective September 27, 2018.

(ii) [Reserved]

[57 FR 56858, Dec. 1, 1992, as amended at 65 FR 6012, Feb. 8, 2000; 68 FR 6632, 6635, Feb. 10, 2003; 79 FR 16206, Mar. 25, 2014; 79 FR 52204, Sept. 3, 2014; 82 FR 25972, June 6, 2017; 87 FR 77525, Dec. 19, 2022]

**FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.7350 Identification of plan—negative declaration.**

The State Air Pollution Control Agency submitted on November 29, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

**SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS****§ 62.7375 Identification of plan—negative declaration.**

The State Air Pollution Control Agency submitted on November 29, 1978, a letter certifying that there are no existing sulfuric acid plants in the

## § 62.7400

state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

#### § 62.7400 Identification of sources—negative declaration.

The State Air Pollution Control Agency submitted on January 3, 1989, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[54 FR 9047, Mar. 3, 1989]

### EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.7405 Identification of plan—delegation of authority.

(a) Letter from the New Hampshire Department of Environmental Services (NHDES), submitted February 6, 2023, requested delegation of authority from EPA to implement and enforce the Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014 (Existing MSW Landfills Federal Plan) at Subpart OOO of this part.

(b) Identification of sources. The Existing MSW Landfills Federal Plan applies to each municipal solid waste landfill that meets the following criteria:

(1) Commenced construction, reconstruction, or modification on or before July 17, 2014.

(2) Accepted waste at any time since November 8, 1987, or has additional capacity for future waste deposition.

(c) On February 6, 2023, NHDES Commissioner Robert R. Scott signed the Memorandum of Agreement Concerning the Delegation of Authority of the Federal Plan for Existing Municipal Solid Waste Landfills to the New Hampshire Department of Environmental Services by the United States Environmental Protection Agency. On June 27, 2023, Region 1 Deputy Regional Administrator Karen McGuire signed the MoA.

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(d) The delegation became fully effective as of October 27, 2023.

[88 FR 66279, Sept. 27, 2023]

### TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS

#### § 62.7425 Identification of sources.

(a) The plan applies to the following existing kraft pulp mill:

(1) James River Corporation in Berlin.

(2) [Reserved]

(b) [Reserved]

[57 FR 56858, Dec. 1, 1992]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.7450 Identification of plan—negative declaration.

On August 2, 2011, September 9, 2011, and October 9, 2012 the State of New Hampshire Department of Environmental Services submitted letters certifying no Hospital/Medical/Infectious Waste Incineration units subject to 40 CFR part 60, subpart Ce operate within its jurisdiction.

[79 FR 16206, Mar. 25, 2014]

### AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### § 62.7455 Identification of plan—negative declaration.

On September 25, 2013 the State of New Hampshire Department of Environmental Services submitted a letter certifying no Commercial and Industrial Solid Waste Incineration units subject to 40 CFR part 60, subpart DDDD operate within the state's jurisdiction.

[82 FR 25972, June 6, 2017]

### AIR EMISSIONS FROM EXISTING LARGE AND SMALL MUNICIPAL WASTE COMBUSTORS

#### § 62.7460 Identification of sources.

(a) The plan applies to the following existing large municipal waste combustor:

(1) The Wheelabrator Concord Co., L.P. in Penacook.

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(2) [Reserved]

(b) The plan applies to the following existing small municipal waste combustor:

(1) The Wheelabrator Claremont Co., L.P. in Claremont.

(2) [Reserved]

[68 FR 6632, Feb. 10, 2003]

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.7465 Identification of plan—delegation of authority.**

(a) Letter from the New Hampshire Department of Environmental Services (NH DES), submitted November 14, 2017, requested delegation of authority from the EPA to implement and enforce the Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or before October 14, 2010 (SSI Federal Plan). The SSI Federal Plan will be administered by both the NH DES and the EPA pursuant to 40 CFR part 62 subpart LLL.

(b) *Identification of sources.* The SSI Federal Plan applies to owners or operators of existing facilities that meet all three of the following criteria:

(1) The SSI unit(s) commenced construction on or before October 14, 2010;

(2) The SSI unit(s) meets the definition of an SSI unit as defined in § 62.16045; and

(3) The SSI unit(s) is not exempt under § 62.15860.

(c) On December 18, 2017 Mr. Robert R. Scott, Commissioner of NH DES, signed the Memorandum of Agreement (MoA) which defines the policies, responsibilities, and procedures by which the SSI Federal Plan will be administered. On December 22, 2017, Mr. Ken Moraff, as Acting Regional Administrator of EPA Region 1, signed the MoA.

(d) The delegation is fully effective as of December 22, 2017.

[83 FR 29460, June 25, 2018]

**Subpart FF—New Jersey****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.7600 Identification of plan—negative declaration.**

The New Jersey Department of Environmental Protection submitted, on May 20, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[44 FR 41180, July 16, 1979]

**TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS****§ 62.7601 Identification of plan—negative declaration.**

The New Jersey Department of Environmental Protection submitted, on October 18, 1979, a letter certifying that there are no existing kraft pulp mills in the State subject to part 60, subpart B of this chapter.

[45 FR 80826, Dec. 8, 1980; 46 FR 27342, May 19, 1981]

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS****§ 62.7602 Identification of plan—negative declaration.**

The New Jersey Department of Environmental Protection submitted, on September 29, 1980, a letter certifying that there are no existing primary aluminum plants in the State subject to part 60 subpart B of this chapter.

[46 FR 30479, June 9, 1981]

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.7603 Identification of plan—delegation of authority.**

(a) On November 9, 1999, the New Jersey Department of Environmental Protection (NJDEP) submitted to the Environmental Protection Agency (EPA) a request for delegation of authority to implement and enforce the Federal Plan (40 CFR part 62, subpart FFF) for

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Large Municipal Waste Combustors (MWC).

(b) Identification of sources: The Federal Plan applies to existing facilities with a MWC unit capacity greater than 250 tons per day of municipal solid waste.

(c) On January 17, 2001, EPA prepared and signed a Memoranda of Agreement (MOA) between the EPA and the NJDEP that defines the policies, responsibilities, and procedures pursuant to 40 CFR part 62, subpart FFF and 40 CFR part 60, subpart Cb, by which the Federal Plan for large MWCs will be administered by both the NJDEP and EPA. On January 24, 2001, Robert C. Shinn, Commissioner NJDEP, signed the MOA, therefore agreeing to the terms and conditions of the MOA and accepting responsibility to enforce and implement the policies, responsibilities, and procedures of the Federal Plan for large MWCs.

[68 FR 10662, Mar. 6, 2003]

### AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR UNITS

#### § 62.7604 Identification of plan—negative declaration.

Letter from the New Jersey Department of Environmental Protection, submitted March 4, 2004, certifying that there are no commercial and industrial solid waste incinerators in the State of New Jersey subject to part 60, subpart DDDD of this chapter.

[69 FR 57188, Sept. 24, 2004]

### AIR EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS, SMALL MUNICIPAL WASTE COMBUSTION UNITS, AND HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS.

#### § 62.7605 Identification of plan—delegation of authority.

(a) Letter from the New Jersey Department of Environmental Protection (NJDEP), submitted May 13, 2005, requesting delegation of authority from EPA to implement and enforce the following three Federal plans: Municipal Solid Waste Landfills (MSW Landfills), Hospital/Medical/Infectious Waste Incinerators (HMIWI) and Small Municipal Waste Combustion Units (Small

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MWCs). The Federal plans will be administered by both NJDEP and EPA, pursuant to the following: "Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991," 40 CFR part 62, subpart GGG; "Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996," 40 CFR part 62, subpart HHH; and "Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999," 40 CFR part 62, subpart JJJ.

(b) Identification of sources: The three Federal plans apply to existing facilities as follows: MSW Landfills which commenced construction, reconstruction, or modification before May 30, 1991 and a MSW Landfill that has accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition; HMIWIs that combust any amount of hospital, medical or infectious waste and that commenced construction on or before June 20, 1996; and Small MWCs with a capacity to combust at least 35 tons per day of municipal solid waste or refuse-derived fuel but no more than 250 tons per day of municipal solid waste or refuse-derived fuel and if the Small MWC commenced construction on or before August 30, 1999.

(c) On April 24, 2006, EPA prepared and signed Memorandums of Agreement (MOAs) between EPA and NJDEP that define the policies, responsibilities and procedures pursuant to the three Federal plans identified in (a) above by which the Federal plans will be administered by both NJDEP and EPA. On May 15, 2006, Lisa P. Jackson, NJDEP Commissioner, signed the MOAs, therefore agreeing to the terms and conditions of the MOAs and accepting responsibility to enforce and implement the policies, responsibilities, and procedures for MSW Landfills, HMIWIs and Small MWCs.

(d) The delegation became fully effective on May 15, 2006, the date the MOAs were signed by the NJDEP Commissioner.

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(e) Letter from the New Jersey Department of Environmental Protection (NJDEP), submitted May 8, 2023, requested delegation of authority from EPA to implement and enforce the Federal Plan Requirements for existing Municipal Solid Waste Landfills. The Federal plan will be administered by both the NJDEP and the EPA, pursuant to ‘Federal Plan Requirements for Municipal Solid Waste (MSW) Landfills That Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014’ 40 CFR 62.16710–62.16730.

(f) Identification of sources. The Existing MSW Landfills Federal Plan applies to each municipal solid waste landfill that meets the following criteria:

(1) Commenced construction, reconstruction, or modification on or before July 17, 2014.

(2) Accepted waste at any time since November 8, 1987, or has additional capacity for future waste deposition.

(g) On November 21, 2023, the NJDEP Assistant Commissioner signed a Memorandum of Agreement (MoA) concerning the Delegation of Authority of the Federal Plan for Existing Municipal Solid Waste Landfills to the New Jersey Department of Environmental Protection by the United States Environmental Protection Agency. On November 28, 2023, the EPA Region 2 Regional Administrator signed the MoA, therefore agreeing to the terms and conditions of the MoA and accepting responsibility to enforce and implement the policies, responsibilities, and procedures for existing MSW landfills.

(h) The delegation became fully effective on November 28, 2023, the date the MoA was signed by the EPA Region 2 Regional Administrator.

[72 FR 1670, Jan. 16, 2007, as amended at 89 FR 31649, Apr. 25, 2024]

AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005

**§ 62.7606 Identification of plan-negative declaration.**

Letter from New Jersey Department of Environmental Protection submitted April 5, 2006 to Alan J. Stein-

berg Regional Administrator EPA Region 2 certifying there are no existing OSWI units in the State of New Jersey subject to 40 CFR part 60, subpart FFFF.

[81 FR 75710, Nov. 1, 2016]

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

**§ 62.7607 Identification of plan—delegation of authority.**

(a) Letter from the New Jersey Department of Environmental Protection (NJDEP), submitted October 12, 2016, requesting delegation of authority from the EPA to implement and enforce the Federal plan for existing Sewage Sludge Incineration (SSI) units. The Federal plan will be administered by both the NJDEP and the EPA, pursuant to ‘Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010’ 40 CFR 62.15855–62.16050.

(b) *Identification of sources.* The Federal plan applies to owners or operators of existing facilities that meet all three of the following criteria:

(1) The SSI unit(s) commenced construction on or before October 14, 2010;

(2) The SSI unit(s) meets the definition of an SSI unit as defined in § 62.16045; and

(3) The SSI unit(s) is not exempt under § 62.15860.

(c) On December 27, 2016, the EPA prepared and signed a Memorandum of Agreement (MOA) between the EPA and NJDEP that define the policies, responsibilities and procedures pursuant to the SSI Federal plan identified in (a) above by which the Federal plan will be administered by both the NJDEP and the EPA. On January 24, 2017, Bob Martin, NJDEP Commissioner, signed the MOA, therefore agreeing to the terms and conditions of the MOA and accepting responsibility to enforce and implement the policies, responsibilities, and procedures for existing SSI units.

(d) The delegation became fully effective on January 24, 2017, the date the MOA was signed by the NJDEP Commissioner.

[82 FR 44529, Sept. 25, 2017]

**§ 62.7850****Subpart GG—New Mexico**

SOURCE: 47 FR 10005, Mar. 9, 1982, unless otherwise noted.

**§ 62.7850 Identification of plan.**

(a) *Title of plan.* “State of New Mexico Designated Facility Plan” (§111(d)).

(b) The plan was officially submitted as follows:

(1) Sulfuric acid plants on May 15, 1981.

(c) Affected facilities: The plan includes the following facilities:

(1) Sulfuric acid plants.

**SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PLANTS****§ 62.7851 Identification of sources.**

(a) The plan includes the following sources:

(1) Kerr-McGee Nuclear Corporation in McKinley County.

(2) Climax Chemical Corporation in Lea County.

(b) Negative declaration for Bernalillo County.

Letter from the City of Albuquerque Air Pollution Control Division dated November 23, 2004, certifying that there are no existing sulfuric acid plants subject to 40 CFR 60 subpart Cd in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board.

[47 FR 10005, Mar. 9, 1982, as amended at 70 FR 57764, Oct. 4, 2005]

**FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM PLANTS****§ 62.7852 Identification of plan—negative declaration.**

The New Mexico Environmental Improvement Division and the Albuquerque Air Pollution Control Division submitted letters of July 8, 1980 and September 23, 1980, respectively, certifying that there are no existing primary aluminum plants in the State subject to part 60, subpart B of this chapter.

**40 CFR Ch. I (7-1-25 Edition)****TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS****§ 62.7853 Identification of plan—negative declaration.**

(a) Letter from the New Mexico Environmental Improvement Division dated November 5, 1979 certifying that there are no existing kraft pulp mills in the State subject to part 60 subpart B of this chapter.

(b) Letters from the City of Albuquerque Air Pollution Control Division dated July 8, 1980, and November 23, 2004, certifying that there are no existing kraft pulp mills subject to 40 CFR 60 subpart B in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board.

[70 FR 57764, Oct. 4, 2005]

**FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.7854 Identification of plan—negative declaration.**

(a) The State Department of Health and Social Services submitted on October 31, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

(b) Letter from the City of Albuquerque Air Pollution Control Division dated November 23, 2004, certifying that there are no phosphate fertilizer plants subject to 40 CFR 60 subpart B in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board.

[43 FR 51393, Nov. 3, 1978. Redesignated at 47 FR 10005, Mar. 9, 1982, as amended at 70 FR 57764, Oct. 4, 2005]

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.7855 New Mexico Environment Department.**

(a) *Identification of plan.* Section 111(d) plan for municipal solid waste landfills and the associated 20.2.64 NMAC, as submitted on May 25, 2017.

## Environmental Protection Agency

## § 62.7857

The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills under the jurisdiction of the New Mexico Environment Department for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is October 11, 2019.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected or obtained from the EPA Region 6 office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214-665-2200 or electronically through [www.regulations.gov](http://www.regulations.gov), Docket No. EPA-R6-OAR-2019-0306. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of New Mexico, New Mexico Environment Department, New Mexico Administrative Code, <http://164.64.110.134/nmac/>.

(i) 20.2.64 NMAC, Chapter 20—Environmental Protection, Chapter 2—Air Quality (Statewide), Part 64—Municipal Solid Waste Landfills, New Mexico Administrative Code, effective May 31, 2017.

(ii) [Reserved]

[84 FR 47901, Sept. 11, 2019]

### § 62.7856 Albuquerque-Bernalillo County Air Quality Control Board.

(a) *Identification of plan.* Section 111(d) plan for municipal solid waste landfills and the associated 20.11.71 NMAC, as submitted on May 24, 2017. The plan includes the regulatory provisions referenced in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills under the jurisdiction of the Albuquerque-Bernalillo County Air Quality Control Board for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is October 11, 2019.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected or obtained from the EPA Region 6 office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214-665-2200 or electronically through [www.regulations.gov](http://www.regulations.gov), Docket No. EPA-R6-OAR-2019-0306. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of New Mexico, Albuquerque-Bernalillo County Air Quality Control Board, New Mexico Administrative Code, <http://164.64.110.134/nmac/>.

(i) 20.11.71 NMAC, Title 20—Environmental Protection, Chapter 11—Albuquerque-Bernalillo-County Air Quality Control Board, Part 71—Municipal Solid Waste Landfills, New Mexico Administrative Code, effective May 13, 2017.

(ii) [Reserved]

[84 FR 47901, Sept. 11, 2019]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.7857 Identification of plan—negative declaration.

Letter from the Environment Department submitted January 10, 1997 certifying that there are no existing municipal waste combustor units in the

## § 62.7860

State of New Mexico that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33467, May 24, 2000]

### EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.7860 Identification of sources—negative declaration.

Letter from the City of Albuquerque Air Pollution Control Division dated September 10, 2002, certifying that there are no existing municipal waste combustion units in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo county Air Quality Control Board subject to 40 CFR part 60, subpart Cb.

[68 FR 35302, June 13, 2003]

### EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTES INCINERATORS

#### § 62.7870 Identification of plan—negative declarations.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated February 11, 2014, and February 4, 2014, respectively, certifying that there are no existing hospital/medical/infectious waste incinerator (HMIWI) units subject to 40 CFR part 60, subpart Ce, within their respective jurisdictions in the State of New Mexico.

[86 FR 12110, Mar. 2, 2021]

### EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.7880 Identification of sources—negative declaration.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated November 13, 2001, and September 10, 2002, respectively, certifying that there are no existing small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB under their jurisdictions in the State of New Mexico.

[68 FR 35302, June 13, 2003]

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### EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS

#### § 62.7890 Identification of sources—negative declarations.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated June 15, 2020, and March 4, 2020, respectively, certifying that there are no incinerators subject to the commercial and industrial solid waste incineration (CISWI) Emission Guidelines, under 40 CFR part 60, subpart DDDD, within their respective jurisdictions in the State of New Mexico.

[85 FR 72968, Nov. 16, 2020]

### EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS

#### § 62.7892 Identification of sources.

(a) *Negative declaration for the State of New Mexico excluding Bernalillo County.* Letter from the New Mexico Environment Department, dated October 6, 2011, certifying that there are no known existing sewage sludge incineration (SSI) units subject to 40 CFR part 60, subpart MMMM, within its jurisdiction, excluding Bernalillo County, New Mexico.

(b) *Negative declaration for Bernalillo County.* Letter from the City of Albuquerque Air Pollution Control Division, dated September 12, 2011, certifying that there are no known existing sewage sludge incineration (SSI) units subject to 40 CFR part 60, subpart MMMM, within the jurisdiction of the City of Albuquerque and Bernalillo County, New Mexico.

[80 FR 24222, Apr. 30, 2015]

### EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

#### § 62.7893 Identification of plan—negative declarations.

Letters from the New Mexico Environment Department and the City of Albuquerque Environmental Health Department dated June 15, 2020, and December 13, 2006, respectively, certifying that there are no incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines, at 40 CFR part 60, subpart FFFF,

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within their respective jurisdictions in the State of New Mexico.

[86 FR 17545, Apr. 5, 2021]

**Subpart HH—New York****FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.8100 Identification of plan—negative declaration.**

The New York State Department of Environmental Conservation submitted, on May 12, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[44 FR 41180, July 16, 1979]

**SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS****§ 62.8102 Identification of plan.**

(a) [Reserved]

(b) The plan was officially submitted and approved as follows:

(1) Part 224—“Sulfuric Acid and Nitric Acid Plants” of Title 6 of the New York Code of Rules and Regulations effective May 10, 1984.

(2) Supplemental information submitted on March 29, 1985.

(c) Identification of sources. The plan includes the following plants:

(1) PVS Chemicals, Inc., Buffalo.

(2) Eastman Kodak Company, Rochester.

(d) The plan is approved with the provision that for existing sources any variance or compliance date extension from the provisions of part 224, “Sulfuric Acid and Nitric Acid Plants,” or any text method other than specified in 40 CFR part 60, appendix A, approved by the Commissioner of Environmental Conservation must be submitted and approved as a plan revision.

[50 FR 41137, Oct. 9, 1985]

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.8103 Identification of plan.**

(a) The New York State Department of Environmental Conservation submitted to the Environmental Protection Agency a “State Plan for implementation and enforcement of 40 CFR part 60, subpart Cb, Emissions Guidelines for Large Municipal Waste Combustors” on December 15, 1997 and supplemented on June 22, 1998.

(b) Identification of sources: The plan applies to existing facilities with a municipal waste combustor unit capacity greater than 250 tons per day of municipal solid waste.

(c) On October 7, 1998 and supplemented on November 5, 1998, the New York State Department of Environmental Conservation submitted revisions to the State Plan which incorporates emission limits and compliance schedules as amended by EPA on August 25, 1997 (65 FR 45116).

(d) Identification of plan: On July 12, 2013, the New York State Department of Environmental Conservation (NYSDEC) submitted to the Environmental Protection Agency (EPA) a Clean Air Act section 111(d)/129 revised plan, and the associated Table 2 of subdivision 200.10(b) at Part 200 of Title 6 NYCRR, addressing 40 CFR part 60 subpart Cb, “Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994,” as amended on May 10, 2006. The plan includes the regulatory provisions cited in paragraph (g) of this section, which the EPA incorporates by reference.

(e) Identification of sources: The plan applies to all existing facilities in New York with a municipal waste combustion capacity greater than 250 tons per day of municipal solid waste for which construction commenced on or before September 20, 1994, and which are subject to 40 CFR part 60 subpart Cb.

(f) Effective date: The effective date of the plan for October 4, 2021.

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(g) Incorporation by reference:

(1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a)(1) and 1 CFR part 51. The material is available from the sources identified elsewhere in this paragraph. It may be inspected or obtained from the EPA Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866, 212-637-3378. It may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of New York, Department of State, Albany, New York 12231; <https://dos.ny.gov/state-register>.

(i) 6 NYCRR sec. 200.10(b)-Cb: Official Compilation of (New York) Codes, Rules and Regulations; Title 6—Environmental Conservation; Part 200—General Provisions; Section 200.10—Federal standards and requirements; Paragraph (b)—Table 2—Delegated Federal New Source Performance Standards of 40 CFR 60, entry Cb, Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994; effective September 4, 2019 (original effective date: October 20, 2007)

(ii) [Reserved]

[63 FR 41429, Aug. 4, 1998, as amended at 64 FR 6237, Feb. 9, 1999; 86 FR 49484, Sept. 3, 2021]

### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.8104 Identification of plan.

(a) *Identification of plan.* On December 11, 2019, the New York State Department of Environmental Conservation (NYSDEC) submitted to the Environmental Protection Agency (EPA) a Clean Air Act revised section 111(d) state plan, to incorporate revisions to Title 6 NYCRR Parts 208 and 200 for the implementation of 40 CFR part 60, subpart Cf, “Emissions Guidelines for Municipal Solid Waste Landfills.”

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills under the jurisdiction of

the New York State Department of Environmental Conservation that have accepted waste after November 8, 1987, and began construction, reconstruction, or modification on or prior to July 17, 2014, and have a design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters, as described in 40 CFR 60 subpart Cf.

(c) *Effective date.* The effective date of the plan for September 22, 2021.

(d) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with U.S.C. 552(a)(1) and 1 CFR part 51. The material is available from the sources identified elsewhere in this paragraph. It may be inspected or obtained from the EPA Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866, 212-637-3378. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of New York, Department of State, Albany, New York 12231; <https://dos.ny.gov/state-register>.

(i) 6 NYCRR Part 208: Official Compilation of (New York) Codes, Rules and Regulations; Title 6—Environmental Conservation; Part 208—Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills, effective September 4, 2019.

(ii) [Reserved]

[86 FR 46991, Aug. 23, 2021]

### METALS, ACID GASES, ORGANIC COMPOUNDS, PARTICULATES AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.8105 Identification of plan.

(a) The New York State Department of Environmental Conservation submitted to the Environmental Protection Agency a “State Plan for implementation and enforcement of 40 CFR part 60, subpart CE, Emissions Guidelines for Hospitals/Medical/Infectious Waste Incinerators” on September 9, 1998 and supplemented on March 11, May 12, and May 15, 1999.

## Environmental Protection Agency

## § 62.8108

(b) Identification of sources: The plan applies to all existing HMIWI facilities for which construction was commenced on or before June 20, 1996, as described in 40 CFR Part 60, Subpart Ce.

(c) The effective date for the portion of the plan applicable to existing Hospital/Medical/Infectious Waste Incinerators is October 8, 1999.

[64 FR 43094, Aug. 9, 1999]

### AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR UNITS

#### § 62.8106 Identification of plan—negative declaration.

Letter from the New York State Department of Environmental Conservation, submitted February 1, 2001, certifying that there are no commercial and industrial solid waste incinerators in the State of New York subject to part 60, subpart DDDD of this chapter.

[66 FR 41148, Aug. 7, 2001]

### AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE OR REFUSE DERIVED FUEL AND CONSTRUCTED ON OR BEFORE AUGUST 30, 1999

#### § 62.8107 Identification of plan.

(a) On October 22, 2002, the New York State Department of Environmental Conservation submitted to the Environmental Protection Agency "Section 111(d)/129 State Plan for Implementation of Municipal Waste Combustor Emission Guidelines [Title 40 CFR Part 60, Subparts B and BBBB]"

(b) Identification of sources: The plan applies to all existing Small Municipal Waste Combustion Units with the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste or refuse derived fuel and constructed on or before August 30, 1999.

(c) The effective date for the portion of the plan applicable to existing municipal waste combustor units is May 12, 2003.

[68 FR 11981, Mar. 13, 2003]

### AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

#### § 62.8108 Identification of plan.

(a) On July 1, 2013, the New York State Department of Environmental Conservation (NYSDEC) submitted to the Environmental Protection Agency a section 111(d)/129 plan for implementation and enforcement of 40 CFR part 60, subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. On February 28, 2014, the NYSDEC submitted clarifying information concerning the State's plan.

(b) *Identification of sources.* The plan applies to existing sewage sludge incineration (SSI) units that:

(1) Commenced construction on or before October 14, 2010, or

(2) Commenced a modification on or before September 21, 2011 primarily to comply with New York's plan, and

(3) Meets the definition of a SSI unit defined in New York's plan.

(c) The effective date of the plan for existing sewage sludge incineration units is July 11, 2014.

(d) On January 27, 2015, the New York State Department of Environmental Conservation (NYSDEC) submitted to the Environmental Protection Agency (EPA) a request to revise its section 111(d)/129 plan for implementation and enforcement of 40 CFR part 60, subpart MMMM—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration (SSI) Units submitted on July 1, 2013 and approved by the EPA on June 11, 2014 (79 FR 33456). NYSDEC's January 27, 2015 revision consisted of a request that EPA withdraw its June 11, 2013 approval of the affirmative defense provision as part of its State SSI plan, submitted to EPA for approval on July 1, 2013.

(e) The effective date of EPA's approval of NYSDEC's revised plan for existing sewage sludge incineration units is November 25, 2015.

[79 FR 33457, June 11, 2014, as amended at 80 FR 65161, Oct. 26, 2015]

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AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005

### § 62.8109 Identification of plan-negative declaration.

Letter from New York State Department of Environmental Conservation submitted November 13, 2006 to Alan J. Steinberg Regional Administrator EPA Region 2 certifying that there are no existing OSWI units in the State of New York subject to 40 CFR part 60, subpart FFFF.

[81 FR 75710, Nov. 1, 2016]

## Subpart II—North Carolina

AUTHORITY: Secs. 110(a) and 111(d), Clean Air Act (42 U.S.C. 7410(a) and 7411(d)).

SOURCE: 48 FR 31403, July 8, 1983, unless otherwise noted.

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

### § 62.8350 Identification of plan.

(a) *Identification of plan.* North Carolina Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist emissions from existing sulfuric acid production units, submitted on October 27, 1978, and November 14, 1979.

(2) Control of fluoride emissions from existing primary aluminum plants, submitted on April 16, and August 24, 1981.

(3) Control of total reduced sulfur emissions from existing facilities at kraft pulp mills, submitted on May 2, 1980, and September 24, 1982.

(4) The following revisions to Title 15 of the North Carolina Administrative Code (15 NCAC) were submitted to EPA on July 18, 1986, following adoption by the North Carolina Environmental Management Commission on November 8, 1984: Revised regulations 2D.0517—Emissions From Plants Producing Sulfuric Acid, 2D.0528—Total Reduced Sulfur From Kraft Pulp Mills, and 2D.0529—Fluoride Emissions From Primary Aluminum Reduction Plants.

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(5) A change to regulation 15 NCAC 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills, was submitted to EPA April 14, 1987, following adoption by the North Carolina Environmental Management Commission on April 9, 1987.

(6) Revisions to regulations 15 NCAC 2D.0528(c), (f), (g), and (h)—Total Reduced Sulfur from Kraft Pulp Mills, and 2D.0529 (a) and (c)—Fluoride Emissions from Primary Aluminum Reduction Plants, were submitted by the North Carolina Department of Natural Resources and Community Development on May 2, 1988, following adoption by the North Carolina Environmental Management Commission on April 14, 1988.

(7) Regulation 1-144, Particulate Matter and Reduced Sulfur Emissions from Pulp and Paper Mills, except 1-144(f) and (g) for the Western North Carolina portion of the North Carolina SIP submitted on June 14, 1990.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Primary aluminum plants.
- (3) Kraft pulp mills.

[48 FR 31403, July 8, 1983, as amended at 51 FR 41788, Nov. 19, 1986; 53 FR 31863, Aug. 22, 1988; 53 FR 49882, Dec. 12, 1988; 57 FR 4738, Feb. 7, 1992]

## SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

### § 62.8351 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plants:

(a) Sulfur-burning plants operated by:

(1) Texasgulf Inc. in Beaufort County,  
(2) Swift Agricultural Chemical Company in Brunswick County,  
(3) USS Agri-Chemicals in Brunswick County,

(4) Wright Chemical Corporation in Columbus County, and  
(5) Northeast Chemical Company in New Hanover County.

(b) There are no oleum plants.  
(c) There are no bound sulfur feedstock plants.

**Environmental Protection Agency****§ 62.8359****FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS****§ 62.8352 Identification of sources.**

(a) The plan applies to the following existing primary aluminum plant facilities.

(1) Two potlines of prebake cells at the Badin (Stanly County) plant of the Aluminum Corporation of America.

**TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS****§ 62.8353 Identification of sources.**

The plan applies to existing facilities at the following kraft pulp mills:

(a) Federal Paper Board in Riegelwood,

(b) Hoerner-Waldorf in Roanoke Rapids,

(c) Champion International in Canton,

(d) Weyerhaeuser in New Bern, and

(e) Weyerhaeuser in Plymouth.

[43 FR 51393, Nov. 3, 1978, as amended at 57 FR 4738, Feb. 7, 1992]

**AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS****§ 62.8354 Identification of plan—negative declaration.**

Letters from Forsyth County, Mecklenburg County, and Buncombe County, North Carolina were submitted on November 25, 2002, January 22, 2003 and November 6, 2002, respectively, certifying that there are no Commercial and Industrial Solid Waste Incineration units subject to 40 CFR part 60, subpart DDDD.

[70 FR 9230, Feb. 25, 2005]

**AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS—SECTION 111(d)/129 PLAN****§ 62.8355 Identification of sources.**

The Plan applies to existing Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.

[70 FR 56856, Sept. 29, 2005]

**AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN****§ 62.8356 Identification of plan—negative declaration.**

(a) Letter from Forsyth County Environmental Affairs Department, NC, submitted on June 2, 1999, certifying that there are no Hospital/Medical/Infectious Waste Incinerator units subject to 40 CFR part 60, subpart Ce in its jurisdictions.

(b) Letter from Western North Carolina Regional Air Quality Agency submitted on October 5, 2007, certifying that there are no Hospital/Medical/Infectious Waste Incinerator units subject to 40 CFR part 60, subpart Ce in its jurisdiction.

[74 FR 27721, June 11, 2009, as amended at 76 FR 22824, Apr. 25, 2011]

**AIR EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTORS (LMWC)—SECTION 111(d)/129 PLAN****§ 62.8357 Identification of plan—negative declaration.**

Letters from Forsyth County Environmental Affairs Department, Mecklenburg County Land Use and Environmental Services Agency, and Western North Carolina Regional Air Quality Agency submitted on February 17, 2010, August 19, 2009, and October 5, 2007, respectively, certifying that there are no Large Municipal Waste Combustor units subject to 40 CFR part 60, subpart Cb in their respective jurisdictions.

[76 FR 22824, Apr. 25, 2011]

**AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTORS (SMWC)—SECTION 111(d)/129 PLAN****§ 62.8359 Identification of plan—negative declaration.**

Letters from Forsyth County Environmental Affairs Department, Mecklenburg County Land Use and Environmental Services Agency, and Western North Carolina Regional Air Quality Agency submitted on February 17, 2010, January 22, 2003, and October 5, 2007, respectively, certifying that there are no Small Municipal Waste Combustor

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units subject to 40 CFR part 60, subpart BBBB in their respective jurisdictions.

[76 FR 22824, Apr. 25, 2011]

AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATORS (OSWI)—SECTION 111(d)/129 PLAN

### § 62.8361 Identification of plan—negative declaration.

Letters from Forsyth County Environmental Affairs Department, Mecklenburg County Land Use and Environmental Services Agency, and Western North Carolina Regional Air Quality Agency submitted on February 17, 2010, August 19, 2009, and October 5, 2007, respectively, certifying that there are no Other Solid Waste Incinerator units subject to 40 CFR part 60, subpart FFFF in their respective jurisdictions.

[76 FR 22824, Apr. 25, 2011]

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS (SSI)—SECTION 111(D)/129 PLAN

### § 62.8362 Identification of plan—North Carolina Department of Environmental Quality.

(a) *Delegation of authority.* On April 2, 2018, the EPA signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR part 62, subpart LLL (the “Federal plan”) by which the Federal plan will be administered by the North Carolina Department of Environmental Quality (NCDEQ).

(b) *Identification of sources.* The MOA and related Federal plan apply to all affected SSI units for which construction commenced on or before October 14, 2010.

(c) *Effective date of delegation.* The delegation became fully effective on April 2, 2018, the effective date of the MOA between the EPA and the NCDEQ.

[83 FR 19186, May 2, 2018]

### § 62.8363 Identification of plan—Western North Carolina Regional Air Quality Agency.

(a) *Delegation of authority.* On April 2, 2018, the EPA signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR part 62, subpart LLL (the “Federal plan”) by which the Federal

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plan will be administered by the Western North Carolina Regional Air Quality Agency (WNCRAQA).

(b) *Identification of sources.* The MOA and related Federal plan apply to all affected SSI units for which construction commenced on or before October 14, 2010.

(c) *Effective date of delegation.* The delegation became fully effective on April 2, 2018, the effective date of the MOA between the EPA and the WNCRAQA.

[83 FR 19186, May 2, 2018]

## Subpart JJ—North Dakota

SOURCE: 62 FR 65619, Dec. 15, 1997, unless otherwise noted.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.8600 Identification of plan.

Section 111(d) State Plan for Municipal Solid Waste Landfills and the associated State regulations contained in the North Dakota Administrative Code (NDAC) at 33.1-15-12-02, subpart Cf (incorporated by reference, see § 62.8700), submitted by the State on July 28, 2020.

[86 FR 35408, July 6, 2021]

### § 62.8601 Identification of sources.

The plan applies to all existing municipal solid waste landfills under the jurisdiction of the North Dakota Department of Environmental Quality for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

[86 FR 35408, July 6, 2021]

### § 62.8602 Effective date.

The effective date of the plan for existing municipal solid waste landfills is August 5, 2021.

[86 FR 35408, July 6, 2021]

**Environmental Protection Agency****§ 62.8660****AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

SOURCE: Sections 62.8610 through 62.8612 appear at 64 FR 44421, Aug. 16, 1999, unless otherwise noted.

**§ 62.8610 Identification of plan—Negative declaration.**

The State of North Dakota submitted a letter on May 8, 2019 certifying that there are no designated facilities subject to the emission guidelines for existing hospital medical infectious waste incinerators under 40 CFR part 60, subpart Ce operating within the State's jurisdiction.

[86 FR 35408, July 6, 2021]

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.8620 Identification of plan—negative declaration.**

Letter from the North Dakota Department of Health submitted February 26, 2015, certifying that there are no existing large municipal waste combustion units within the State of North Dakota that are subject to part 60, subpart Cb, of this chapter.

[82 FR 44742, Sept. 26, 2017]

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS****§ 62.8630 Identification of plan.**

Amended section 111(d)/129 State Plan for Commercial and Industrial Solid Waste Incineration Units and the associated State regulations contained in the North Dakota Administrative Code (NDAC) at 33.1-15-12-02, subpart DDDD (incorporated by reference, see § 62.8700), submitted by the State on July 28, 2020.

[86 FR 35408, July 6, 2021]

**§ 62.8631 Identification of sources.**

The plan applies to all existing commercial and industrial solid waste incineration units and air curtain incinerators under the jurisdiction of the North Dakota Department of Environ-

mental Quality for which construction commenced on or before June 4, 2010, or for which modification or reconstruction commenced no later than August 7, 2013, and are subject to the requirements of 40 CFR part 60, subpart DDDD.

[86 FR 35408, July 6, 2021]

**§ 62.8632 Effective date.**

The effective date of the plan for existing commercial and industrial solid waste incineration units is August 5, 2021.

[86 FR 35408, July 6, 2021]

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.8640 Identification of plan—negative declaration.**

Letter from North Dakota Department of Health submitted to EPA on November 27, 2012, certifying that there are no known existing sewage sludge incineration units in the State of North Dakota.

[80 FR 10610, Feb. 27, 2015]

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS****§ 62.8650 Identification of plan—negative declaration.**

Letter from the North Dakota Department of Health submitted November 27, 2001, certifying that there are no existing small municipal waste combustion units within the State of North Dakota that are subject to part 60, subpart BBBB, of this chapter.

[82 FR 44742, Sept. 26, 2017]

**EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS****§ 62.8660 Identification of plan—negative declaration.**

Letter from the North Dakota Department of Health submitted September 20, 2006, certifying that there are no existing other solid waste incineration units within the State of North Dakota that are subject to part 60, subpart FFFF, of this chapter.

[82 FR 44742, Sept. 26, 2017]

## § 62.8700

### INCORPORATION BY REFERENCE

#### § 62.8700 Incorporation by reference.

(a) The material incorporated by reference in this subpart was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The material may be inspected or obtained from the EPA Region 8 office, 1595 Wynkoop Street, Denver, CO 80202-1129, 303-312-6312 or from the other sources listed in this section. It may also be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(b) State of North Dakota, Legislative Council, 600 E Boulevard Ave., Bismarck, ND 58505-0360, (701) 328-2916, <https://legis.nd.gov/agency-rules/north-dakota-administrative-code>; North Dakota Administrative Code (NDAC).

(1) NDAC 33.1-15-12-02, subpart Cf., Title 33.1 North Dakota Department of Environmental Quality, Article 33.1-15 Air Pollution Control, Chapter 33.1-15-12—Standards of Performance for New Stationary Sources, Section 33.1-15-02 Standards of performance, Subpart Cf—Emission guidelines and compliance times for municipal solid waste landfills, effective July 1, 2020; IBR approved for § 62.8600.

(2) NDAC 33.1-15-12-02, subpart DDDD. Title 33.1 North Dakota Department of Environmental Quality, Article 33.1-15 Air Pollution Control, Chapter 33.1-15-12—Standards of Performance for New Stationary Sources, Section 33.1-15-12-02 Standards of performance, Subpart DDDD—Emission guidelines and compliance times commercial and industrial solid waste incineration units, effective July 1, 2020; IBR approved for § 62.8630.

[86 FR 35408, July 6, 2021]

### Subpart KK—Ohio

#### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.8850 Identification of plan—negative declaration.

The Ohio Environmental Protection Agency submitted on December 1, 1977,

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(resubmitted on April 1, 1985, and April 25, 1985) a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[50 FR 41137, Oct. 9, 1985]

#### EMISSIONS FROM SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY OF MUNICIPAL SOLID WASTE BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE AND COMMENCED CONSTRUCTION ON OR BEFORE AUGUST 30, 1999

#### § 62.8855 Identification of plan—negative declaration.

On July 25, 2002, the State of Ohio certified to the satisfaction of the United States Environmental Protection Agency that no sources categorized as small Municipal Waste Combustors are located in the State of Ohio.

[67 FR 61272, Sept. 30, 2002]

#### TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

#### § 62.8860 Identification of plan—disapproval.

On December 7, 1984, and April 23, 1986, Ohio submitted its plan for controlling total reduced sulfur from existing kraft pulp mills, including Rules 3745-73-01, 02, 03, and 04. The plan is being disapproved because:

(a) The requirements of § 60.24(f) of this chapter are not met because the State failed to justify the application of emission standards less stringent than the Federal emission standards. Additionally, USEPA does not have a bubble policy applicable to 111(d) plans.

(b) The plan does not contain monitoring requirements to ensure proper operation and maintenance of the affected facility as required by § 60.25(b) of this chapter.

[55 FR 19884, May 14, 1990]

**Environmental Protection Agency****§ 62.9100****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.8870 Identification of plan.**

The Ohio State Implementation Plan for implementing the Federal Municipal Solid Waste Landfill Emission Guidelines including Ohio Administrative Code (OAC) Rules 3745-76-01 through 3745-76-15 was submitted on March 30, 1998.

[63 FR 42238, Aug. 7, 1998]

**§ 62.8871 Identification of sources.**

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 42238, Aug. 7, 1998]

**§ 62.8872 Effective date.**

The effective date of the plan for municipal solid waste landfills is October 6, 1998.

[63 FR 42238, Aug. 7, 1998]

**EMISSIONS FROM HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS (HMIWI)****§ 62.8880 Identification of plan.**

On January 24, 2018, the Ohio Environmental Protection Agency submitted a letter to EPA certifying that there is only one Hospital/Medical/Infectious Waste Incinerator unit in the State of Ohio subject to the emissions guidelines at 40 CFR part 60, subpart DDDD and requesting that the Federal Plan at 40 CFR part 62, subpart HHH apply.

[83 FR 35424, July 26, 2018]

**Subpart LL—Oklahoma****PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)****§ 62.9100 Identification of plan.**

(a) *Identification of plan.* Oklahoma Plan for Control of Designated Pollutants from Existing Facilities (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from existing sulfuric acid production plants submitted on December 5, 1985, with the corresponding regulation submitted by the Governor of Oklahoma on March 31, 1986.

(2) Control of total reduced sulfur from existing kraft pulp mills was submitted on November 17, 1987, and supplemented on June 1, 1988.

(3) Oklahoma State Plan for Existing Large Municipal Waste Combustors, submitted on July 10, 1998, by the Oklahoma Department of Environmental Quality.

(4) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Oklahoma Department of Environmental Quality on December 18, 1998.

(5) Control of air emissions from designated hazardous/medical/infectious waste incinerators, submitted by the Oklahoma Department of Environmental Quality on November 17, 1999 (OAC 252:100-17, Part 7).

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources.

(1) Sulfuric acid production plants.

(2) Kraft pulp mills.

(3) Existing municipal waste combustors.

(4) Municipal solid waste landfills.

(5) Hazardous/medical/infectious waste incinerators.

(6) Commercial and industrial solid waste incineration units.

[52 FR 3229, Feb. 3, 1987, as amended at 54 FR 24905, June 12, 1989; 63 FR 59890, Nov. 6, 1998; 64 FR 13519, Mar. 19, 1999; 65 FR 25449, May 2, 2000; 70 FR 57769, Oct. 4, 2005]

**§ 62.9110****SULFURIC ACID MIST FROM EXISTING  
SULFURIC ACID PLANTS****§ 62.9110 Identification of sources.**

(a) *Identification of sources.* The plan includes the following sulfuric acid production plants.

- (1) National Zinc Co. in Bartlesville, Oklahoma.
- (2) Tulsa Chemical Co. in Tulsa, Oklahoma.

[52 FR 3230, Feb. 3, 1987]

**FLUORIDE EMISSIONS FROM PHOSPHATE  
FERTILIZER PLANTS****§ 62.9120 Identification of plan—negative declaration.**

The State Department of Health submitted on October 25, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[43 FR 51393, Nov. 3, 1978. Redesignated at 52 FR 3229, Feb. 3, 1987]

**EMISSIONS FROM EXISTING SEWAGE  
SLUDGE INCINERATOR UNITS****§ 62.9121 Identification of sources—negative declaration.**

Letter from the Oklahoma Department of Environmental Quality, dated November 14, 2011, certifying that there are no known existing sewage sludge incineration (SSI) units subject to 40 CFR part 60, subpart MMMM, within its jurisdiction.

[80 FR 24222, Apr. 30, 2015]

**FLUORIDE EMISSIONS FROM PRIMARY  
ALUMINUM PLANTS****§ 62.9130 Identification of plan—negative declaration.**

The Oklahoma State Department of Health submitted a letter on March 3, 1983, certifying that there are no existing primary aluminum reduction plants in the State of Oklahoma subject to 40 CFR part 60, subpart B, of this chapter.

[48 FR 29854, June 29, 1983. Redesignated at 52 FR 3229, Feb. 3, 1987]

**40 CFR Ch. I (7-1-25 Edition)****TOTAL REDUCED SULFUR FROM EXISTING  
KRAFT PULP MILLS****§ 62.9140 Identification of source.**

The plan includes the following kraft pulp mill:

- (a) Weyerhaeuser Paper Company in Valliant, Oklahoma.

[54 FR 24905, June 12, 1989]

**METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.9150 Identification of sources.**

The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW) at the following MWC site: Ogden-Martin Systems of Tulsa, Incorporated, 2122 South Yukon Avenue, Tulsa, OK 74107.

[63 FR 59890, Nov. 6, 1998]

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.9160 Identification of sources.**

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[64 FR 13519, Mar. 19, 1999]

**AIR EMISSIONS FROM HAZARDOUS/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.9170 Identification of sources.**

The plan applies to existing hazardous/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

[65 FR 25449, May 2, 2000]

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## § 62.9350

### EFFECTIVE DATE.

#### § 62.9171 Effective date.

The effective date for the portion of the plan applicable to existing hazardous/medical/infectious waste incinerators is July 3, 2000.

[65 FR 25449, May 2, 2000]

### EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.9180 Identification of sources—negative declaration.

Letter from the Oklahoma Department of Environmental Quality dated October 2, 2001, certifying that there are no existing small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB, under its jurisdiction in the State of Oklahoma.

[68 FR 35303, June 13, 2003]

### EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

SOURCE: Sections 62.9190 and 62.9191 appear at 70 FR 57769, Oct. 4, 2005, unless otherwise noted.

#### § 62.9190 Identification of sources.

(a) The plan applies to the following existing commercial and industrial solid waste incineration units:

- (a) A&A Enterprises, Ardmore, Oklahoma.
- (b) Henryetta Pallet Company, Henryetta, Oklahoma.
- (c) Oklahoma AAA Pallet Co., Inc., Oklahoma City, Oklahoma.
- (d) Simer Pallet Recycling, Inc., Chickasha, Oklahoma.

#### § 62.9191 Effective date.

The effective date of this portion of the State's plan applicable to existing commercial and industrial solid waste incineration units is December 5, 2005.

## Subpart MM—Oregon

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

#### § 62.9350 Identification of plan.

(a) *Identification of plan.* Oregon Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of fluoride emissions from phosphate fertilizer plants, submitted by the Oregon State Department of Environmental Quality on June 1, 1977.

(2) Control of sulfuric acid mist emissions from sulfuric acid production units, submitted by the Oregon State Department of Environmental Quality on January 27, 1978.

(3) Control of fluoride emissions from primary aluminum reduction plants, submitted by the Oregon State Department of Environmental Quality on January 13, 1981 and August 9, 1982.

(4) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing municipal waste combustors was submitted by Oregon Department of Environmental Quality on December 31, 1996.

(5) Control of emissions from existing municipal solid waste landfills was submitted by Oregon Department of Environmental Quality on August 2, 2019, amending a plan previously submitted on May 14, 1997 and approved by the EPA on June 26, 1998.

(6) Control of metals, acid gases, organic compounds, particulates and nitrogen oxide emissions from existing Hospital/Medical/Infectious Waste Incinerators was submitted by the Oregon Department of Environmental Quality on October 20, 1998, and November 6, 1998.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Phosphate fertilizer plants.
- (2) Sulfuric acid production units.
- (3) Primary aluminum reduction plants.

(4) Existing municipal waste combustors.

(5) Existing municipal solid waste landfills.

(6) Existing Hospital/Medical/Infectious Waste Incinerators.

[48 FR 11118, Mar. 16, 1983, as amended at 62 FR 36997, July 10, 1997; 63 FR 34818, June 26, 1998; 65 FR 21362, Apr. 21, 2000; 85 FR 63449, Oct. 8, 2020]

## § 62.9360

### FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.9360 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plants:

- (a) Reynolds Metals Company in Troutdale, Oregon
- (b) Martin-Marietta in The Dalles, Oregon.

[48 FR 11118, Mar. 16, 1983]

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.9500 Identification of sources.

The Oregon State Department of Environmental Quality submitted on June 1, 1977, certification that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[44 FR 76281, Dec. 26, 1979. Redesignated and amended at 48 FR 11118, Mar. 16, 1983]

### SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS

#### § 62.9501 Identification of sources.

The Oregon State Department of Environmental Quality submitted on January 27, 1978, certification that there are no existing sulfuric acid plants in the State subject to part 60, subpart B of this chapter.

[44 FR 76281, Dec. 26, 1979. Redesignated and amended at 48 FR 11118, Mar. 16, 1983]

### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.9505 Identification of sources.

The plan applies to existing facilities at the following municipal waste combustor sites:

- (a) Ogden Martin Systems, Marion County, Oregon.
- (b) [Reserved]

[62 FR 36997, July 10, 1997; 62 FR 48950, Sept. 18, 1997]

## 40 CFR Ch. I (7-1-25 Edition)

### CONTROL OF LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.9510 Identification of plan.

(a) The plan for the control of emissions from existing municipal solid waste landfills, submitted by the Oregon Department of Environmental Quality on May 14, 1997, to implement the emission guideline of 40 CFR part 60, subpart Cc, applies to all existing MSW landfill facilities in Oregon meeting the requirements as stated in their State regulations.

(b) The plan for the control of emissions from existing municipal solid waste landfills, submitted by the Oregon Department of Environmental Quality on August 2, 2019, to implement the emission guideline of 40 CFR part 60, subpart Cf, applies to all existing MSW landfill facilities in Oregon for which construction, reconstruction, or modification was commenced on or before July 17, 2014. The plan includes the regulatory provisions cited in paragraph (d)(2) of this section, which the EPA incorporates by reference.

(c) After November 9, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in Oregon must comply with the requirements in paragraph (b) of this section.

(d)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 or U.S. EPA, Region 10 office by calling 206-553-1200. The telephone number for the Public Reading Room is (202) 566-1744. You may inspect the material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of Oregon, Secretary of State, Oregon Administrative Rules,

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## § 62.9601

*https://secure.sos.state.or.us/oard/processLogin.action;*

(i) OAR 340-236-0500: Oregon Administrative Rules; Chapter 340, Oregon Department of Environmental Quality; Division 236, Emission Standards for Specific Industries; Rule 0500, Solid Waste Landfills: Emission Standards for Municipal Solid Waste Landfills, effective July 19, 2019.

(ii) [Reserved]

[85 FR 63449, Oct. 8, 2020]

### § 62.9511 Identification of sources.

The plan in § 62.9510(b) applies to all existing municipal solid waste landfills in the state of Oregon, excluding Indian Country, for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

[85 FR 63449, Oct. 8, 2020]

### § 62.9512 Effective date.

The effective date of the plan submitted on August 2, 2019 by the Oregon Department of Environmental Quality for municipal solid waste landfills is November 9, 2020.

[85 FR 63449, Oct. 8, 2020]

METALS, ACID GASES, ORGANIC COMPOUNDS, PARTICULATES AND NITROGEN OXIDE EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

### § 62.9515 Identification of sources—Negative declaration.

On October 20, 1998, and November 6, 1998, the Oregon Department of Environmental Quality submitted a letter certifying that there are no existing Hospital/Medical/Infectious Waste Incinerators in the State subject to the Emission Guidelines under part 60, subpart B, of this chapter.

[65 FR 21363, Apr. 21, 2000]

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

### § 62.9520 Identification of plan—negative declaration.

Letter from the Oregon Department of Environmental Quality, submitted on July 2, 2014, certifying that there are no existing sewage sludge incineration units subject to 40 CFR part 60,

subpart MMMM within its jurisdiction or the jurisdiction of the Lane Regional Air Protection Agency.

[80 FR 5485, Feb. 2, 2015]

## Subpart NN—Pennsylvania

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.9600 Identification of plan—negative declaration.

(a) The Pennsylvania Department of Environmental Resources submitted on December 1, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

(b) The Allegheny County Bureau of Air Pollution Control submitted a letter on August 18, 1978 certifying that there are no phosphate fertilizer plants in the County subject to part 60, subpart B of this chapter.

(c) The City of Philadelphia Air Management Services submitted on February 22, 1985, a letter certifying that there are no existing phosphate fertilizer plants in the City subject to part 60, subpart B of this chapter.

[47 FR 5900, Feb. 9, 1982, as amended at 50 FR 47734, Nov. 20, 1985]

### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

### § 62.9601 Identification of plan.

(a) The Allegheny County Bureau of Air Pollution Control submitted a letter on August 18, 1978 certifying that there are no sulfuric acid plants in the County subject to part 60, subpart B of this chapter.

(b) A plan for the control of sulfuric acid mist emissions from existing sulfuric acid plants in the Commonwealth of Pennsylvania, submitted on May 30, 1978 and supplemented on August 17, 1981.

(c) The City of Philadelphia Air Management Services submitted on February 22, 1985, a letter certifying that there are no existing sulfuric acid plants in the City subject to part 60, subpart B of this chapter.

[47 FR 5900, Feb. 9, 1982, as amended at 50 FR 47735, Nov. 20, 1985]

## § 62.9610

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

### § 62.9610 Identification of plan—negative declaration

(a) The Allegheny County Bureau of Air Pollution Control submitted a letter on February 14, 1985, certifying that there are no kraft pulp mills in the County subject to part 60, subpart B of this chapter.

(b) The City of Philadelphia Air Management Services submitted on February 22, 1985, a letter certifying that there are no existing kraft pulp mills in the City subject to part 60, subpart B of this chapter.

[50 FR 47735, Nov. 20, 1985]

### § 62.9611 Identification of plan—Pennsylvania.

(a) *Title of Plan.* Commonwealth of Pennsylvania Plan under section 111(d) for Designated Pollutants from Existing Facilities—Kraft Pulp Mills.

(b) The plan was officially submitted by the Pennsylvania Department of Environmental Resources on July 19, 1988, with revisions submitted on January 11, 1991, and August 15, 1991.

(c) *Identification of sources.* The Plan includes the following kraft pulp mills:

(1) Appleton Papers—Roaring Spring, Blair County

(2) P.H. Gladfelter—Spring Grove, York County

(3) Penntech Papers—Johnsonburg, Elk County

[64 FR 57784, Oct. 27, 1999]

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

### § 62.9620 Identification of plan—negative declaration.

The Secretary, Department of Environmental Resources submitted on November 3, 1980, a letter certifying there are no primary aluminum plants in the Commonwealth of Pennsylvania subject to part 60, subpart B of this chapter.

[46 FR 41783, Aug. 18, 1981]

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LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)

### § 62.9630 Identification of plan.

Section 111(d) plan for municipal solid waste landfills and the associated Allegheny County Health Department Regulation in Article XXI, § 2105.73, as submitted on October 23, 1997, by the Commonwealth of Pennsylvania.

[64 FR 13077, Mar. 17, 1999]

### § 62.9631 Identification of sources.

The plan applies to all Allegheny County, Pennsylvania, existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that has accepted waste at any time since November 8, 1987 or that has additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[64 FR 13077, Mar. 17, 1999]

### § 62.9632 Effective date.

The effective date of the plan for municipal solid waste landfills is April 16, 1999.

[64 FR 13078, Mar. 17, 1999]

### § 62.9633 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted March 15, 2018 and amended by email on May 1, 2020, certifying that there are no existing municipal solid waste landfills in the City of Philadelphia that are subject to 40 CFR part 60, subpart Cf.

[85 FR 74890, Nov. 24, 2020]

### § 62.9635 Identification of plan.

Section 111(d) plan for municipal solid waste landfills, as submitted on July 1, 1997, and as amended through April 9, 2003 by the Pennsylvania Department of Environmental Protection. The plan excludes the geographical areas under the authority of Allegheny County and the City of Philadelphia.

[68 FR 74870, Dec. 29, 2003]

## Environmental Protection Agency

## § 62.9646

### § 62.9636 Identification of sources.

The plan applies to existing Pennsylvania landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[68 FR 74870, Dec. 29, 2003]

### § 62.9637 Effective date.

The effective date of the plan for municipal solid waste landfills is January 28, 2004.

[68 FR 74870, Dec. 29, 2003]

METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH A UNIT CAPACITY GREATER THAN 250 TONS PER DAY

SOURCE: Sections 62.9640 through 62.9642 appear at 64 FR 45884, Aug. 23, 1999, unless otherwise noted.

### § 62.9640 Identification of plan.

The 111(d)/129 plan for municipal waste combustors (MWC) units with a capacity greater than 250 tons per day (TPD) and the associated Pennsylvania Department of Environmental Protection operating permits that were submitted to EPA on April 27, 1998, and as amended on September 8, 1998, and July 7, 2000, including supplemental information dated August 15, 2000. All affected facilities must achieve full compliance with all 111(d)/129 plan requirements on or before December 19, 2000.

[68 FR 43511, Aug. 20, 2001]

### § 62.9641 Identification of sources.

The plan applies to all existing MWC facilities with a MWC unit capacity greater than 250 TPD of municipal solid waste.

### § 62.9642 Effective dates.

(a) The effective date of the submitted 1998 111(d)/129 plan is October 22, 1999.

(b) The effective date of the submitted 2000 111(d)/129 plan revision is October 4, 2001.

[66 FR 43511, Aug. 20, 2001]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

SOURCE: Sections 62.9643 and 62.9644 appear at 65 FR 33467, May 24, 2000, unless otherwise noted.

### § 62.9643 Identification of plan—negative declaration.

Letter from the Allegheny County Health Department submitted March 14, 1996 certifying that there are no existing municipal waste combustor units in Allegheny County that are subject to part 60, subpart Cb, of this chapter.

### § 62.9644 Identification of plan—negative declaration.

Letter from the City of Philadelphia Department of Public Health submitted February 14, 1997 certifying that there are no existing municipal waste combustor units in the City of Philadelphia that are subject to part 60, subpart Cb, of this chapter.

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

SOURCE: 68 FR 51, Jan. 2, 2003, unless otherwise noted.

### § 62.9645 Identification of plan—negative declaration.

Letter from the Allegheny County Health Department submitted November 21, 2001, certifying that there are no existing small municipal waste combustion units within Allegheny County, Pennsylvania that are subject to 40 CFR part 60, subpart BBBB.

### § 62.9646 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted February 9, 2001, certifying that there are no existing small municipal waste combustion units within the City of Philadelphia, Pennsylvania

## § 62.9647

that are subject to 40 CFR part 60, subpart BBBB.

### EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.9647 Identification of plan—negative declaration.

October 30, 2003 letter from the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, certifying that there are no existing small municipal waste combustion units within Pennsylvania, excluding Allegheny and Philadelphia counties, that are subject to 40 CFR part 60, subpart BBBB.

[69 FR 10167, Mar. 4, 2004]

### EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIS) (SECTION 111(d)/129 PLAN)

SOURCE: Sections 62.9650 through 62.9652 appear at 67 FR 22359, May 3, 2002, unless otherwise noted.

#### § 62.9650 Identification of plan.

Section 111(d)/129 plan for designated HMIWIs and the associated state issued air quality construction and operating permits, as submitted on October 26, 1998, amended December 3, 1999, May 4, August 9, and October 22, 2001.

#### § 62.9651 Identification of sources.

The plan applies to all existing HMIWIs located in Pennsylvania, excluding Allegheny County, for which construction was commenced on or before June 20, 1996.

#### § 62.9652 Effective date.

The effective date of the plan is June 17, 2002.

### EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIS) (SECTION 111(d)/129 PLAN)

SOURCE: Sections 62.9660 through 62.9662 appear at 65 FR 18252, Apr. 7, 2000, unless otherwise noted.

#### § 62.9660 Identification of plan.

Section 111(d)/129 plan for HMIWIs and the associated Allegheny County

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Health Department (ACHD) regulations, as submitted on June 24, 1999.

#### § 62.9661 Identification of sources.

The plan applies to all Allegheny County, Pennsylvania existing HMIWI for which construction was commenced on or before June 20, 1996.

#### § 62.9662 Effective date.

The effective date of the plan is June 6, 2000.

[65 FR 18252, Apr. 7, 2000; 65 FR 34104, May 26, 2000]

#### § 62.9663 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted August 2, 2011, certifying that there are no existing hospital/medical/infectious waste incinerator units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart Ce.

[82 FR 47400, Oct. 12, 2017]

### EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

#### § 62.9665 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted March 28, 2012, certifying that there are no existing sewage sludge incineration units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart MMMM.

[83 FR 11420, Mar. 15, 2018]

### EMISSIONS FROM EXISTING COMMERCIAL/INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### § 62.9670 Identification of plan—negative declaration.

(a) Letter from the City of Philadelphia, Department of Public Health, submitted February 9, 2001, certifying that there are no existing commercial/industrial solid waste incineration units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart DDDD.

(b) Letter from the City of Philadelphia, Department of Public Health,

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submitted March 4, 2015, as amended February 4, 2016, certifying that there are no existing commercial/industrial solid waste incineration units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart DDDD.

[82 FR 20278, May 1, 2017]

### EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) UNITS—SECTION 111(d)/129 FEDERAL PLAN DELEGATIONS

SOURCE: Sections 62.9675 through 62.9677 and 62.9680 through 62.9682 appear at 70 FR 10492, Mar. 4, 2005, unless otherwise noted.

#### § 62.9675 Identification of plan—delegation of authority.

On October 14, 2004, EPA signed a Memoranda of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR part 62, Subpart III (the “Federal plan”) by which the Federal plan will be administered by the PADEP on behalf of EPA.

#### § 62.9676 Identification of sources.

The MOA and related Federal plan apply to all affected CISWI units for which construction commenced on or before November 30, 1999.

#### § 62.9677 Effective date of delegation.

The delegation became fully effective on November 24, 2004 the date the MOA was signed by the PADEP Secretary.

#### § 62.9680 Identification of plan—delegation of authority.

On October 14, 2004, EPA signed a Memoranda of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR part 62, Subpart III (the “Federal plan”) by which the Federal plan will be administered by the Allegheny County Health Department (ACHD) on behalf of EPA.

#### § 62.9681 Identification of sources.

The MOA and related Federal plan apply to all affected CISWI units for which construction commenced on or before November 30, 1999.

#### § 62.9682 Effective date of delegation.

The delegation became fully effective on October 19, 2004 the date the MOA was signed by the ACHD Director.

### AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS (SSI)—SECTION 111(D)/129 FEDERAL PLAN DELEGATIONS

#### § 62.9690 Identification of plan-delegation of authority.

(a) *Identification of plan—delegation of authority.* On March 1, 2019, the EPA signed a Memorandum of Agreement (MOA) that defines policies, responsibilities, and procedures pursuant to 40 CFR part 62, subpart LLL (the “Federal plan”) by which the Federal plan will be administered by the Pennsylvania Department of Environmental Protection (PADEP).

(b) *Identification of sources.* The MOA and related Federal plan apply to all affected SSI units for which construction commenced on or before October 14, 2010.

(c) *Effective date of delegation.* The delegation became fully effective on May 17, 2019.

[84 FR 15962, Apr. 17, 2019]

## Subpart OO—Rhode Island

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(D) PLAN)

#### § 62.9825 Identification of plan.

(a) *Identification of Plan.* Rhode Island Plan for the Control of Designated Pollutants from Existing Plants (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1)-(2) [Reserved]

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1)-(2) [Reserved]

[66 FR 21096, Apr. 27, 2001, as amended at 82 FR 25972, June 6, 2017]

**§ 62.9850**

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

**§ 62.9850 Identification of plan—negative declaration.**

The State Department of Environmental Management submitted on November 14, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS

**§ 62.9875 Identification of plan—negative declaration.**

The State Department of Environmental Management submitted on November 14, 1977, a letter certifying that there are no existing sulfuric acid plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

**§ 62.9900 Identification of plan—negative declaration.**

The State Department of Environmental Management submitted on July 26, 1979, a letter certifying that there are no existing kraft pulp mills in the State subject to part 60, subpart B of this chapter.

[54 FR 9047, Mar. 3, 1989]

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

**§ 62.9950 Identification of plan—negative declaration.**

The State Department of Environmental Management submitted on December 8, 1989, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[54 FR 9047, Mar. 3, 1989]

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AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

**§ 62.9970 Identification of plan—negative declaration.**

On January 8, 2002, the Rhode Island Department of Environmental Management submitted a letter certifying that there are no existing commercial and industrial solid waste incineration units in the state subject to the emission guidelines under part 60, subpart DDDD of this chapter.

[67 FR 17946, Apr. 12, 2002]

MUNICIPAL WASTE COMBUSTOR EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.9975 Identification of plan—negative declaration.**

On February 5, 1992, the Rhode Island Department of Environmental Management submitted a letter certifying that there are no existing municipal waste combustors in the State subject to the emission guidelines published on February 11, 1991 (56 FR 5514) pursuant to part 60, subpart B of this chapter.

[57 FR 44692, Sept. 29, 1992]

AIR EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

**§ 62.9980 Identification of plan—negative declaration.**

On January 8, 2002, the Rhode Island Department of Environmental Management submitted a letter certifying that there are no existing small municipal waste combustors in the state subject to the emission guidelines under part 60, subpart BBBB of this chapter.

[67 FR 17946, Apr. 12, 2002]

## Environmental Protection Agency

## § 62.10110

### EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.9985 Identification of plan—negative declaration.

On July 28, 2020, the Rhode Island Department of Environmental Management submitted a letter certifying no existing source Municipal Solid Waste Landfills subject to 40 CFR part 60, subpart Cf, operate within the State's jurisdiction.

[86 FR 9023, Feb. 11, 2021]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.9990 Identification of plan—negative declaration.

On September 25, 2013 the State of Rhode Island Department of Environmental Management submitted a letter certifying no Hospital/Medical/Infectious Waste Incinerators units subject to 40 CFR part 60, subpart Ce operate within the state's jurisdiction.

[82 FR 25972, June 6, 2017]

### AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

#### § 62.9995 Identification of plan—negative declaration.

On November 8, 2006, The State of Rhode Island Department of Environmental Management submitted a letter certifying no Other Solid Waste Incineration units subject to 40 CFR part 60, subpart FFFF operate within its jurisdiction.

[79 FR 16206, Mar. 25, 2014]

## Subpart PP—South Carolina

### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

SOURCE: 47 FR 29236, July 6, 1982, unless otherwise noted.

#### § 62.10100 Identification of plan.

(a) *Identification of plan.* South Carolina Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Implementation Plan for Control of Designated Pollutants, including sulfuric acid mist from sulfuric acid plants and total reduced sulfur from kraft pulp mills, submitted on December 22, 1981.

(2) A revision to South Carolina's 111(d) plan for total reduced sulfur which was submitted on December 13, 1984. This revision approved an alternate emission limit for the digesters and an extended compliance schedule for the evaporators at Stone Container Corporation.

(3) South Carolina Implementation Plan for Existing Large Municipal Waste Combustors, submitted on January 14, 1998, by the South Carolina Department of Health and Environmental Control.

(4) South Carolina Implementation Plan for Existing Municipal Solid Waste Landfills, submitted on April 12, 1999, by the South Carolina Department of Health and Environmental Control.

(5) South Carolina Designated Facility Plan (Section 111(d)/129) for Hospital/Medical/Infectious Waste Incinerators, submitted on September 19, 2000, by the South Carolina Department of Health and Environmental Control.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories sources:

(1) Sulfuric acid plants.

(2) Kraft pulp mills.

(3) Existing municipal waste combustors.

(4) Existing municipal solid waste landfills.

(5) Existing hospital/medical/infectious waste incinerators.

[47 FR 29236, July 6, 1982, as amended at 50 FR 33037, Aug. 16, 1985; 63 FR 40048, July 27, 1998; 64 FR 46151, Aug. 24, 1999; 66 FR 48567, Sept. 21, 2001]

### SULFURIC ACID MIST FROM SULFURIC ACID PLANTS

#### § 62.10110 Identification of sources.

The plan applies to existing plants at the following locations:

(1) Sulfur-burning plants of W. R. Grace and Company's plant in Charleston.

(2) There are no bound sulfur or oleum plants.

## § 62.10120

### TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

#### § 62.10120 Identification of sources.

The plan applies to existing facilities at the following kraft pulp mills:

- (1) Westvaco in North Charleston.
- (2) International Paper Company in Georgetown.
- (3) Bowater Carolina Company in Catawba.
- (4) Stone Container Corporation in Florence.

[47 FR 29236, July 6, 1982, as amended at 50 FR 33037, Aug. 16, 1985]

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

#### § 62.10130 Identification of plan—negative declaration.

The South Carolina Department of Health and Environmental Control submitted on November 2, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B, of this chapter.

### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM REDUCTION PLANTS

#### § 62.10140 Identification of plan—negative declaration.

The South Carolina Department of Health and Environmental Control submitted on May 3, 1983, a letter certifying that there are no existing primary aluminum plants in the State which are subject to part 60 subpart B of this chapter.

[50 FR 33037, Aug. 16, 1985]

### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.10150 Identification of plan—negative declaration.

Letter from South Carolina Department of Health and Environmental Control submitted on July 8, 2010, certifying that there are no Large Municipal Waste Combustor units subject to

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40 CFR part 60, subpart Cb in its jurisdiction.

[76 FR 22824, Apr. 25, 2011]

### EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS—SECTION 111(D) PLAN

#### § 62.10160 Identification of sources.

(a) *Identification of plan.* South Carolina's State Plan for Existing Municipal Solid Waste Landfills, as submitted on January 19, 2022. The plan includes the regulatory provisions cited in paragraph (d) of this section, which EPA incorporates by reference.

(b) *Identification of sources.* The plan applies to each existing municipal solid waste landfill in the State of South Carolina that commenced construction on or before July 17, 2014, as such landfills are defined in 40 CFR 60.41f and 40 CFR part 60.

(c) *Effective date.* The effective date of the plan is April 11, 2024.

(d) *Incorporation by reference.* Material listed in this paragraph (d) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the EPA and at the National Archives and Records Administration (NARA). Contact EPA at: EPA Region 4 office, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404-562-9900. For information on the availability of this material at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). The material may be obtained from the State of South Carolina—The Legislative Council of the General Assembly, Office of the State Register, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, Columbia, SC 29201; phone: (803) 212-4500; email: [REG@scstatehouse.gov](mailto:REG@scstatehouse.gov); website: <https://www.scstatehouse.gov>.

(1) S.C. Code Ann. Regs. 61-62.60, Subpart Cf. South Carolina Code Annotated Regulations, Chapter 61—Department of Health and Environmental Control, 61-62—Air Pollution Control Regulations and Standards, 61-62.60—South Carolina Designated Facility Plan and New Source Performance Standards, subpart Cf—Performance

## Environmental Protection Agency

## § 62.10353

Standards and Compliance Times for Existing Solid Waste Landfills, effective November 26, 2021.

(2) [Reserved]

[89 FR 17761, Mar. 12, 2024]

### AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

#### § 62.10170 Identification of sources.

The plan applies to existing hospital/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

[66 FR 48567, Sept. 21, 2001]

### AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.10180 Identification of plan—negative declaration.

Letter from the South Carolina Department of Health and Environmental Control submitted November 6, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[67 FR 273, Jan. 3, 2002]

### AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS (SECTION 111(d)/129 PLAN)

#### § 62.10190 Identification of Sources.

The Plan applies to existing Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999.

[69 FR 9557, Mar. 1, 2004]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN

#### § 62.10200 Identification of plan—negative declaration.

Letter from South Carolina Department of Health and Environmental Control submitted on December 14, 2009, certifying that there are no Hospital/Medical/Infectious Waste Incinerator units subject to 40 CFR part 60, subpart Ce in its jurisdiction.

[76 FR 22824, Apr. 25, 2011]

## Subpart QQ—South Dakota

SOURCE: 64 FR 29799, June 3, 1999, unless otherwise noted.

### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.10350 Identification of plan.

Section 111(d) State Plan for Existing Municipal Solid Waste Landfills and the associated State regulations contained in the Administrative Rules of South Dakota (ARSD) at 74:36:01:19 and 74:36:07:94—145 ARSD (incorporated by reference, see § 62.10353), submitted by the State on January 3, 2020.

[86 FR 16540, Mar. 30, 2021]

#### § 62.10351 Identification of sources.

The plan applies to all existing municipal solid waste landfills under the jurisdiction of the South Dakota Department of Environment and Natural Resources for which construction, reconstruction, or modification was commenced on or before July 17, 2014, and are subject to the requirements of 40 CFR part 60, subpart Cf.

[86 FR 16540, Mar. 30, 2021]

#### § 62.10352 Effective date.

The effective date of the plan for existing municipal solid waste landfills is April 29, 2021.

[86 FR 16540, Mar. 30, 2021]

#### § 62.10353 Incorporation by reference.

(a) The material incorporated by reference in this subpart was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The material may be inspected or obtained from the EPA Region 8 office, 1595 Wynkoop Street, Denver, CO 80202-1129, 303-312-6312 or from the other sources listed in this section. It may also be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or

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go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(b) State of South Dakota, Legislative Research Council, 5007, 500 E Capitol Ave. #3, Pierre, SD 57501, (605) 773-3251, <https://rules.sd.gov/>; Administrative Rules of South Dakota (ARSD). Title 74 South Dakota Department of Environment and Natural Resources:

(1) 74:36:01:19 ARSD, Article 74:36—Air Pollution Control Program, Chapter 01—Definitions, Section 19—Existing municipal solid waste landfill defined, effective November 25, 2019.

(2) 74:36:07:94 through 145 ARSD, Article 74:36—Air Pollution Control Program, Chapter 07—New Source Performance Standards, Sections 94 through 145, effective November 25, 2019.

[86 FR 16540, Mar. 30, 2021]

### AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SOURCE: Sections 62.10360 through 62.10362 appear at 65 FR 38740, June 22, 2000, unless otherwise noted.

#### § 62.10360 Identification of plan.

The State of South Dakota submitted a letter on June 7, 2021, certifying that there are no designated facilities subject to the emissions guidelines for existing hospital medical infectious waste incinerators under 40 CFR part 60, subpart Ce, operating within the State's jurisdiction.

[87 FR 30108, May 18, 2022]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.10370 Identification of plan—negative declaration.

Letter from the South Dakota Department of Environment and Natural Resources submitted April 3, 2017, certifying that there are no existing large municipal waste combustion units within the State of South Dakota that are subject to part 60, subpart Cb, of this chapter.

[82 FR 44742, Sept. 26, 2017]

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### AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS

#### § 62.10380 Identification of plan—negative declaration.

Letter from the South Dakota Department of Environment and Natural Resources submitted April 3, 2017, certifying that there are no existing commercial and industrial solid waste incineration units within the State of South Dakota that are subject to part 60, subpart DDDD, of this chapter.

[82 FR 44742, Sept. 26, 2017]

### EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

#### § 62.10390 Identification of plan—negative declaration.

Letter from South Dakota Department of Environmental Quality submitted to EPA on November 21, 2012, certifying that there are no known existing sewage sludge incineration units in the State of South Dakota.

[80 FR 10610, Feb. 27, 2015]

### EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

#### § 62.10400 Identification of plan—negative declaration.

Letter from the South Dakota Department of Environment and Natural Resources submitted January 25, 2002, certifying that there are no existing small municipal waste combustion units within the State of South Dakota that are subject to part 60, subpart BBBB, of this chapter.

[82 FR 44742, Sept. 26, 2017]

### EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

#### § 62.10410 Identification of plan—negative declaration.

Letter from the South Dakota Department of Environment and Natural Resources submitted May 4, 2007, certifying that there are no existing other solid waste incineration units within the State of South Dakota that are subject to part 60, subpart FFFF, of this chapter.

[82 FR 44742, Sept. 26, 2017]

## Environmental Protection Agency

## § 62.10627

### Subpart RR—Tennessee

#### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

##### § 62.10602 Identification of sources—negative declaration.

The Tennessee Department of Health and Environment on April 4, 1985, submitted a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[50 FR 26204, June 25, 1985]

#### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

##### § 62.10625 Identification of plan.

On June 25, 1993, the State submitted revisions to the Tennessee State Implementation Plan (SIP). These were revisions to the process gaseous emission standards. These revisions incorporate changes to Rule 1200-3-7-.07, subparagraphs (4)(a) and (4)(b) of the Tennessee SIP which bring this into conformance with the requirements of 40 CFR part 62, subpart I.

[61 FR 29667, June 12, 1996]

#### PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

##### § 62.10626 Identification of plan.

(a) Identification of plan. Tennessee Designated Facility Plan (Section 111(d) plan).

(b) The plan was officially submitted as follows:

(1) Metropolitan Nashville and Davidson County Tennessee's Implementation Plan For Municipal Waste Combustors, submitted on December 24, 1996, by the State of Tennessee Department of Environment and Conservation.

(2) Metropolitan Nashville and Davidson County Tennessee's Plan For Implementing the Municipal Solid Waste Landfill Emission Guidelines, submitted on December 24, 1996, by the State of Tennessee Department of Environment and Conservation.

(3) State of Tennessee Plan for Implementing the Municipal Solid Waste Landfill Emission Guideline Requirements of 40 CFR part 60, subpart Cc,

submitted on January 8, 1999, by the Tennessee Department of Environment and Conservation.

(4) Knox County Department of Air Quality Management Implementation Plan: Federal Emission Guidelines Municipal Solid Waste Landfills, submitted on July 29, 1999, by the State of Tennessee Department of Environment and Conservation.

(5) Chattanooga-Hamilton County Air Pollution Control Bureau Clean Air Act Section 111(d) Plan for Municipal Solid Waste Landfills, submitted on April 26, 1999, by the State of Tennessee Department of Environment and Conservation.

(6) City of Memphis Implementation Plan: Federal Emission Guidelines Hospital/Medical/Infectious Waste Incinerators (HMIWI), submitted on February 16, 2006, by the Memphis and Shelby County Health Department.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Existing municipal waste combustors.

(2) Existing municipal solid waste landfills.

(3) Existing Hospital/Medical/Infectious Waste Incinerators

[63 FR 70026, Dec. 18, 1998, as amended at 64 FR 52663, Sept. 30, 1999; 65 FR 8857, 8859, Feb. 23, 2000; 74 FR 27447, June 10, 2009]

#### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

##### § 62.10627 Identification of sources.

The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW) at the following MWC sites:

(a) Nashville Thermal Transfer Corporation, Nashville, Tennessee.

[63 FR 70026, Dec. 18, 1998]

## § 62.10628

### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

#### § 62.10628 Identification of sources.

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 70027, Dec. 18, 1998]

### AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### § 62.10629 Identification of plan—negative declaration.

Letters from Chattanooga-Hamilton County, Knox County, and Memphis-Shelby County, Tennessee were submitted on April 23, 2003, November 17, 2002 and October 7, 2002, respectively, certifying that there are no Commercial and Industrial Solid Waste Incineration units subject to 40 CFR part 60, subpart DDDD.

[70 FR 9230, Feb. 25, 2005]

#### § 62.10630 Identification of sources.

(a) *Approval of State Plan for Commercial and Industrial Solid Waste Incineration Units.* Effective February 10, 2020, EPA approved Tennessee's State Plan for Commercial and Solid Waste Incineration Units, which is codified at Tennessee Operating Permit number 072397, as issued on May 10, 2017. The plan applies to each existing commercial and industrial solid waste incineration unit and air curtain incineration unit in the State of Tennessee that commenced construction on or before June 4, 2010, or commenced modification or construction after June 4, 2010, but no later than August 7, 2013, as such incineration units are defined in 40 CFR 60.2875 and 40 CFR part 60.

(b) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be

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inspected or obtained from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 or U.S. EPA, Region 4, Air Analysis and Support Branch, 61 Forsyth Street, Atlanta, GA 30303. The telephone number for the Public Reading Room is (202) 566-1744. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of Tennessee, Air Pollution Control Board, Department of Environment and Conservation.

(i) Permit Number 072397, Issued to Eastman Chemical Company, Tennessee Operation (MSOP-02), Date Issued May 10, 2017.

(ii) [Reserved]

[85 FR 1125, Jan. 9, 2020]

### AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)—SECTION 111(d)/129 PLAN

#### § 62.10631 Identification of plan—negative declarations.

Letters from Knox County Department of Air Quality Management and Nashville/Davidson County Metropolitan Health Department, TN, submitted on Dec. 16, 2002, and Jan. 21, 1998, respectively, certifying that there are no Hospital/Medical/Infectious Waste Incinerator units subject to 40 CFR part 60, subpart Ce in their jurisdictions.

[74 FR 27721, June 11, 2009]

#### § 62.10632 Identification of sources.

The Plan applies to all existing HMWI facilities at St. Jude Children's Hospital in the City of Memphis, for which construction was commenced on or before June 20, 1996.

[74 FR 27447, June 10, 2009]

#### § 62.10633 Identification of plan—negative declaration.

Letter from Tennessee Division of Air Pollution Control submitted on December 15, 2001, certifying that there are no Hospital/Medical/Infectious

## Environmental Protection Agency

## § 62.10860

Waste Incinerator units subject to 40 CFR parts 60, subpart Ce in its jurisdiction.

[74 FR 27720, June 11, 2009]

AIR EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTORS (MWC)—SECTION 111(d)/129 PLAN

### § 62.10634 Identification of plan—negative declarations.

Letters from Nashville/Davidson County Metropolitan Health Department, Knox County Department Air Quality Management, and Memphis-Shelby County Health Department, Tennessee submitted on August 16, 2004, March 25, 2008, and February 20, 2008, certifying that there are no large MWC units subject to 40 CFR part 60, subpart Cb in their respective jurisdictions.

[74 FR 27723, June 11, 2009]

## Subpart SS—Texas

SOURCE: 61 FR 55576, Oct. 28, 1996, unless otherwise noted.

PLAN FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

### § 62.10850 Identification of Plan.

(a) *Identification of plan.* Texas Plan for Control of Designated Pollutants from Existing Facilities (111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from existing sulfuric acid production plants as adopted by the Texas Air Control Board (TACB) on May 12, 1989, and submitted by the Governor in a letter dated August 21, 1989.

(2) Control of total reduced sulfur from existing kraft pulp mills as adopted by the Texas Air Control Board (TACB) on May 12, 1989, and submitted by the Governor in a letter dated August 21, 1989.

(3) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Governor on November 3, 1998.

(4) Control of air emissions from designated hospital/medical/infectious

waste incinerators submitted by the Governor in a letter dated June 2, 2000.

(5) Control of air emissions from incinerators subject to the Other Solid Waste Incineration units Emission Guidelines, as adopted by the Texas Commission on Environmental Quality (TCEQ) and submitted by the Governor in a letter dated May 18, 2009.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid production plants.
- (2) Kraft Pulp Mills.
- (3) Municipal solid waste landfills
- (4) Hospital/medical/infectious waste incinerators.

(5) Other solid waste incinerators and certain air curtain incinerators as defined in the Other Solid Waste Incineration units Emission Guidelines at 40 CFR part 60, subpart FFFF.

[61 FR 55576, Oct. 28, 1996, as amended at 64 FR 32430, June 17, 1999; 66 FR 49836, Oct. 1, 2001; 87 FR 26683, May 5, 2022]

## SULFURIC ACID MIST FROM EXISTING SULFURIC ACID PLANTS

### § 62.10860 Identification of sources.

(a) *Identification of sources.* The plan includes the following sulfuric acid production plants:

- (1) Diamond-Shamrock Corporation in Sunray, Texas.
- (2) Amoco Oil Company in Texas City, Texas.
- (3) E.I. duPont de Nemours & Company, Inc. in La Porte, Texas.
- (4) Mobil Mining and Minerals in Pasadena, Texas.
- (5) Rohm and Haas, Texas Inc. in Deer Park, Texas.
- (6) Stauffer Chemical Company in Baytown, Texas.
- (7) Stauffer Chemical Company in Houston, Texas.
- (8) Olin Corporation in Beaumont, Texas.
- (9) Stauffer Chemical Company in Pasadena, Texas.
- (10) Stauffer Chemical Company in Fort Worth, Texas.

## § 62.10870

TOTAL REDUCED SULFUR FROM EXISTING KRAFT PULP MILLS

### § 62.10870 Identification of source.

(a) Identification of sources. The plan includes the following kraft pulp mills:

- (1) Simpson Paper Company in Pasadena, Texas.
- (2) Champion International in Sheldon, Texas.
- (3) Temple-Eastex, Inc. in Evadale, Texas.
- (4) Champion International in Lufkin, Texas.
- (5) International Paper Company in Domino, Texas.
- (6) Inland-Orange, Inc. in Orange, Texas.

LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.10880 Identification of sources.

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since October 8, 1993, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[64 FR 32430, June 17, 1999]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.10890 Identification of plan—negative declaration.

Letter from the Texas Natural Resource Conservation Commission submitted May 13, 1997 certifying that there are no existing municipal waste combustor units in the State of Texas that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33467, May 24, 2000]

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

### § 62.10900 Identification of plan.

(a) *Identification of sources.* The plan submitted by the Texas Commission on Environmental Quality (TCEQ) on May

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18, 2009, applies to existing incinerators subject to the Other Solid Waste Incineration units (OSWI) Emission Guidelines, at 40 CFR part 60, subpart FFFF, within TCEQ's jurisdiction in the State of Texas.

(b) *Effective date.* The effective date of the plan is June 6, 2022.

(c) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material may be inspected or obtained from the EPA Region 6 office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, 214-665-2200. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) State of Texas, Office of the Secretary of State, Texas Register, P.O. Box 12887, Austin, Texas 78711, (512) 463-5561, [register@sos.texas.gov](mailto:register@sos.texas.gov), <https://www.sos.texas.gov/tac/index.shtml>.

(i) 30 TAC sections 113.2300–113.2313(2) and sections 113.2314 through 113.2357, excluding section 113.2313(3). Texas Administrative Code Title 30, Chapter 113: Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter D: Designated Facilities and Pollutants, Division 5: Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004, adopted April 28, 2009.

(ii) [Reserved]

[87 FR 26683, May 5, 2022]

AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTES INCINERATORS

### § 62.10910 Identification of sources.

The plan applies to existing hospital/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

[66 FR 49836, Oct. 1, 2001]

## Environmental Protection Agency

## § 62.11122

### § 62.10911 Effective date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is November 30, 2001.

[66 FR 49836, Oct. 1, 2001]

### EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATOR UNITS

### § 62.10912 Identification of sources—negative declaration.

Letter from the Texas Commission on Environmental Quality, dated January 28, 2013, certifying that there are no existing sewage sludge incineration (SSI) units subject to the requirements of 40 CFR part 60, subpart MMMM, within its jurisdiction.

[80 FR 24222, Apr. 30, 2015]

## Subpart TT—Utah

### FLUORIDE EMISSIONS FROM EXISTING PHOSPHATE FERTILIZER PLANTS

### § 62.11100 Identification of plan—negative declaration.

The Utah Department of Environmental Quality certified in a letter dated January 30, 2002 that there are no phosphate fertilizer plants in Utah that meet the definition of affected facility under 40 CFR part 60, subpart T, U, V, W or X, Standards of Performance for the Phosphate Fertilizer Industry. Additionally, there are no phosphate fertilizer plants in Utah that meet the definition of affected facility under 40 CFR part 62, subpart T, U, V, W or X, constructed before October 22, 1974, and that have not reconstructed or modified since 1974.

(Note: the State referenced part 62 in the second sentence. We believe they meant part 60).

[67 FR 35444, May 20, 2002]

### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.11110 Identification of plan.

“Utah State Plan for Implementation of Emission Controls for Existing Designated Facilities, Section I. Municipal Solid Waste Landfills” and the associated State regulations in R307-

20-2 and R307-21 of the Utah Air Conservation Regulations, submitted by the State on April 2, 1997 with amendments to the plan submitted on October 31, 1997.

[63 FR 2156, Jan. 14, 1998]

### § 62.11111 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[63 FR 2156, Jan. 14, 1998]

### § 62.11112 Effective date.

The effective date of the plan for municipal solid waste landfills is March 16, 1998.

[63 FR 2156, Jan. 14, 1998]

### AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

SOURCE: Sections 62.11120 through 62.11122 appear at 65 FR 38740, June 22, 2000, unless otherwise noted.

### § 62.11120 Identification of plan.

Section 111(d) Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation R307-220-3 and R307-222 of the Utah Air Conservation Regulations, submitted by the State on March 2, 1999 and October 25, 1999.

### § 62.11121 Identification of sources.

The plan applies to all existing hospital/medical/infectious waste incinerators for which construction was commenced on or before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

### § 62.11122 Effective date.

The effective date for the portion of the plan applicable to existing hospital/medical/infectious waste incinerators is August 21, 2000.

## § 62.11130

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.11130 Identification of plan—negative declaration.

Letter from the Utah Department of Environmental Quality submitted March 22, 2017, certifying that there are no existing large municipal waste combustion units within the State of Utah that are subject to part 60, subpart Cb, of this chapter.

[82 FR 44742, Sept. 26, 2017]

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS

### § 62.11140 Identification of plan—negative declaration.

Letter from the Utah Department of Environmental Quality submitted March 22, 2017, certifying that there are no existing commercial and industrial solid waste incineration units within the State of Utah that are subject to part 60, subpart DDDD, of this chapter.

[82 FR 44742, Sept. 26, 2017]

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS

### § 62.11150 Identification of plan—negative declaration.

Letter from Utah Department of Environmental Quality submitted to EPA on December 23, 2013, certifying that there are no known existing sewage sludge incineration units in the State of Utah.

[80 FR 10610, Feb. 27, 2015]

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

### § 62.11160 Identification of plan—negative declaration.

Letter from the Utah Department of Environmental Quality submitted December 20, 2006, certifying that there are no existing other solid waste incineration units within the State of Utah

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that are subject to part 60, subpart FFFF, of this chapter.

[82 FR 44742, Sept. 26, 2017]

### Subpart UU—Vermont

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.11350 Identification of plan—negative declaration.

The State Agency of Environmental Conservation submitted on April 11, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54052, Sept. 18, 1979]

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION UNITS

### § 62.11375 Identification of plan—negative declaration.

The State Agency of Environmental Conservation submitted on April 11, 1978, a letter certifying that there are no existing sulfuric acid plants in the state subject to part 60, subpart B of this chapter.

[44 FR 54053, Sept. 18, 1979]

TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

### § 62.11400 Identification of plan—negative declaration.

The State Agency of Environmental Conservation submitted on August 2, 1979, a letter certifying that there are no existing kraft pulp mills in the State subject to part 60, subject B of this chapter.

[54 FR 9047, Mar. 3, 1989]

FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

### § 62.11425 Identification of plan—negative declaration.

The State Agency of Environmental Conservation submitted on January 4, 1989, a letter certifying that there are no existing primary aluminum reduction plants in the State subject to part 60, subpart B of this chapter.

[54 FR 9047, Mar. 3, 1989]

## Environmental Protection Agency

## § 62.11495

MUNICIPAL WASTE COMBUSTOR EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.11450 Identification of plan—negative declaration.

On September 18, 1992, the Vermont Agency of Natural Resources submitted a letter certifying that there are no existing municipal waste combustors in the State subject to the emission guidelines published on February 11, 1991 (56 FR 5514) pursuant to part 60, subpart B of this chapter.

[57 FR 44692, Sept. 29, 1992]

MUNICIPAL WASTE COMBUSTOR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST BETWEEN 35 AND 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.11460 Identification of Plan-negative declaration.

On June 5, 2001, the Vermont Agency of Natural Resources submitted a letter certifying that there are no existing small municipal waste combustors in the state subject to the emission guidelines under part 60, subpart B of this chapter.

[66 FR 52537, Oct. 16, 2001]

AIR EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

### § 62.11475 Identification of Plan—negative declaration.

On April 16, 1999, the Vermont Agency of Natural Resources submitted a letter certifying that there are no existing hospital/medical/infectious waste incinerators in the state subject to the emission guidelines under Part 60, Subpart B of this chapter.

[64 FR 62119, Nov. 16, 1999]

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

### § 62.11480 Identification of plan—negative declaration.

On July 26, 2013, the State of Vermont Department of Environmental Conservation submitted a letter certifying no Commercial and Industrial Solid Waste Incineration units subject to 40 CFR part 60, subpart DDDD operate within the state's jurisdiction.

[82 FR 25972, June 6, 2017]

EMISSION FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

### § 62.11485 Identification of Plan—negative declaration.

On September 10, 2019 the State of Vermont Department of Environmental Conservation submitted a letter certifying no Municipal Solid Waste Landfills subject to 40 CFR part 60 Subpart Cf operate within the State's jurisdiction.

[85 FR 16559, Mar. 24, 2020]

AIR EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

### § 62.11490 Identification of plan—negative declaration.

On June 30, 2006, the State of Vermont Department of Environmental Conservation submitted a letter certifying no Other Solid Waste Incineration units subject to 40 CFR part 60, subpart FFFF operate within its jurisdiction.

[79 FR 16206, Mar. 25, 2014]

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATORS

### § 62.11495 Identification of plan—negative declaration.

On February 10, 2012, the State of Vermont Department of Environmental Conservation submitted a letter certifying no Sewage Sludge Incineration units subject to 40 CFR part 60, subpart MMMM operate within its jurisdiction.

[79 FR 16206, Mar. 25, 2014]

## § 62.11600

### Subpart VV—Virginia

#### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

##### § 62.11600 Identification of plan—negative declaration.

The Secretary of Commerce and Resources, Office of the Governor submitted on May 13, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[45 FR 43412, June 27, 1980]

#### SULFURIC ACID MIST EMISSIONS FROM EXISTING SULFURIC ACID PLANTS

##### § 62.11601 Identification of plan.

(a) *Title of plan.* Commonwealth of Virginia State Implementation Plan under section 111(d) of the Clean Air Act for the Designated Facility—Sulfuric Acid Plants.

(b) The plan was officially submitted by the Secretary of Commerce and Resources, Commonwealth of Virginia, on September 29, 1978.

(c) [Reserved]

(d) *Identification of sources.* The plan includes the following sulfuric acid plants:

Allied Chemical, Hopewell  
Allied Chemical, Front Royal  
Du Pont, James River  
Smith Douglas, Chesapeake  
U.S. Army Ammo Plant, Radford  
Weaver Fertilizer, Norfolk

(e) A variance issued to the E. I. du Pont de Nemours and Company James River Sulfuric Acid Plant located in Chesterfield County, Virginia exempting the plant from section 4.51(c)(2) until December 15, 1981, submitted on October 21, 1980 by the Virginia Secretary of Commerce and Resources.

(f) [Reserved]

(g) Section 4.51(c)(2) is replaced with Rule 4-21 (Emission Standards from Sulfuric Acid Production Units), section 120-04-2104 (Standard for Sulfuric Acid Mist), effective February 1, 1985. This revision was submitted on Feb-

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ruary 14, 1985 by the Commonwealth of Virginia.

[46 FR 55973, Nov. 13, 1981, as amended at 46 FR 55975, Nov. 13, 1981; 60 FR 50105, Sept. 28, 1995]

#### TOTAL REDUCED SULFUR EMISSIONS FROM EXISTING KRAFT PULP MILLS

##### § 62.11610 Identification of plan.

(a) *Title of Plan.* Commonwealth of Virginia State Implementation Plan under section 111(d) plan for the Designated Facility—Kraft Pulp Mills.

(b) The plan was officially submitted by the Executive Director of the Department of Virginia Department of Air Pollution Control, on May 15, 1990.

(c) *Identification of sources.* The Plan includes the following Kraft Pulp Mills:

- (1) Chesapeake Corporation, West Point;
- (2) Stone Container Corporation, Hopewell;
- (3) Union Camp Corporation, Franklin; and
- (4) Westvaco Corporation, Covington.

(d) On June 20, 2005, the Commonwealth of Virginia submitted changes to its 111(d) Plan. The changes consist of amendments to 9 VAC 5, Chapter 40, Part II, Article 13, Sections 5-40-1660, 5-40-1670 (definitions of Agreement (removed), Cross recovery furnace (revised), Neutral sulfite semichemical pulping operation (added), New design recovery furnace (added), Pulp and paper mill (added), Semicomical pulping process (added), Straight kraft recovery furnace (revised), Total reduced sulfur (revised)), 5-40-1690, 5-40-1750, 5-40-1770B. and C., 5-40-1780D., and 5-40-1810. The State effective date is April 1, 1999.

[63 FR 47437, Sept. 8, 1998; 63 FR 54058, Oct. 8, 1998, as amended at 72 FR 59019, Oct. 18, 2007]

##### §§ 62.11611–62.11619 [Reserved]

#### FLUORIDE EMISSIONS FROM EXISTING PRIMARY ALUMINUM PLANTS

##### § 62.11620 Identification of plan—negative declaration.

The Commonwealth of Virginia, Office of the Governor, submitted on July 9, 1980, a letter certifying that there

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are no designated facilities in the Commonwealth subject to the emission guidelines set forth in the Final Guideline Document for the Control of Fluoride Emissions from Existing Primary Aluminum Plants.

[46 FR 41783, Aug. 18, 1981]

**EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) UNITS (SECTION 111(d)/129 PLAN)**

SOURCE: Sections 62.11621 through 62.11623 appear at 69 FR 29661, May 25, 2004, unless otherwise noted.

**§ 62.11621 Identification of plan.**

Section 111(d)/129 CISWI plan submitted on September 8, 2003, including related supplemental information submitted on August 11, and September 30, 2003, and April 6, 2004.

**§ 62.11622 Identification of sources.**

The plan applies to all affected CISWI units for which construction commenced on or before November 30, 1999.

**§ 62.11623 Identification of plan.**

Effective date of the plan is July 26, 2004.

**EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI) UNITS—SECTION 111(d)/129 PLAN**

SOURCE: Sections 62.11625 through 62.11627 appear at 69 FR 54756, Sept. 10, 2004, unless otherwise noted.

**§ 62.11625 Identification of plan—negative declaration.**

(a) Section 111(d)/129 HMIWI plan submitted on August 25, 2003, including related supplemental information submitted on August 11, 2003, and April 6 and July 23, 2004.

(b) On September 13, 2010, the Commonwealth of Virginia, Department of Environmental Protection, submitted a negative declaration, and request for withdrawal of EPA's plan approval under paragraph (a).

[69 FR 54756, Sept. 10, 2004, as amended at 75 FR 78918, Dec. 17, 2010]

**§ 62.11627 Effective date.**

The effective date of the negative declaration and EPA withdrawal of the plan approval is February 15, 2011.

[75 FR 78918, Dec. 17, 2010]

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTOR (MWC) UNITS—SECTION 111(d)/129 PLAN**

SOURCE: Sections 62.11635 through 62.11637 appear at 70 FR 39931, July 12, 2005, unless otherwise noted.

**§ 62.11635 Identification of plan.**

Section 111(d)/129 plan for small MWC units with capacities 35 to 250 tons per day, and the associated Virginia Air Pollution Control Board Regulations (Rule 4-46, and other supporting rules identified in the plan), submitted to EPA on September 2, 2003, including supplemental information submitted on August 11 and September 30, 2003; April 6, 2004; and April 18, 2005.

**§ 62.11636 Identification of sources.**

The affected facility to which the plan applies is each small MWC unit for which construction commenced on or before August 30, 1999.

**§ 62.11637 Effective date.**

The effective date of the plan for small MWC units is September 12, 2005.

**EMISSIONS FROM EXISTING LARGE MUNICIPAL WASTE COMBUSTOR (MWC) UNITS—SECTION 111(d)/129 PLAN**

SOURCE: Sections 62.11640 through 62.11642 appear at 69 FR 63078, Oct. 29, 2004, unless otherwise noted.

**§ 62.11640 Identification of plan.**

Section 111(d)/129 plan for large MWC units with a capacity greater than 250 tons per day (TPD) and the associated Virginia Air Pollution Control Board Regulations (Rule 4-54, and other supporting rules identified in the plan), submitted to EPA on August 18, 2003, including supplemental information submitted on August 11 and September 30, 2003; and April 6, and August 25, 2004.

## § 62.11641

### § 62.11641 Identification of sources.

The affected facility to which the plan applies is each large MWC unit for which construction commenced on or before September 20, 1994.

### § 62.11642 Effective date.

The effective date of the plan for large MWC units is December 28, 2004.

EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS—SECTION 111(d)/129 PLAN

### § 62.11650 Identification of plan.

Section 111(d)/129 plan for existing sewage sludge incineration and the associated Virginia Administrative Code (VAC), specifically Article 55 of 9VAC5 Chapter 40, submitted to EPA on December 12, 2012.

[79 FR 17888, Mar. 31, 2014]

### § 62.11651 Identification of sources.

The affected facility to which the plan applies is each sewage sludge incineration unit within the Commonwealth of Virginia that commenced construction on or before October 14, 2010.

[79 FR 17888, Mar. 31, 2014]

### § 62.11652 Effective date.

The effective date of the plan for existing sewage sludge incineration units is April 30, 2014.

[79 FR 17888, Mar. 31, 2014]

EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS—SECTION 111(D) PLAN

### § 62.11660 Identification of plan.

(a)(1) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the Virginia Department of Environmental Quality on August 29, 2019, to implement 40 CFR part 60, subpart Cf. The Plan includes regulatory provisions cited in paragraph (a)(2) of this section, which the EPA incorporates by reference.

(2) After July 23, 2020, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and

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owners and operators of municipal solid waste landfills in Virginia must comply with the requirements in paragraph (b) of this section.

(b) Incorporation by reference:

(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the material is available at the EPA Region III office, 1650 Arch Street, Philadelphia, PA 19103, 215-814-5000. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](https://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) Virginia Code Commission, Commonwealth of Virginia, Virginia Register of Regulations, <https://register.dls.virginia.gov>.

(i) 9VAC5-20. General Provisions; 9VAC5-20-21. Documents incorporated by reference, published January 9, 2017.

(ii) 9VAC5-40. Existing Stationary Sources, published January 9, 2017:

(A) Article 43 Emission Standards for Municipal Solid Waste Landfills (Rule 4-43), published January 9, 2017, excluding 9 VAC5-40-5800F;

(B) Article 43.1 Emission Standards for Municipal Solid Waste Landfills for which Construction, Reconstruction, or Modification was Commenced on or before July 17, 2014 (Rule 4-43.1), published January 9, 2017, excluding 9VAC5-40-5940, 9VAC5-40-5945, 9VAC5-40-5960 A, 9VAC5-40-5965 A, 9VAC5-40-5970 A, and 9VAC5-40-5980 A.

[85 FR 37570, June 23, 2020]

### § 62.11661 Identification of sources.

The plan in § 62.11640(b) applies to all existing municipal solid waste landfills under the jurisdiction of the Virginia Department of Environmental Quality for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

[85 FR 37570, June 23, 2020]

### § 62.11662 Effective date.

The effective date of the plan submitted on August 29, 2019 by the Virginia Department of Environmental

## Environmental Protection Agency

## § 62.11880

Quality for municipal solid waste landfills is July 23, 2020.

[85 FR 37570, June 23, 2020]

### Subpart WW—Washington

#### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

##### § 62.11850 Identification of plan—negative declaration.

The Washington State Department of Ecology submitted on August 29, 1979, certification that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[44 FR 76281, Dec. 26, 1979]

#### PLANS FOR THE CONTROL OF DESIGNATED POLLUTANTS FROM EXISTING FACILITIES (SECTION 111(d) PLAN)

##### § 62.11860 Identification of Plan.

(a) *Identification of Plan.* Washington State Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing municipal waste combustors was submitted by State of Washington Department of Ecology on January 4, 1999.

(2) [Reserved]

(c) *Designated Facilities.* The plan applies to existing facilities in the following category of sources:

(1) Existing municipal waste combustors.

(2) [Reserved]

[64 FR 41294, July 30, 1999]

#### METALS, ACID GASES, ORGANIC COMPOUNDS AND NITROGEN OXIDE EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO COMBUST GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

##### § 62.11870 Identification of sources.

The plan applies to existing facilities at the following municipal waste combustor sites:

(1) Spokane Regional Solid Waste System, Spokane, WA.

(2) [Reserved]

[64 FR 41294, July 30, 1999]

##### § 62.11880 Identification of plan—Spokane Regional Clean Air Agency.

(a) The plan for the control of emissions from existing large municipal waste combustors, submitted by the Spokane Regional Clean Air Agency on July 18, 2022, to implement the emission guideline of 40 CFR part 60, subpart Cb, applies to all existing Large MWC in Spokane County, Washington meeting the requirements as stated in their State regulations. The plan includes the regulatory provisions cited in paragraph (b)(2) of this section, which the EPA incorporates by reference.

(b)(1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004, (202) 566-1744; the U.S. EPA, Region 10 office, (206) 553-1200; or the source in paragraph (b)(2) of this section. You may inspect the material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit [www.archives.gov/federal-register/cfr/ibr-locations](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

(2) Spokane Regional Clean Air Agency, 1610 S Technology Blvd., Suite 101, Spokane, WA 99224; phone: (509) 477-4727; website: <https://spokanecleanair.org>.

(i) SRCAA Regulation I, Article VI, Section 6.17: Standards for Municipal Solid Waste Combustors, effective July 7, 2022.

(ii) [Reserved]

[89 FR 105469, Dec. 27, 2024]

## § 62.11881

### § 62.11881 Identification of sources—Spokane Regional Clean Air Agency.

The plan in § 62.11880 applies to all existing large municipal waste combustors in the Spokane County, Washington, excluding Indian country, constructed on or before September 20, 1994.

[89 FR 105469, Dec. 27, 2024]

### § 62.11882 Effective date—Spokane Regional Clean Air Agency.

The effective date of the plan identified in § 62.11880 and submitted on July 18, 2022, by the Spokane Regional Clean Air Agency for existing large municipal waste combustors is January 27, 2025.

[89 FR 105469, Dec. 27, 2024]

## Subpart XX—West Virginia

### FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.12100 Identification of plan—negative declaration.

The West Virginia Air Pollution Control Commission submitted on October 25, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

[45 FR 43412, June 27, 1980]

### EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.12110 Identification of plan—negative declaration.

Letter from the Division of Environmental Protection submitted March 11, 1996 certifying that there are no existing municipal waste combustor units in the State of West Virginia that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33467, May 24, 2000]

## 40 CFR Ch. I (7-1-25 Edition)

### LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)

SOURCE: Sections 62.12125 through 62.12127 appear at 66 FR 28379, May 23, 2001, unless otherwise noted.

### § 62.12125 Identification of plan.

(a) West Virginia 111(d) plan for municipal solid waste landfills, including delegation of Federal plan compliance schedule and reporting requirements, as submitted to the Environmental Protection Agency on May 29, 1998, and as amended on May 15, 2000, and December 20, 2000, to implement 40 CFR part 60, subpart Cc.

(b)(1) Control of landfill gas emissions from existing municipal solid waste landfills, submitted by the West Virginia Department of Environmental Protection on September 13, 2018, to implement 40 CFR part 60, subpart Cf. The Plan includes regulatory provisions cited in paragraph (c) of this section, which the EPA incorporates by reference.

(2) After December 23, 2019, the substantive requirements of the municipal solid waste landfills state plan are contained in paragraph (b) of this section and owners and operators of municipal solid waste landfills in West Virginia must comply with the requirements in paragraph (b) of this section.

(c) *Incorporation by reference.* (1) The material incorporated by reference in this section was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the material is available electronically through [www.regulations.gov](http://www.regulations.gov), Docket No. EPA-R03-OAR-2019-0187, or at the EPA Region III office, 1650 Arch Street, Philadelphia, PA 19103, 215-814-5000. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html). (2) State of West Virginia, Secretary of State, Code of State Regulations.

## Environmental Protection Agency

## § 62.12155

(i) 45 CSR 23: West Virginia legislative rule; Title 45, Department of Environmental Protection, Air Quality; Series 23, Control of Air Pollution from Municipal Solid Waste Landfills, effective June 1, 2018.

(ii) [Reserved]

[84 FR 64431, Nov. 2, 2019]

### § 62.12126 Identification of sources.

(a) The plan in § 62.12125(a) applies to all existing West Virginia municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 and that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

(b) The plan in § 62.12125(b) applies to all existing municipal solid waste landfills under the jurisdiction of the West Virginia Department of Environmental Protection for which construction, reconstruction, or modification was commenced on or before July 17, 2014.

[84 FR 64432, Nov. 22, 2019]

### § 62.12127 Effective date.

(a) The effective date of the plan submitted on May 29, 1998, and as amended on May 15, 2000 by the West Virginia Department of Environmental Protection for municipal solid waste landfills is July 23, 2001.

(b) The effective date of the plan submitted on September 13, 2018 by the West Virginia Department of Environmental Protection for municipal solid waste landfills is December 23, 2019.

[84 FR 64432, Nov. 22, 2019]

## EMISSIONS FROM EXISTING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWIs) (SECTION 111(d)/129 PLAN)

### § 62.12150 Identification of plan.

(a) Section 111(d)/129 plan for HMIWIs and the associated West Virginia (WV) Department of Environmental Protection regulations, as submitted on August 18, 1999, and as amended on April 19, 2000.

(b) On May 11, 2009, the West Virginia Department of Environmental Protection submitted a State plan revision

(#1) that consolidates all existing section 111(d)/129 incinerator regulatory requirements into one modified rule, WV45CSR18.

(c) On September 7, 2011 the West Virginia Department of Environmental Protection submitted a State plan revision that updates the state rule for Control of Air Pollution from Combustion of Solid Waste in Hospital/Medical/Infectious Waste Incinerators, WV45CSR18.

[65 FR 37049, June 13, 2000, as amended at 74 FR 38348, Aug. 3, 2009; 77 FR 3391, Jan. 24, 2012]

### § 62.12151 Identification of sources.

The plan applies to each individual HMIWI:

(a) For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998.

(b) For which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after March 16, 1998 but no later than April 6, 2010.

[77 FR 3391, Jan. 24, 2012]

### § 62.12152 Effective date.

(a) The effective date of the plan is July 28, 2000.

(b) Plan revision #1 is effective October 2, 2009.

(c) The September 7, 2011 plan revision is effective March 26, 2012.

[65 FR 37049, June 13, 2000, as amended at 74 FR 38348, Aug. 3, 2009; 77 FR 3391, Jan. 24, 2012]

## EMISSIONS FROM EXISTING COMMERCIAL INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) UNITS (SECTION 111(d)/129 PLANS)

### § 62.12155 Identification of plan.

(a) Section 111(d)/129 CISWI plan submitted on November 29, 2001, amended September 25, 2002, and January 22, 2003.

(b) On May 11, 2009, the West Virginia Department of Environmental Protection submitted a State plan revision (#1) that consolidates all existing section 111(d)/129 incinerator regulatory

**§ 62.12156**

requirements into one modified rule, WV45CSR18.

[68 FR 17741, Apr. 11, 2003, as amended at 74 FR 38346, Aug. 3, 2009]

**§ 62.12156 Identification of sources.**

The plan applies to the Dupont CISWI unit located in Wood County, West Virginia.

[68 FR 17741, Apr. 11, 2003]

**§ 62.12157 Effective date.**

- (a) The effective date of the plan is June 10, 2003.
- (b) Plan revision #1 is effective October 2, 2009.

[68 FR 17741, Apr. 11, 2003, as amended at 74 FR 38346, Aug. 3, 2009]

**EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS****§ 62.12160 Identification of plan—negative declaration.**

Letter from the West Virginia Department of Environmental Protection, Division of Air Quality, submitted July 3, 2001, certifying that there are no existing small municipal waste combustion units within the State of West Virginia that are subject to 40 CFR part 60, subpart BBBB.

[68 FR 28774, May 27, 2003]

**EMISSIONS FROM OTHER SOLID WASTE INCINERATOR UNITS****§ 62.12165 Identification of plan—negative declaration.**

Letter from the West Virginia Department of Environmental Protection submitted June 2, 2006, certifying that there are no existing other solid waste incinerator units within the State of West Virginia that are subject to 40 CFR part 60, subpart FFFF.

[72 FR 37633, July 11, 2007]

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.12170 Identification of plan—negative declaration.**

Letter from the West Virginia Department of Environmental Protection, submitted to EPA on August 27, 2012, certifying that there are no known ex-

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isting sewage sludge incineration units in the State of West Virginia.

[79 FR 39336, July 10, 2014]

**Subpart YY—Wisconsin****CONTROL OF AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****§ 62.12320 Identification of plan—negative declaration.**

On July 15, 2013, the Wisconsin Department of Natural Resources submitted a negative declaration letter to EPA certifying that there are no existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) units in the State of Wisconsin subject to the emissions guidelines at 40 CFR part 60, subpart Ce.

[78 FR 72583, Dec. 3, 2013]

**FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS****§ 62.12350 Identification of plan—negative declaration.**

The State Department of Natural Resources submitted on May 24, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to part 60, subpart B of this chapter.

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.12360 Identification of plan.**

On September 25, 2020, the Wisconsin Department of Natural Resources submitted a withdrawal letter to EPA certifying that there is only one Large Municipal Waste Combustor unit in the State of Wisconsin subject to the emissions guidelines at 40 CFR part 60, subpart Eb, and requested that the Federal Plan at subpart FFF of this part, apply.

[86 FR 24731, May 10, 2021]

**Subpart ZZ—Wyoming**

SOURCE: 63 FR 29646, June 1, 1998, unless otherwise noted.

**Environmental Protection Agency****§ 62.12640****LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS****§ 62.12600 Identification of plan.**

Section 35, "Municipal Solid Waste Landfills," of the Wyoming Air Quality Standards and Regulations and associated documentation submitted by the State on February 13, 1998.

**§ 62.12601 Identification of sources.**

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart CC.

**§ 62.12602 Effective date.**

The effective date of the plan for municipal solid waste landfills is July 31, 1998.

**AIR EMISSIONS FROM HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

SOURCE: Sections 62.12610 through 62.12612 appear at 65 FR 38740, June 22, 2000, unless otherwise noted.

**§ 62.12610 Identification of plan.**

Section 111(d)/129 Plan for Hospital/Medical/Infectious Waste Incinerators and the associated State regulation, Chapter 4, Section 5, and Chapter 5 of the Wyoming Air Quality Standards and Regulations, submitted by the State on September 7, 1999 and November 9, 1999, and as amended on May 13, 2015 and November 24, 2015.

[81 FR 67920, Oct. 3, 2016]

**§ 62.12611 Identification of sources.**

The plan applies to each individual hospital/medical/infectious waste incinerator:

(a) For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998.

(b) For which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after

March 16, 1998 but no later than April 6, 2010.

[81 FR 67920, Oct. 3, 2016]

**§ 62.12612 Effective date.**

The effective date of the plan for hospital/medical/infectious waste incinerators is December 2, 2016.

[81 FR 67920, Oct. 3, 2016]

**EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE****§ 62.12620 Identification of plan—negative declaration.**

Letter from the Wyoming Department of Environmental Quality submitted April 23, 2015, certifying that there are no existing large municipal waste combustion units within the State of Wyoming that are subject to part 60, subpart Cb, of this chapter.

[82 FR 44742, Sept. 26, 2017]

**AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS****§ 62.12630 Identification of plan—negative declaration.**

Letter from the Wyoming Department of Environmental Quality submitted February 23, 2017, certifying that there are no existing commercial and industrial solid waste incineration units within the State of Wyoming that are subject to part 60, subpart DDDD, of this chapter.

[82 FR 44742, Sept. 26, 2017]

**EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS****§ 62.12640 Identification of plan—negative declaration.**

Letter from Wyoming Department of Environmental Quality submitted to EPA and dated February 28, 2013, certifying that there are no known existing sewage sludge incineration units in the State of Wyoming.

[80 FR 10610, Feb. 27, 2015]

## § 62.12650

EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

### § 62.12650 Identification of plan—negative declaration.

Letter from the Wyoming Department of Environmental Quality submitted October 9, 2001, certifying that there are no existing small municipal waste combustion units within the State of Wyoming that are subject to part 60, subpart BBBB, of this chapter.

[82 FR 44743, Sept. 26, 2017]

EMISSIONS FROM EXISTING OTHER SOLID WASTE INCINERATION UNITS

### § 62.12660 Identification of plan—negative declaration.

Letter from the Wyoming Department of Environmental Quality submitted May 3, 2007, certifying that there are no existing other solid waste incineration units within the State of Wyoming that are subject to part 60, subpart FFFF, of this chapter.

[82 FR 44743, Sept. 26, 2017]

## Subpart AAA—American Samoa

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.12900 Identification of plan—negative declaration.

Letter from the American Samoa Environmental Protection Agency, submitted on January 20, 1998, certifying that there are no municipal waste combustion units subject to part 60, subpart Cb, of this chapter.

[68 FR 58614, Oct. 10, 2003]

## Subpart BBB—Puerto Rico

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.13100 Identification of plan—negative declaration

The Commonwealth Environmental Quality Board submitted, on January 31, 1978, a letter certifying that there are no existing phosphate fertilizer

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plants in Commonwealth subject to part 60, subpart B of this chapter.

[44 FR 41180, July 16, 1979]

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PRODUCTION PLANTS

### § 62.13101 Identification of plan—negative declaration.

The Commonwealth Environmental Quality Board submitted, on January 31, 1978, a letter certifying that there are no existing sulfuric acid plants in the Commonwealth subject to part 60, subpart B of this chapter.

[45 FR 37432, June 3, 1980; 46 FR 27342, May 19, 1981]

FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

### § 62.13102 Identification of plan—negative declaration.

The Commonwealth of Puerto Rico submitted on April 28, 1981, a letter certifying that there are no existing primary aluminum plants in the Commonwealth subject to part 60 subpart B of this chapter.

[46 FR 43834, Sept. 1, 1981]

TOTAL REDUCED SULFUR FROM KRAFT PULP MILLS

### § 62.13103 Identification of plan—negative declaration.

The Commonwealth of Puerto Rico submitted on April 28, 1981, a letter certifying that there are no existing kraft pulp mills in the Commonwealth subject to part 60 subpart B of this chapter.

[46 FR 43834, Sept. 1, 1981]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.13104 Identification of plan—negative declaration.

Letter from the Office of the Governor submitted December 12, 1996 certifying that there are no existing municipal waste combustor units in the

**Environmental Protection Agency****§ 62.13109**

Territory of Puerto Rico that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33468, May 24, 2000]

**AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE OR REFUSE DERIVED FUEL AND CONSTRUCTED ON OR BEFORE AUGUST 30, 1999**

**§ 62.13105 Identification of plan—negative declaration.**

Letter from the Puerto Rico Environmental Quality Board, submitted August 2, 2001, certifying that there are no existing small municipal waste combustion units in the Commonwealth of Puerto Rico subject to part 60, subpart BBBB of this chapter.

[66 FR 54718, Oct. 30, 2001]

**CONTROL OF AIR EMISSIONS OF DESIGNATED POLLUTANTS FROM EXISTING HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS**

**§ 62.13106 Identification of plan.**

(a) The Puerto Rico Environmental Quality Board submitted to the Environmental Protection Agency on February 20, 2001, a "State Plan for implementation and enforcement of 40 CFR part 60, subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators.

(b) Identification of sources: The plan applies to all applicable existing hospital/medical/infectious waste incinerators for which construction commenced on or before June 20, 1996.

[67 FR 41181, June 17, 2002]

**LANDFILL GAS EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS (SECTION 111(d) PLAN)**

**§ 62.13107 Identification of plan.**

(a) The Puerto Rico Environmental Quality Board submitted to the Environmental Protection Agency a "State Plan for implementation and enforcement of 40 CFR part 60, subpart Cc, Emission Guidelines and Compliance

Times for Municipal Solid Waste Landfills on February 20, 2001."

(b) Identification of sources: The plan applies to all applicable existing municipal solid waste landfills for which construction, reconstruction, or modification commenced before May 30, 1991; and for which waste has been accepted at any time since November 8, 1987 or that have added capacity for future waste deposition.

[67 FR 46600, July 16, 2002]

**CONTROL OF AIR EMISSIONS OF DESIGNATED POLLUTANTS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

**§ 62.13108 Identification of plan.**

(a) The Puerto Rico Environmental Quality Board submitted to the Environmental Protection Agency on May 20, 2003, a "State Plan" for implementation and enforcement of 40 CFR part 60, subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units. The State Plan includes revisions to Rule 102 and Rule 405 of the Puerto Rico Regulations for the Control of Atmospheric Pollution, entitled, "Definitions" and "Incineration", respectively. Revised Rules 102 and 405 were adopted on June 4, 2003 and effective on July 4, 2003.

(b) Identification of sources: The plan applies to all applicable existing Commercial and Industrial Solid Waste Incineration Units for which construction commenced on or before November 30, 1999.

[69 FR 11539, Mar. 11, 2004]

**AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS**

**§ 62.13109 Identification of plan.**

(a) On July 30, 2014, the Puerto Rico Environmental Quality Board (PREQB) submitted to the Environmental Protection Agency a section 111(d)/129 plan for implementation and enforcement of 40 CFR part 60, subpart MMMM—Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. In emails dated June 4, 2015, August 10, 2015 and November 10, 2015, the PREQB submitted clarifying information concerning Puerto Rico's

## § 62.13110

plan. The State plan includes revisions to Rule 102 and Rule 405 of the Puerto Rico Regulations for the Control of Atmospheric Pollution, entitled, "Definitions" and "Incineration," Respectively. The revisions to Rules 102 and 405 became effective on July 13, 2014. At the request of Puerto Rico, EPA has not taken any action on a provision of its State plan allowing for affirmative defenses of Clean Air Act violations in the case of malfunctions.

(b) Identification of sources: The plan applies to existing sewage sludge incineration (SSI) units that:

- (1) Commenced construction on or before October 14, 2010; or
- (2) Commenced a modification on or before September 21, 2011 primarily to comply with Puerto Rico's plan; and
- (3) Meets the definition of a SSI unit defined in Puerto Rico's plan.

(c) The effective date of the plan for existing sewage sludge incineration units is May 31, 2016.

[81 FR 25613, Apr. 29, 2016]

AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005

### § 62.13110 Identification of plan-negative declaration.

Letter from Commonwealth of Puerto Rico, Office of Environmental Quality Board, September 25, 2006 to Alan Steinberg Regional Administrator EPA Region 2 certifying that there are no existing OSWI units in the Commonwealth of Puerto Rico subject to 40 CFR part 60, subpart FFFF.

[81 FR 75710, Nov. 1, 2016]

## Subpart CCC—Virgin Islands

FLUORIDE EMISSIONS FROM PHOSPHATE FERTILIZER PLANTS

### § 62.13350 Identification of plan-negative declaration.

The Territory Department of Conservation and Cultural Affairs submitted, on November 3, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the Terri-

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tory subject to part 60, subpart B of this chapter.

[44 FR 41181, July 16, 1979]

SULFURIC ACID MIST EMISSIONS FROM SULFURIC ACID PLANTS

### § 62.13351 Identification of plan-negative declaration.

The Territory Department of Conservation and Cultural Affairs submitted, on November 8, 1977, a letter certifying that there are no existing sulfuric acid plants in the Territory subject to part 60, subpart B of this chapter.

[45 FR 37432, June 3, 1980; 46 FR 27342, May 19, 1981]

TOTAL REDUCED SULFUR EMISSIONS FROM KRAFT PULP MILLS

### § 62.13352 Identification of plan-negative declaration.

The Virgin Islands Department of Conservation and Cultural Affairs submitted, on July 31, 1979, a letter certifying that there are no existing kraft pulp mills in the Territory subject to part 60, subpart B of this chapter.

[45 FR 80826, Dec. 8, 1980; 46 FR 27342, May 19, 1981]

FLUORIDE EMISSIONS FROM PRIMARY ALUMINUM REDUCTION PLANTS

### § 62.13353 Identification of plan-negative declaration.

The Virgin Islands Department of Conservation and Cultural Affairs submitted, on July 21, 1980, a letter certifying that there are no primary aluminum plants in the Territory subject to part 60, subpart B of this chapter.

[46 FR 30497, June 9, 1981]

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

### § 62.13354 Identification of plan-negative declaration.

Letter from the Department of Planning and Natural Resources submitted September 29, 1997 certifying that there are no existing municipal waste combustor units in the Territory of Virgin

**Environmental Protection Agency****§ 62.13359**

Islands that are subject to part 60, subpart Cb, of this chapter.

[65 FR 33468, May 24, 2000]

AIR EMISSIONS FROM EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS WITH THE CAPACITY TO COMBUST AT LEAST 35 TONS PER DAY BUT NO MORE THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE OR REFUSE DERIVED FUEL AND CONSTRUCTED ON OR BEFORE AUGUST 30, 1999

**§ 62.13355 Identification of plan—negative declaration.**

Letter from the Virgin Islands Department of Planning and Natural Resources, submitted July 17, 2002, certifying that there are no existing small municipal waste combustion units in the Territory of the United States Virgin Islands subject to part 60, subpart BBBB of this chapter.

[67 FR 76119, Dec. 11, 2002]

AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS CONSTRUCTED ON OR BEFORE NOVEMBER 30, 1999 OR RECONSTRUCTED OR MODIFIED PRIOR TO JUNE 1, 2001

**§ 62.13356 Identification of plan—negative declaration.**

Letter from the Virgin Islands Department of Planning and Natural Resources, submitted October 25, 2002, certifying that there are no existing commercial and industrial solid waste incineration units in the Territory of the United States Virgin Islands subject to part 60, subpart DDDD of this chapter.

[68 FR 9022, Feb. 27, 2003]

AIR EMISSIONS FROM EXISTING SEWAGE SLUDGE INCINERATION UNITS CONSTRUCTED ON OR BEFORE OCTOBER 14, 2010

**§ 62.13357 Identification of plan—negative declaration.**

Letter from the Virgin Islands Department of Planning and Natural Resources, submitted December 1, 2015 to EPA Regional Administrator Judith A. Enck, certifying that there are no existing Sewage Sludge Incinerator units in the Territory of the United States

Virgin Islands subject to 40 CFR part 60, subpart MMMM.

[81 FR 58407, Aug. 25, 2016]

AIR EMISSIONS FROM OTHER SOLID WASTE INCINERATION (OSWI) UNITS CONSTRUCTED ON OR BEFORE DECEMBER 16, 2005

**§ 62.13358 Identification of plan—negative declaration.**

Letter from the Virgin Islands Department of Planning and Natural Resources submitted April 04, 2017 to Acting Regional Administrator Catherine R. Mc Cabe, certifying that the United States Virgin Islands has no existing units pursuant to 40 CFR 60 Subpart FFFF, Emissions Guidelines and Compliance Times for Other Solid Waste Incineration Units that commenced construction on or before December 9, 2004.

[82 FR 43309, Sept. 15, 2017]

AIR EMISSIONS FROM COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION (CISWI) UNITS THAT COMMENCED CONSTRUCTION ON OR BEFORE JUNE 4, 2010, OR THAT COMMENCED MODIFICATION OR RECONSTRUCTION AFTER JUNE 4, 2010 BUT NOT LATER THAN AUGUST 7, 2013

**§ 62.13359 Identification of plan—negative declaration.**

Letter from the Virgin Islands Department of Planning and Natural Resources submitted August 17, 2016 to Regional Administrator Judith A. Enck certifying that the United States Virgin Islands has no existing units pursuant to 40 CFR part 60, subpart DDDD, that commenced construction on or before June 4, 2010, or that commenced modification or reconstruction after June 4, 2010 but not later than August 7, 2013.

[83 FR 40155, Aug. 14, 2018]

## § 62.13600

### Subpart DDD—Northern Mariana Islands

EMISSIONS FROM EXISTING MUNICIPAL WASTE COMBUSTORS WITH THE CAPACITY TO BURN GREATER THAN 250 TONS PER DAY OF MUNICIPAL SOLID WASTE

#### § 62.13600 Identification of plan—negative declaration.

Letter from the Commonwealth of the Northern Mariana Islands Division of Environmental Quality, submitted on January 27, 1998, certifying that there are no municipal waste combustion units subject to part 60, subpart Cb, of this chapter.

[68 FR 58614, Oct. 10, 2003]

### Subpart EEE [Reserved]

### Subpart FFF—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994

SOURCE: 63 FR 63202, Nov. 12, 1998, unless otherwise noted.

#### § 62.14100 Scope and delegation of authority.

(a) This subpart contains emission requirements and compliance schedules for the control of pollutants from certain municipal waste combustors in accordance with section 111(d) and section 129 of the Clean Air Act and 40 CFR part 60, subparts B and Cb. This municipal waste combustor Federal plan applies to each affected facility as defined in § 62.14102 that is not covered by an EPA approved and currently effective State or Tribal plan. This Federal plan, or portions thereof, also applies to each affected facility in any State whose approved State plan is subsequently vacated in whole or in part. This Federal plan, or portions thereof, also applies to each affected facility located in Indian country if the approved Tribal plan for that area is subsequently vacated in whole or in part.

(b) The following authorities shall be retained by the EPA Administrator and not transferred to the State upon

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delegation of authority to the State to implement and enforce the Federal plan:

- (1) An alternative emission standard;
- (2) Major alternatives to test methods;
- (3) Major alternatives to monitoring;
- (4) Waiver of recordkeeping; and
- (5) Waiver of training requirement for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification on or before the effective date of this subpart, as provided in § 62.14105(d)(2) of this subpart.

#### § 62.14101 Definitions.

Terms used but not defined in this subpart have the meaning given to them in the Clean Air Act and 40 CFR part 60, subparts A, B, and Eb.

*Contract* means a legally binding agreement or obligation that cannot be canceled or modified without substantial financial loss.

*De-rate* means to make a permanent physical change to the municipal waste combustor unit that reduces the maximum combustion capacity of the unit to less than or equal to 250 tons per day of municipal solid waste. A permit restriction or a change in the method of operation does not qualify as de-rating. (See the procedures specified in 40 CFR 60.58b(j) of subpart Eb for calculating municipal waste combustor unit capacity.)

*EPA approved State plan* means a State plan that EPA has reviewed and approved based on the requirements in 40 CFR part 60, subpart B to implement and enforce 40 CFR part 60, subpart Cb. An approved State plan becomes effective on the date specified in the notice published in the *FEDERAL REGISTER* announcing EPA's approval.

*Municipal waste combustor plant* means one or more affected facilities (as defined in § 62.14102) at the same location.

*Protectorate* means American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands.

*State* means any of the 50 United States and the protectorates of the United States.

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*State plan* means a plan submitted pursuant to section 111(d) and section 129(b)(2) of the Clean Air Act and 40 CFR part 60, subpart B that implements and enforces 40 CFR part 60, subpart Cb.

*Tribal plan* means a plan submitted by a Tribal Authority pursuant to 40 CFR parts 9, 35, 49, 50, and 81 that implements and enforces 40 CFR part 60, subpart Cb.

**§ 62.14102 Affected facilities.**

(a) The affected facility to which this subpart applies is each municipal waste combustor unit with a capacity to combust greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994 that is not regulated by an EPA approved and currently effective State or Tribal plan. Table 1 of this subpart lists those units regulated by an EPA approved State plan. Notwithstanding the exclusions in table 1 of this subpart, this subpart applies to affected facilities not regulated by an EPA approved and currently effective State or Tribal plan.

(b) A municipal waste combustor unit regulated by an EPA approved and currently effective State or Tribal plan is not regulated by this subpart.

(c) Any municipal waste combustor unit that has the capacity to combust more than 250 tons per day of municipal solid waste and is subject to a Federally enforceable permit limiting the maximum amount of municipal solid waste that may be combusted in the unit to less than 11 tons per day is not subject to this subpart if the owner or operator:

(1) Notifies the EPA Administrator of an exemption claim;

(2) Provides a copy of the Federally enforceable permit that limits the firing of municipal solid waste to less than 11 tons per day; and

(3) Keeps records of the amount of municipal solid waste fired on a daily basis.

(d) Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with the emission requirements of this subpart are not considered in determining whether the unit is a modified or reconstructed fa-

cility under 40 CFR part 60, subpart Ea or subpart Eb.

(e) A qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this subpart if the owner or operator of the facility notifies the EPA Administrator of this exemption and provides data documenting that the facility qualifies for this exemption.

(f) A qualifying cogeneration facility, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this subpart if the owner or operator of the facility notifies the EPA Administrator of this exemption and provides data documenting that the facility qualifies for this exemption.

(g) Any unit combusting a single-item waste stream of tires is not subject to this subpart if the owner or operator of the unit:

(1) Notifies the EPA Administrator of an exemption claim; and

(2) Provides data documenting that the unit qualifies for this exemption.

(h) Any unit required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this subpart.

(i) Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals is not subject to this subpart.

(j) Any cofired combustor, as defined under 40 CFR 60.51b of subpart Eb that meets the capacity specifications in paragraph (a) of this section is not subject to this subpart if the owner or operator of the cofired combustor:

(1) Notifies the EPA Administrator of an exemption claim;

(2) Provides a copy of the Federally enforceable permit (specified in the

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definition of cofired combustor in this section); and

(3) Keeps a record on a calendar quarter basis of the weight of municipal solid waste combusted at the cofired combustor and the weight of all other fuels combusted at the cofired combustor.

(k) Air curtain incinerators, as defined under 40 CFR 60.51b, that meet the capacity specifications in paragraph (a) of this section, and that combust a fuel stream composed of 100 percent yard waste are exempt from all provisions of this subpart except the opacity standard under § 62.14107, and the testing procedures and the reporting and recordkeeping provisions under § 62.14109.

(l) Air curtain incinerators that meet the capacity specifications in paragraph (a) of this section and that combust municipal solid waste other than yard waste are subject to all provisions of this subpart.

(m) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit (as defined in 40 CFR 60.51b) are not subject to this subpart if the owner or operator of the plastics/rubber recycling unit keeps records of the weight of plastics, rubber, and/or rubber tires processed on a calendar quarter basis; the weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis; and the name and address of the purchaser of the feedstocks. The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units are not subject to this subpart.

(n) Cement kilns firing municipal solid waste are not subject to this subpart.

[63 FR 63202, Nov. 12, 1998; 64 FR 17219, Apr. 8, 1999]

### § 62.14103 Emission limits for municipal waste combustor metals, acid gases, organics, and nitrogen oxides.

(a) The emission limits for municipal waste combustor metals are specified

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in paragraphs (a)(1) through (a)(3) of this section.

(1) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain: particulate matter in excess of 27 milligrams per dry standard cubic meter, corrected to 7 percent oxygen; and opacity in excess of 10 percent (6-minute average).

(2) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain: cadmium in excess of 0.040 milligrams per dry standard cubic meter, corrected to 7 percent oxygen; and lead in excess of 0.44 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(3) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain mercury in excess of 0.080 milligrams per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

(b) The emission limits for municipal waste combustor acid gases, expressed as sulfur dioxide and hydrogen chloride, are specified in paragraphs (b)(1) and (b)(2) of this section.

(1) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain sulfur dioxide in excess of 29 parts per million by volume or 25 percent of the potential sulfur dioxide emission concentration (75-percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(2) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain hydrogen chloride in excess of 29 parts per million by volume or 5 percent of the potential hydrogen chloride emission concentration (95-percent reduction by weight or volume), corrected to

7 percent oxygen (dry basis), whichever is less stringent.

(c) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain municipal waste combustor organics, expressed as total mass dioxins/furans, in excess of the emission limits specified in either paragraph (c)(1) or (c)(2) of this section, as applicable.

(1) The emission limit for affected facilities that employ an electrostatic precipitator-based emission control system is 60 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(2) The emission limit for affected facilities that do not employ an electrostatic precipitator-based emission control system is 30 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(d) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of the emission limits listed in table 2 of this subpart for affected facilities. Table 2 of this subpart provides emission limits for the nitrogen oxides concentration level for each type of affected facility.

**§ 62.14104 Requirements for municipal waste combustor operating practices.**

(a) The owner or operator of an affected facility must not cause to be discharged into the atmosphere from that affected facility any gases that contain carbon monoxide in excess of the emission limits listed in table 3 of this subpart. Table 3 provides emission limits for the carbon monoxide concentration level for each type of affected facility.

(b) The owner or operator of an affected facility must comply with the municipal waste combustor operating practice requirements listed in 40 CFR 60.53b(b) and (c) of subpart Eb. For calculating the steam (or feedwater) flow required under 40 CFR 60.58(i)(6)(i), proceed in accordance with ASME PTC 4.1-1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with 1968 and 1969 Addenda). For design, construction, installation, calibration, and use of nozzles and orifices

required in 40 CFR 60.58(i)(6)(ii), proceed in accordance with the recommendations in ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971). The Director of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American Society of Mechanical Engineers, Service Center, 22 Law Drive, Post Office Box 2900, Fairfield, NJ 07007. You may inspect a copy at the Office of Air Quality Planning and Standards Air Docket, EPA, Mutual Building, Room 540, 411 West Chapel Hill Street, Durham, NC 27701, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

[63 FR 63202, Nov. 12, 1998, as amended at 69 FR 18803, Apr. 9, 2004]

**§ 62.14105 Requirements for municipal waste combustor operator training and certification.**

The owner or operator of an affected facility must comply with the municipal waste combustor operator training and certification requirements listed in paragraphs (a) through (g) of this section. For affected facilities, compliance with the municipal waste combustor operator training and certification requirements specified under paragraphs (a), (b), (d), and (g) of this section must be no later than 12 months after the effective date of this subpart.

(a) Each chief facility operator and shift supervisor must obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers QRO-1-1994 or a State certification program in Connecticut and Maryland (if the affected facility is located in either of the respective States). If ASME certification is chosen, proceed in accordance with ASME QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C.

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552(a) and 1 CFR part 51. You may obtain a copy from the American Society of Mechanical Engineers, Service Center, 22 Law Drive, Post Office Box 2900, Fairfield, NJ 07007. You may inspect a copy at the Office of Air Quality Planning and Standards Air Docket, EPA, Mutual Building, Room 540, 411 West Chapel Hill Street, Durham, NC 27701 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) Each chief facility operator and shift supervisor must have completed full certification or must have scheduled a full certification exam with either the American Society of Mechanical Engineers QRO-1-1994 or a State certification program in Connecticut and Maryland (if the affected facility is located in either of the respective States). If ASME certification is chosen, proceed in accordance with ASME QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American Society of Mechanical Engineers, Service Center, 22 Law Drive, Post Office Box 2900, Fairfield, NJ 07007. You may inspect a copy at the Office of Air Quality Planning and Standards Air Docket, EPA, Mutual Building, Room 540, 411 West Chapel Hill Street, Durham, NC 27701 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(c) The owner or operator of an affected facility must not allow the facility to be operated at any time unless one of the following persons is on duty at the affected facility: a fully certified chief facility operator; a provisionally certified chief facility operator who is scheduled to take the full certification exam no later than 12 months after the effective date of this subpart; a fully

certified shift supervisor; or a provisionally certified shift supervisor who is scheduled to take the full certification exam no later than 12 months after the effective date of this subpart. If one of the persons listed in this paragraph must leave the affected facility during their operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirement in this paragraph.

(d)(1) Each chief facility operator, shift supervisor, and control room operator at an affected facility must complete the EPA municipal waste combustor operator training course or the State municipal waste combustor operator training course in Connecticut (if the affected facility is located in Connecticut).

(2) The requirement specified in this paragraph does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the effective date of this subpart. The owner or operator of an affected facility may request that the EPA Administrator waive the requirement specified in this paragraph for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before the effective date of this subpart.

(e) The owner or operator of an affected facility must develop and update on a yearly basis a site-specific operating manual that must, at a minimum, address the elements of municipal waste combustor unit operation specified in paragraphs (e)(1) through (e)(11) of this section.

(1) A summary of the applicable standards under this subpart;

(2) A description of basic combustion theory applicable to a municipal waste combustor unit;

(3) Procedures for receiving, handling, and feeding municipal solid waste;

(4) Procedures for municipal waste combustor unit startup, shutdown, and malfunction;

(5) Procedures for maintaining proper combustion air supply levels;

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(6) Procedures for operating the municipal waste combustor unit within the standards established under this subpart;

(7) Procedures for responding to periodic upset or off-specification conditions;

(8) Procedures for minimizing particulate matter carryover;

(9) Procedures for handling ash;

(10) Procedures for monitoring municipal waste combustor unit emissions; and

(11) Reporting and recordkeeping procedures.

(f) The owner or operator of an affected facility must establish a training program to review the operating manual according to the schedule specified in paragraphs (f)(1) and (f)(2) of this section with each person who has responsibilities affecting the operation of an affected facility including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

(1) Each person specified in paragraph (f) of this section must undergo initial training no later than the date specified in paragraph (f)(1)(i) or (f)(1)(ii) of this section, whichever is later.

(i) The date prior to the day the person assumes responsibilities affecting municipal waste combustor unit operation; or

(ii) The date 12 months after the effective date of this subpart.

(2) Annually, following the initial review required by paragraph (f)(1) of this section.

(g) The operating manual required by paragraph (e) of this section must be kept in a location readily accessible to each person required to undergo training under paragraph (f) of this section. The operating manual and records of training must be available for inspection by the EPA or its delegated enforcement agency upon request.

[63 FR 63202, Nov. 12, 1998, as amended at 69 FR 18803, Apr. 9, 2004]

**§ 62.14106 Emission limits for municipal waste combustor fugitive ash emissions.**

(a) The owner or operator of an affected facility must not cause to be dis-

charged to the atmosphere from that affected facility visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of 5 percent of the observation period (i.e., 9 minutes per 3-hour period), as determined by EPA Reference Method 22 observations as specified in 40 CFR 60.58b(k) of subpart Eb, except as provided in paragraphs (b) and (c) of this section.

(b) The emission limit specified in paragraph (a) of this section does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, the emission limit specified in paragraph (a) of this section does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems.

(c) The provisions specified in paragraph (a) of this section do not apply during maintenance and repair of ash conveying systems.

**§ 62.14107 Emission limits for air curtain incinerators.**

The owner or operator of an air curtain incinerator with the capacity to combust greater than 250 tons per day of municipal solid waste and that combusts a fuel feed stream composed of 100 percent yard waste and no other municipal solid waste materials must not (at any time) cause to be discharged into the atmosphere from that incinerator any gases that exhibit greater than 10-percent opacity (6-minute average), except that an opacity level of up to 35 percent (6-minute average) is permitted during startup periods during the first 30 minutes of operation of the unit.

**§ 62.14108 Compliance schedules.**

(a) The owner or operator of an affected facility must achieve the increments of progress specified in paragraphs (a)(1) through (a)(5) to retrofit air pollution control devices to meet the emission limits of this subpart. As specified in 40 CFR part 60, subpart B, the compliance schedules and increments of progress apply to each owner or operator of an affected facility who is taking longer than 1 year after the date of publication of this subpart FFF

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final rule to comply with the emission limits specified in this subpart.

(1) Submit a final control plan according to the requirements of § 62.14109(g).

(2) Award contract(s): Award contract(s) to initiate on-site construction, initiate on-site installation of emission control equipment, or incorporate process changes. The owner or operator must submit a signed copy of the contract(s) awarded according to the requirements of § 62.14109(h).

(3) Initiate on-site construction: Initiate on-site construction, initiate on-site installation of emission control equipment, or initiate process changes needed to meet the emission limits as outlined in the final control plan.

(4) Complete on-site construction: Complete on-site construction and installation of emission control equipment or complete process changes.

(5) Achieve final compliance: Incorporate all process changes or complete retrofit construction as designed in the final control plan and connect the air pollution control equipment or process changes with the affected facility identified in the final control plan such that if the affected facility is brought on line, all necessary process changes or air pollution control equipment are operating fully. Within 180 days after the date the affected facility is required to achieve final compliance, the initial performance test must be conducted.

(b) The owner or operator of an affected facility must achieve the increments of progress specified in paragraphs (a)(1) through (a)(5) of this section according to the schedule specified in paragraphs (b)(1) through (b)(4) of this section, except as provided in paragraphs (c), (d), and (e) of this section.

(1) The owner or operator of an affected facility that commenced construction, modification, or reconstruction on or before June 26, 1987 and will take longer than 1 year after the date of publication of this subpart FFF (or 1 year after a revised construction permit or a revised operating permit is issued, if a permit modification is required) to comply with the emission limits of this subpart must achieve the increments of progress according to the

schedule in table 4 of this subpart, except for those affected facilities specified in paragraphs (b)(3) and (b)(4) of this section.

(2) The owner or operator of an affected facility that began construction, modification, or reconstruction after June 26, 1987 must achieve the increments of progress according to the schedule in table 5 of this subpart to comply with the emission limits of this subpart, except for those affected facilities specified in paragraphs (b)(3) and (b)(4) of this section.

(3) The owner or operator of each specified affected facility in table 6 of this subpart must achieve the increments of progress according to the schedule in table 6 of this subpart.

(4) For affected facilities that are subject to the schedule requirements of paragraph (b)(1) or (b)(2) of this section, the owner or operator (or the State air pollution control authority) may submit for approval alternative dates for achieving increments 2, 3, and 4. The owner or operator (or the State air pollution control authority) that is submitting these alternative dates must meet the reporting requirements of § 62.14109(m).

(c) The owner or operator of an affected facility that has ceased operation but will reopen prior to the applicable final compliance date specified in paragraphs (b)(1) through (b)(4) of this section must meet the same compliance dates and increments of progress specified in paragraphs (b)(1) through (b)(4) of this section.

(d) The owner or operator of an affected facility that has ceased or ceases operation of an affected facility and restarts the affected facility after the compliance dates specified in paragraphs (b)(1) through (b)(4) of this section must comply with the emission limits, requirements for combustor operating practices, and operator training and certification requirements of this subpart upon the date the affected facility restarts. The initial performance tests required by § 62.14109(c) must be conducted within 180 days after the date the unit restarts.

(e) The owner or operator of an affected facility that will be de-rated prior to the applicable final compliance date instead of complying with the

emission limits of this subpart must meet the same increments of progress and achieve the de-rating by the final compliance date (specified in paragraphs (b)(1) through (b)(4) of this section) that would be applicable to the affected facility if it did not de-rate. The owner or operator of an affected facility that will be de-rated must meet the reporting requirements of § 62.14109k. After de-rating is accomplished, the municipal waste combustor affected facility is no longer subject to this subpart.

**§ 62.14109 Reporting and record-keeping and compliance and performance testing.**

(a) The owner or operator of an affected facility must comply with the reporting and recordkeeping provisions listed in 40 CFR 60.59b of subpart Eb, except as provided in paragraphs (a)(1) through (a)(3) of this section.

(1) The siting requirements under 40 CFR 60.59b(a), (b)(5), and (d)(11) of subpart Eb and the notification of construction requirements under 40 CFR 60.59b(b) and (c) of subpart Eb do not apply.

(2) 40 CFR 60.54b, 60.56b, and 60.58b(g)(5)(iii) of subpart Eb do not apply to this subpart (see §§ 62.14105 and 62.14107 of this subpart).

(b) The owner or operator of an affected facility must comply with the compliance and performance testing methods and procedures listed in 40 CFR 60.58b of subpart Eb, except as provided in paragraphs (c) and (d) of this section.

(c) The initial performance test must be completed within 180 days after the date of final compliance specified in § 62.14108, rather than the date for the initial performance test specified in 40 CFR 60.58b of subpart Eb.

(d) The owner or operator of an affected facility may follow the alternative performance testing schedule for dioxin/furan emissions specified in paragraph (d)(1) of this section.

(1) If all performance tests for all affected facilities at the MWC plant over a 2-year period indicate that dioxin/furan emissions are less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen for all affected facilities

located within a municipal waste combustor plant, the owner or operator of the municipal waste combustor plant may elect to conduct annual performance tests for one affected facility (i.e., unit) per year at the municipal waste combustor plant. At a minimum, a performance test for dioxin/furan emissions shall be conducted annually (no more than 12 months following the previous performance test) for one affected facility at the municipal waste combustor plant. Each year a different affected facility at the municipal waste combustor plant shall be tested, and the affected facilities at the plant shall be tested in sequence (e.g., unit 1, unit 2, unit 3, as applicable). If each annual performance test continues to indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass), the owner or operator may continue conducting a performance test on only one affected facility per year. If any annual performance test indicates a dioxin/furan emission level greater than 15 nanograms per dry standard cubic meter (total mass), performance tests thereafter shall be conducted annually on all affected facilities at the plant until and unless all annual performance tests for all affected facilities at the plant over a 2-year period indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass).

(2) The owner or operator who is following the alternative performance testing schedule for dioxin/furan emissions specified in paragraph (d)(1) of this section may choose an alternative testing sequence (e.g., unit 1, 3, 2, 4) for affected facilities at the municipal waste combustor plant. The owner or operator must submit a request to EPA for approval of the alternative testing sequence. After approval, the alternative testing sequence is effective until a different testing sequence is received and approved by EPA.

(e) The owner or operator of an affected facility that is taking longer than 1 year after the date of publication of this subpart FFFF final rule to comply with the emission limits of this subpart must submit notification to

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the EPA Regional Office within 10 business days of completing each increment. Each notification must indicate which increment of progress specified in § 62.14108(a)(1) through (a)(5) has been achieved. The notification must be signed by the owner or operator of the affected facility.

(f) The owner or operator of an affected facility that is taking longer than 1 year after the date of publication of this subpart FFF to comply with the emission limits of this subpart who fails to meet any increment of progress specified in § 62.14108(a)(1) through (a)(5) according to the applicable schedule in § 62.14108 must submit notification to the EPA Regional Office within 10 business days of the applicable date in § 62.14108 that the owner or operator failed to meet the increment.

(g) The owner or operator of an affected facility that is taking longer than 1 year after the date of publication of this subpart FFF to comply with the emission limits of this subpart must submit a final control plan by the date specified in § 62.14108(b) with the notification required by § 62.14109(e). The final control plan must, at a minimum, include a description of the air pollution control devices or process changes that will be employed for each unit to comply with the emission limits and other requirements of this subpart.

(h) The owner or operator of an affected facility that is taking longer than 1 year after the date of publication of this subpart FFF to comply with the emission limits of this subpart must submit a signed copy of the contract or contracts awarded according to the requirements of § 62.14108(a)(2) with the notification required by § 62.14109(e).

(i) The owner or operator of an affected facility that is taking longer than 1 year after the date of publication of this subpart FFF to comply with the emission limits of this subpart must keep on site a copy of the final control plan required by § 62.14109(g).

(j) The owner or operator of an affected facility that plans to cease operation of the affected facility on or before December 19, 2000 rather than com-

ply with the emission limits of this subpart by the applicable compliance date specified in § 62.14108 must submit a notification by the date specified for the final control plan according to the schedule specified in paragraphs § 62.14108(b)(1) through (b)(4), as applicable. (Affected facilities that cease operation on or before December 19, 2000 rather than comply with the emission limits of this subpart by the compliance date specified in § 62.14108 are not required to submit a final control plan.) The notification must state the date by which the affected facility will cease operation. If the cease operation date is later than 1 year after the date of publication of this subpart FFF, the owner or operator must enter into a legally binding closure agreement with EPA by the date the final control plan is due. The agreement must specify the date by which operation will cease.

(k) The owner or operator of an affected facility that plans to de-rate the affected facility on or before December 19, 2000 rather than comply with the emission limits of this subpart by the compliance date specified in § 62.14108 must submit a final control plan as required by paragraph (g) of this section and submit notification of increments of progress as required by paragraphs (e) and (f) of this section and § 62.14108(e) of this subpart.

(1) The final control plan must, at a minimum, include the information in paragraphs (k)(1)(i) and (k)(1)(ii) of this section rather than the information in paragraph (g) of this section.

(i) A description of the physical changes that will be made to accomplish the de-rating.

(ii) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the de-rating. (See the procedures specified in 40 CFR 60.58b(j) of subpart Eb for calculating municipal waste combustor unit capacity.)

(2) The owner or operator must submit a signed copy of the contract or contracts awarded to initiate the de-rating with the notification required by paragraph (e) of this section.

(l) The owner or operator of an affected facility that is ceasing operation more than 1 year following the date of publication of this subpart FFF must

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submit performance test results for dioxin/furan emissions conducted during or after 1990 for each affected facility by the date 1 year after the date of publication of this subpart FFF. The performance test shall be conducted according to the procedure in paragraph (b) of this section.

(m) The owner or operator (or the State air pollution control authority) that is submitting alternative dates for increments 2, 3, and 4 according to § 62.14108(b)(4) must submit the alternative dates by the date specified for

the final control plan according to the schedule specified in paragraphs § 62.14108 (b)(1) and (b)(2), as applicable. The owner or operator (or the State air pollution control authority) must submit a justification if any of the alternative dates are later than the increment dates in tables 4 or 5 of this subpart. The owner or operator must also submit the alternative dates and justification to the State.

[63 FR 63202, Nov. 12, 1998; 64 FR 17219, Apr. 8, 1999]

TABLE 1 TO SUBPART FFF OF PART 62—MUNICIPAL WASTE COMBUSTOR UNITS (MWC UNITS) EXCLUDED FROM SUBPART FFF<sup>1</sup>

State	MWC units
Alabama .....	Existing facilities with an MWC unit capacity greater than 250 tons per day of municipal solid waste at the following MWC sites: (a) Solid Waste Disposal Authority of the City of Huntsville, Alabama.
Florida .....	Existing MWC units with capacity to combust more than 250 tons per day of municipal solid waste.
Georgia .....	Existing facilities with a MWC unit capacity greater than 250 tons per day of municipal solid waste at the following MWC sites: (a) Savannah Energy Systems Company, Savannah, Georgia.
Illinois .....	Existing MWC units located at Robbins Resource Recovery Center, Robbins, Illinois.
Maine .....	Existing facilities with an MWC unit capacity greater than 250 tons per day of municipal solid waste at the following MWC sites: (a) Penobscot Energy Recovery Company, Orrington, Maine. (b) Maine Energy Recovery Company, Biddeford, Maine. (c) Regional Waste Systems, Inc., Portland, Maine.
Maryland .....	Existing MWC facilities with an MWC unit capacity greater than 250 tons per day of municipal solid waste.
Minnesota .....	All MWC units with unit capacities greater than 93.75 million British thermal units per hour on a heat input basis (250 tons per day) located in Minnesota.
New York .....	Existing MWC units with capacity to combust more than 250 tons per day of municipal solid waste.
Oklahoma .....	Existing MWC facilities with an MWC unit capacity greater than 250 tons per day of municipal solid waste at the following MWC site: Ogden-Martin Systems of Tulsa, Incorporated, 2122 South Yukon Avenue, Tulsa, Oklahoma.
Oregon .....	Existing facilities at the following MWC sites: (a) Ogden Martin Systems, Marion County, Oregon. (b) Coos County, Coos Bay, Oregon.
Pennsylvania .....	Existing MWC facilities with an MWC unit capacity greater than 250 tons per day of municipal solid waste at the following MWC site: (a) American Ref-fuel of Delaware Valley, LP (formerly Delaware County Resource Recovery facility), City of Chester, PA. (b) Harrisburg Materials, Energy, Recycling and Recovery Facility, City of Harrisburg, PA. (c) Lancaster County Solid Waste Management Authority, Conoy Township, Lancaster County, PA. (d) Montenay Montgomery Limited Partnership, Plymouth Township, Montgomery County, PA. (e) Wheelabrator Falls, Inc., Falls Township, Bucks County, PA. (f) York County Solid Waste and Refuse Authority, York, PA.
South Carolina .....	Existing facilities with a MWC unit capacity greater than 250 tons per day of municipal solid waste at the following MWC sites: (a) Foster Wheeler Charleston Resource Recovery Facility, Charleston, South Carolina.
Tennessee .....	Existing MWC units with capacity to combust more than 250 tons per day of municipal solid waste.

<sup>1</sup> Notwithstanding the exclusions in table 1 of this subpart, this subpart applies to affected facilities not regulated by an EPA approved and currently effective State or Tribal plan.

[63 FR 63202, Nov. 12, 1998, as amended at 65 FR 33468, May 24, 2000]

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**TABLE 2 TO SUBPART FFF OF PART 62—NITROGEN OXIDES REQUIREMENTS FOR  
AFFECTED FACILITIES**

Municipal waste combustor technology	Nitrogen oxides emission limit (parts per million by volume) <sup>a</sup>
Mass burn waterwall .....	205.
Mass burn rotary waterwall .....	250.
Refuse-derived fuel combustor .....	250.
Fluidized bed combustor .....	180.
Mass burn refractory combustors .....	No limit.

<sup>a</sup>Corrected to 7 percent oxygen, dry basis.

**TABLE 3 TO SUBPART FFF OF PART 62—MUNICIPAL WASTE COMBUSTOR OPERATING REQUIREMENTS**

Municipal waste combustor technology	Carbon monoxide emissions level (parts per million by volume) <sup>a</sup>	Averaging time (hrs) <sup>b</sup>
Mass burn waterwall .....	100	4
Mass burn refractory .....	100	4
Mass burn rotary refractory .....	100	24
Mass burn rotary waterwall .....	250	24
Modular starved air .....	50	4
Modular excess air .....	50	4
Refuse-derived fuel stoker .....	200	24
Fluidized bed, mixed fuel (wood/refuse-derived fuel) .....	200	°24
Bubbling fluidized bed combustor .....	100	4
Circulating fluidized bed combustor .....	100	4
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor .....	150	4
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor .....	200	24

<sup>a</sup>Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent oxygen, dry basis. Calculated as an arithmetic average.

<sup>b</sup>Averaging times are 4-hour or 24-hour block averages.

°24-hour block average, geometric mean.

[69 FR 42121, July 14, 2004]

**TABLE 4 TO SUBPART FFF OF PART 62—GENERIC COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS (PRE-1987 MWCs)<sup>A B</sup>**

Affected facilities	Increment 1 Submit final control plan	Increment 2 Award contracts	Increment 3 Begin on-site construction	Increment 4 Complete on-site construction	Increment 5 Final compliance
Affected facilities that commenced construction, modification, or reconstruction on or before June 26, 1987 (All pollutants).	January 11, 1999	05/18/99	11/16/99	11/19/00	12/19/00

<sup>a</sup>Table 4 or 5 of this subpart applies to MWC units subject to the Federal plan except those with site-specific compliance schedules shown in Table 6 of this subpart.

<sup>b</sup>As an alternative to this schedule, the owner or operator may close the affected facility by December 19, 2000, complete the retrofit while the affected facility is closed, and achieve final compliance upon restarting. See §§ 62.14108(c), 62.14108(d), and 62.14109(i) of this subpart.

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TABLE 5 TO SUBPART FFF OF PART 62—GENERIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS  
[Post-1987 MWCs]<sup>a,b</sup>

Affected facilities	Increment 1 Submit final control plan	Increment 2 Award contracts	Increment 3 Begin on-site construction	Increment 4 Complete on-site construction	Increment 5 Final compliance
Affected facilities that commenced construction modification, or reconstruction after June 26, 1987:					
1. Emission limits for Hg, dioxin/furan .....	NA <sup>c</sup> ....	NA <sup>c</sup>	NA <sup>c</sup>	NA <sup>c</sup>	11/12/99 or 1 year after permit issuance <sup>d,e</sup> 12/19/00.
2. Emission limits for SO <sub>2</sub> , HCl, PM, Pb, Cd, opacity CO, NO <sub>x</sub> .	Janu- ary 11, 1999.	05/18/99	11/16/99	11/19/00	

<sup>a</sup>Table 4 or 5 of this subpart applies to MWC units subject to the Federal plan except those with site-specific compliance schedules shown in table 6 of this subpart.

<sup>b</sup>As an alternative to this schedule, the unit may close by December 19, 2000, complete retrofit while closed, and achieve final compliance upon restarting. See §§62.14108(c), 62.14108(d), and 62.14109(i) of this subpart.

<sup>c</sup>Because final compliance is achieved in 1 year, no increments of progress are required.

<sup>d</sup>Permit issuance is issuance of a revised construction permit or revised operating permit, if a permit modification is required to retrofit controls.

<sup>e</sup>Final compliance must be achieved no later than December 19, 2000, even if the date "1 year after permit issuance" exceeds December 19, 2000.

[63 FR 63202, Nov. 12, 1998, as amended at 65 FR 33468, May 24, 2000]

TABLE 6 TO SUBPART FFF OF PART 62—SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS<sup>A</sup>

Affected facilities at the following MWC sites	City, State	Increment 1 Submit final control plan	Increment 2 Award contracts	Increment 3 Begin on-site construction	Increment 4 Complete on-site construction	Increment 5 Final compliance <sup>c</sup>
Stanislaus Resource Recovery Facility.	Crows Landing, California.	January 11, 1999.	01/19/00 .....	05/19/00 .....	11/19/00	12/19/00
Southeast Resource Recovery Facility.	Long Beach, California.	January 11, 1999.	04/30/99 .....	10/31/99 .....	04/30/00	12/19/00
All large MWC units	Maine .....	January 11, 1999.	01/01/99 .....	07/01/99 .....	09/01/00	12/19/00
Baltimore Resco .....	Baltimore, Maryland	January 11, 1999.	January 11, 1999.	January 11, 1999.	09/01/00	12/19/00
All large MWC units	New Jersey <sup>b</sup> .....	January 11, 1999.	05/18/99 .....	11/14/99 .....	11/19/00	12/19/00
American Ref-Fuel ..	Delaware County, Pennsylvania.	11/01/98 .....	05/18/99 .....	11/14/99 .....	11/19/00	12/19/00
Montenay Energy Resource.	Montgomery County, Pennsylvania.	11/01/98 .....	05/18/99 .....	11/14/99 .....	11/19/00	12/19/00
I-95 Energy/Resource Recovery Facility.	Lorton, Virginia .....	January 11, 1999.	10/15/99 .....	03/01/00 .....	11/19/00	12/19/00
New Hanover County, Unit 3A.	Wilmington, North Carolina.	09/15/99 .....	03/01/00 .....	07/01/00 .....	11/19/00	12/19/00

<sup>a</sup>These schedules have been reviewed and determined to be acceptable by EPA.

<sup>b</sup>This schedule applies to HC1 SO<sub>2</sub>, PM, Pb, Cd, CO, and NO<sub>x</sub>. However, owners and operators of large MWC units in New Jersey have the option of reserving the portion of their control plan that addresses NO<sub>x</sub>. Owners and operators must submit the reserved portion to EPA by December 15, 1999.

<sup>c</sup>The owner or operator of an affected facility that began construction, modification, or reconstruction after June 26, 1987 must achieve final compliance with the mercury and dioxins/furans limits within 1 year after promulgation of subpart FFF (i.e., by 11/12/99) or 1 year after permit issuance. Permit issuance is issuance of a revised construction permit or revised operating permit if a permit modification is required to retrofit controls. Final compliance must be achieved no later than December 19, 2000, even if the date "1 year after permit issuance" exceeds December 19, 2000.

[63 FR 63202, Nov. 12, 1998; 64 FR 17219, Apr. 8, 1999, as amended at 65 FR 33469, May 24, 2000]

## § 62.14350

### Subpart GGG—Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991 and Have Not Been Modified or Reconstructed Since May 30, 1991

SOURCE: 64 FR 60703, Nov. 8, 1999, unless otherwise noted.

#### § 62.14350 Scope and delegation of authority.

(a) This subpart contains emission requirements and compliance schedules for the control of designated pollutants from certain municipal solid waste landfills in accordance with section 111(d) of the Clean Air Act and 40 CFR part 60, subpart B. This municipal solid waste landfills Federal plan applies to each designated facility as defined in § 62.14352 of this subpart that is not covered by an EPA approved and currently effective State or Tribal plan.

(b) The following authorities shall be retained by the Administrator and not transferred to the State or Tribe upon delegation of authority to the State or Tribe to implement and enforce the Federal plan pursuant to sections 101(a)(3) and 111 of the Clean Air Act:

- (1) Approval of alternative methods to determine site-specific NMOC concentration ( $C_{NMOC}$ ) or site-specific methane generation rate constant ( $k$ ) used in calculating the annual NMOC emission rate (as provided in 40 CFR 60.754(a)(5) of subpart WWW),
- (2) Alternative emission standards,
- (3) Major alternatives<sup>1</sup> to test methods,
- (4) Major alternatives to monitoring, or
- (5) Waivers of recordkeeping.

#### § 62.14351 Definitions.

Terms used but not defined in this subpart have the meaning given them

<sup>1</sup>Major changes to test methods or to monitoring are modifications made to a federally enforceable test method or to a federal monitoring requirement. These changes would involve the use of unproven technology or procedures or an entirely new method (which is sometimes necessary when the required test method or monitoring requirement is unsuitable).

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in the Clean Air Act and 40 CFR part 60, subparts A, B, and WWW.

*Achieve final compliance* means to connect and operate the collection and control system as specified in the final control plan. Within 180 days after the date the landfill is required to achieve final compliance, the initial performance test must be conducted.

*Award contract* means the MSW landfill owner or operator enters into legally binding agreements or contractual obligations that cannot be canceled or modified without substantial financial loss to the MSW landfill owner or operator. The MSW landfill owner or operator may award a number of contracts to install the collection and control system. To meet this increment of progress, the MSW landfill owner or operator must award a contract or contracts to initiate on-site construction or installation of the collection and control system.

*Complete on-site construction* means that all necessary collection system components and air pollution control devices identified in the final control plan are on site, in place, and ready for operation.

*Design capacity* means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the State, local, or Tribal agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site-specific density, which must be recalculated annually.

*EPA approved State plan* means a State plan that EPA has approved based on the requirements in 40 CFR part 60, subpart B to implement and enforce 40 CFR part 60, subpart Cc. An approved State plan becomes effective on the date specified in the notice published in the FEDERAL REGISTER announcing EPA's approval.

*Federal Indian Reservation* means for purposes of the Clean Air Act, all land within the limits of any Indian reservation under the jurisdiction of the

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United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

*Final control plan (Collection and control system design plan)* means a plan that describes the collection and control system that will capture the gas generated within an MSW landfill. The collection and control system design plan must be prepared by a professional engineer and must describe a collection and control system that meets the requirements of 40 CFR 60.752(b)(2)(ii). The final control plan must contain engineering specifications and drawings of the collection and control system. The final control plan must include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 through 60.758 proposed by the owner or operator. The final control plan must either conform with the specifications for active collection systems in 40 CFR 60.759 or include a demonstration that shows that based on the size of the landfill and the amount of waste expected to be accepted, the system is sized properly to collect the gas, control emissions of NMOC to the required level and meet the operational standards for a landfill.

*Indian Country* means all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Initiate on-site construction* means to begin any of the following: installation of the collection and control system to be used to comply with the emission limits as outlined in the final control plan; physical preparation necessary for the installation of the collection and control system to be used to comply with the final emission limits as

outlined in the final control plan; or, alteration of an existing collection and control system to be used to comply with the final emission limits as outlined in the final control plan.

*Modification* means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion based on its permitted design capacity as of May 30, 1991. Modification does not occur until the owner or operator commences construction on the horizontal or vertical expansion.

*Municipal solid waste landfill* or *MSW landfill* means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads. A municipal solid waste landfill may be publicly or privately owned.

*Negative declaration* letter means a letter to EPA declaring that there are no existing MSW landfills in the State or that there are no existing MSW landfills in the State that must install collection and control systems according to the requirements of 40 CFR part 60, subpart Cc. The negative declaration letter must include the design capacities of any existing MSW landfills with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

*Protectorate* means American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands.

*State* means any of the 50 United States and the protectorates of the United States.

*State plan* means a plan submitted pursuant to section 111(d) of the Clean Air Act and 40 CFR part 60, subpart B that implements and enforces 40 CFR part 60, subpart Cc. State plans include plans developed by States, local agencies, and protectorates.

*Tribal plan* means a plan submitted by a Tribal Authority pursuant to 40

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CFR parts 9, 35, 49, 50, and 81 that implements and enforces 40 CFR part 60, subpart Cc.

### § 62.14352 Designated facilities.

(a) The designated facility to which this subpart applies is each municipal solid waste landfill in all States, protectorates, and Indian Country that meets the conditions of paragraphs (a)(1) and (a)(2) of this section, except for landfills exempted by paragraphs (b) and (c) of this section.

(1) The municipal solid waste landfill commenced construction, reconstruction, or modification before May 30, 1991 (landfills that commence construction, modification, or reconstruction on or after May 30, 1991 are subject to 40 CFR part 60, subpart WWW), and

(2) The municipal solid waste landfill has accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition.

(b) A municipal solid waste landfill regulated by an EPA approved and currently effective State or Tribal plan is not subject to the requirements of this subpart. States that have an approved and effective State plan are listed in table 1 of this subpart. Notwithstanding the exclusions in table 1 of this subpart, any MSW landfill located in a State or portion of Indian country that does not have an EPA approved and currently effective State or Tribal plan is subject to the requirements of this subpart.

(c) A municipal solid waste landfill located in a State, locality, or portion of Indian country that submitted a negative declaration letter is not subject to the requirements of this subpart other than the requirements in the definition of design capacity to recalculate the site-specific density annually and in § 62.14355 to submit an amended design capacity report in the event that the recalculated design capacity is equal to or greater than 2.5 million megagrams and 2.5 million cubic meters. However, if the existing municipal solid waste landfill already has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, then it is subject to the requirements of the Federal plan. States, localities, or portions of

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Indian country that submitted negative declaration letters are listed in table 2 of this subpart.

(d) Physical or operational changes made to an existing municipal solid waste landfill solely to comply with an emission guideline are not considered a modification or reconstruction and would not subject an existing municipal solid waste landfill to the requirements of 40 CFR part 60, subpart WWW.

(e) For purposes of obtaining an operating permit under title V of the Clean Air Act, the owner or operator of a municipal solid waste landfill subject to this subpart with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain an operating permit for the landfill under part 70 or 71 of this chapter, unless the landfill is otherwise subject to either part 70 or 71. For purposes of submitting a timely application for an operating permit under part 70 or 71, the owner or operator of a municipal solid waste landfill subject to this subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters on January 7, 2,000 and not otherwise subject to either part 70 or 71, becomes subject to the requirements of § 70.5(a)(1)(i) or § 71.5(a)(1)(i) of this chapter April 6, 2000, even if the initial design capacity report is submitted earlier. In addition, the owner or operator of a municipal solid waste landfill subject to this subpart with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, and not otherwise subject to either part 70 or 71, but whose design capacity subsequently increases to equal or exceed 2.5 million megagrams and 2.5 million cubic meters by a change that is not a modification or reconstruction becomes subject to the requirements of § 70.5(a)(1)(i) or § 71.5(a)(1)(i) of this chapter upon the date the amended design capacity report is due.

(f) When a municipal solid waste landfill subject to this subpart is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under part 70 or 71 of this chapter for the landfill if the landfill is not otherwise subject to the requirements of either

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part 70 or 71 and if either of the following conditions are met:

(1) The landfill was never subject to the requirement for a control system under § 62.14353 of this subpart; or

(2) The owner or operator meets the conditions for control system removal specified in 40 CFR 60.752(b)(2)(v).

### **§ 62.14353 Standards for municipal solid waste landfill emissions.**

(a) The owner or operator of a designated facility having a design capacity less than 2.5 million megagrams or 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(a) in addition to the applicable reporting and recordkeeping requirements specified in this subpart.

(b) The owner or operator of a designated facility having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(b) in addition to the applicable reporting and recordkeeping requirements specified in this subpart.

### **§ 62.14354 Procedures, test methods, and monitoring.**

(a) The owner or operator of a designated facility having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate the landfill nonmethane organic compounds emission rate using the procedures listed in 40 CFR 60.754, as applicable, to determine whether the landfill nonmethane organic compounds emission rate equals or exceeds 50 megagrams per year.

(b) The owner or operator of a designated facility with a gas collection and control system used to comply with § 62.14353(b) must comply with the operational standards in 40 CFR 60.753; the test procedures in 40 CFR 60.754(b) and (d); the compliance provisions in 40 CFR 60.755; and the monitoring provisions in 40 CFR 60.756, unless alternative procedures have been approved.

### **§ 62.14355 Reporting and record-keeping requirements.**

(a) The owner or operator of a designated facility must comply with the recordkeeping and reporting provisions listed in 40 CFR 60.757 and 60.758, except

as provided for under paragraphs (a)(1) and (a)(2) of this section.

(1) The initial design capacity report for a designated facility is due within 90 days of the effective date of this subpart. Existing MSW landfills with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters that are located in States that submitted a negative declaration letter are not required to submit an initial design capacity report provided that the MSW landfill's design capacity was included in the negative declaration letter.

(2) The initial nonmethane organic compounds emission rate report for a designated facility is due within 90 days of the effective date of this subpart.

(b) The owner or operator of a designated facility must submit notification to the EPA Regional Office within 10 business days of completing each increment of progress. Each notification must indicate which increment of progress specified in § 62.14356(a)(1) through (a)(5) of this subpart has been achieved. The notification must be signed by the owner or operator of the landfill.

(1) For the first increment of progress, the final control plan (collection and control system design plan) must be submitted in addition to the notification. A copy of the design plan must also be kept on site at the landfill.

(2) For the second increment of progress, a signed copy of the contract(s) awarded must be submitted in addition to the notification.

(c) The owner or operator of a designated facility who fails to meet any increment of progress specified in § 62.14356(a)(1) through (a)(5) of this subpart according to the applicable schedule in § 62.14356 of this subpart must submit notification that the owner or operator failed to meet the increment to the EPA Regional Office within 10 business days of the applicable date in § 62.14356.

(d) The owner or operator (or the State or Tribal air pollution control authority) that is submitting alternative dates for increments 2 and 3 according to § 62.14356(d) of this subpart must do so by the date specified for

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submitting the final control plan. The date for submitting the final control plan is specified in § 62.14356(c)(1) and (c)(2) of this subpart, as applicable. The owner or operator (or the State or Tribal air pollution control authority) must submit a justification if any of the alternative dates are later than the increment dates in table 3 of this subpart. In addition to submitting the alternative dates to the appropriate EPA Regional Office, the owner or operator must also submit the alternative dates to the State.

### § 62.14356 Compliance schedules and increments of progress.

(a) *Increments of progress.* The owner or operator of a designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a non-methane organic compound emission rate greater than or equal to 50 megagrams per year must achieve the increments of progress specified in paragraphs (a)(1) through (a)(5) of this section to install air pollution control devices to meet the emission standards specified in § 62.14353(b) of this subpart. (Refer to § 62.14351 for a definition of each increment of progress.)

(1) Submit control plan: Submit a final control plan (collection and control system design plan) according to the requirements of § 62.14353(b) of this subpart and 40 CFR 60.752(b)(2).

(2) Award contract(s): Award contract(s) to initiate on-site construction or initiate on-site installation of emission collection and/or control equipment.

(3) Initiate on-site construction: Initiate on-site construction or initiate on-site installation of emission collection and/or control equipment as described in the EPA-approved final control plan.

(4) Complete on-site construction: Complete on-site construction and installation of emission collection and/or control equipment.

(5) Achieve final compliance: Complete construction in accordance with the design specified in the EPA-approved final control plan and connect the landfill gas collection system and air pollution control equipment such that they are fully operating. The ini-

tial performance test must be conducted within 180 days after the date the facility is required to achieve final compliance.

(b) *Compliance date.* For each designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a nonmethane organic compound emission rate greater than or equal to 50 Mg per year, planning, awarding of contracts, and installation of municipal solid waste landfill air emission collection and control equipment capable of meeting the standards in § 62.14353(b) must be accomplished within 30 months after the date the initial emission rate report (or the annual emission rate report) first shows that the nonmethane organic compounds emission rate equals or exceeds 50 megagrams per year.

(c) *Compliance schedules.* The owner or operator of a designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a non-methane organic compound emission rate greater than or equal to 50 megagrams per year must achieve the increments of progress specified in paragraphs (a)(1) through (a)(5) of this section according to the schedule specified in paragraph (c)(1) or (c)(2) of this section, unless a site-specific schedule is approved by EPA.

(1) The owner or operator of a designated facility must achieve the increments of progress according to the schedule in table 3 of this subpart, except for those affected facilities specified in paragraph (c)(2) of this section. Once this subpart becomes effective on January 7, 2000, any designated facility to which this subpart applies will remain subject to the schedule in table 3 if a subsequently approved State or Tribal plan contains a less stringent schedule, (i.e., a schedule that provides more time to comply with increments 1, 4 and/or 5 than does this Federal plan).

(2) The owner or operator of the specified designated facility in table 4 of this subpart must achieve the increments of progress according to the schedule in table 4 of this subpart.

(d) For designated facilities that are subject to the schedule requirements of

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paragraph (c)(1) of this section, the owner or operator (or the State or Tribal air pollution control authority) may submit to the appropriate EPA Regional Office for approval alternative dates for achieving increments 2 and 3.

TABLE 1 TO SUBPART GGG OF PART 62—  
STATES THAT HAVE AN APPROVED  
AND EFFECTIVE STATE PLAN<sup>A</sup>

State plan	Effective date of state plan <sup>b</sup>
Alabama .....	12/07/98
Allegheny County, Pennsylvania .....	04/16/99
Arizona .....	11/19/99
California .....	11/22/99
Colorado .....	09/28/98
Delaware .....	11/16/99
Florida .....	08/03/99
Georgia .....	01/12/99
Illinois .....	01/22/99
Iowa .....	06/22/98
Kansas .....	05/19/98
Kentucky .....	06/21/99
Louisiana .....	10/28/97
Maryland .....	11/8/99
Minnesota .....	09/25/98
Missouri .....	06/23/98
Montana .....	09/08/98
Nashville, Tennessee .....	02/16/99
Nebraska .....	06/23/98
Nevada .....	11/19/99
New Mexico .....	02/10/98
New York .....	09/17/99
North Dakota .....	02/13/98
Ohio .....	10/06/98

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State plan	Effective date of state plan <sup>b</sup>
Oklahoma .....	05/18/99
Oregon .....	08/25/98
South Carolina .....	10/25/99
South Dakota .....	08/02/99
Tennessee .....	11/29/99
Texas .....	08/16/99
Utah .....	03/16/98
Wyoming .....	07/31/98

<sup>a</sup> This table is provided as a matter of convenience and is not controlling in determining whether a MSW landfill is subject to the Federal plan. A MSW landfill is subject to this Federal plan if it commenced construction before May 30, 1991 and has not been modified or reconstructed on or after that date and is not covered by an approved and currently effective State or Tribal plan.

<sup>b</sup> The State plan is expected to become effective on the date indicated. However, if the State plan does not become effective on the date indicated, the Federal plan applies until the State plan becomes effective.

TABLE 2 TO SUBPART GGG OF PART 62—  
STATES THAT SUBMITTED A NEGATIVE DECLARATION LETTER<sup>A</sup>

State, locality, or portion of Indian country	Date of negative declaration
District of Columbia .....	09/11/97
New Hampshire .....	07/22/98
Philadelphia, Pennsylvania .....	02/27/96
Rhode Island .....	05/27/98
Vermont .....	08/20/96

<sup>a</sup> A MSW landfill with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters located in an area for which a negative declaration letter was submitted is subject to the Federal plan, notwithstanding the negative declaration letter and this table 2.

TABLE 3 TO SUBPART GGG OF PART 62—GENERIC COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS<sup>A</sup>

Increment	Date
Increment 1—Submit final control plan .....	1 year after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ Mg/yr. <sup>b</sup>
Increment 2—Award Contracts .....	20 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ Mg/yr. <sup>b</sup>
Increment 3—Begin on-site construction .....	24 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ Mg/yr. <sup>b</sup>
Increment 4—Complete on-site construction .....	30 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ Mg/yr. <sup>b</sup>
Increment 5—Final compliance .....	30 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ Mg/yr. <sup>b</sup>

<sup>a</sup> Table 3 of subpart GGG applies to landfills with design capacities  $\geq 2.5$  million megagrams and 2.5 million cubic meters that are subject to this subpart except those with site-specific compliance schedules shown in table 4 of subpart GGG.

<sup>b</sup> NMOC = nonmethane organic compounds Mg/yr = megagrams per year

## § 62.14400

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TABLE 4 TO SUBPART GGG OF PART 62—  
SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS  
[RESERVED]

### Subpart HHH—Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed On Or Before December 1, 2008

SOURCE: 65 FR 49881, Aug. 15, 2000, unless otherwise noted.

#### APPLICABILITY

##### § 62.14400 Am I subject to this subpart?

(a) You are subject to this subpart if paragraphs (a)(1), (2)(i) or (ii), and (3) of this section are all true:

(1) You own or operate an HMIWI that is not covered by an EPA approved and effective State or Tribal plan;

(2)(i) Construction of the HMIWI commenced on or before June 20, 1996, or modification of the HMIWI commenced on or before March 16, 1998; or

(ii) Construction of the HMIWI commenced after June 20, 1996 but no later than December 1, 2008, or modification of the HMIWI commenced after March 16, 1998 but no later than April 6, 2010; and

(3) You do not meet any of the exemptions in paragraph (b) of this section.

(b) The following exemptions apply:

If you . . .	And you . . .	And you . . .	Then you . . .
(1) Own or operate an HMIWI that combusts only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR 62.14490).	Notify the EPA Administrator (or delegated enforcement authority) of an exemption claim.	Keep records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is combusted, and you submit such records to the EPA Administrator (or delegated enforcement authority) upon request.	Are not subject to the other sections of this subpart during periods when only pathological, low-level radioactive, and/or chemotherapeutic wastes are combusted.
(2) Own or operate a co-fired combustor (defined in 40 CFR 62.14490).	Notify the EPA Administrator (or delegated enforcement authority) of an exemption claim and you provide an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted.	Keep records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted as well as the weight of all other fuels and wastes combusted at the co-fired combustor, and these records reflect that the source continues to meet the definition of co-fired combustor in 40 CFR 62.14490, and you submit such records to the EPA Administrator (or delegated enforcement authority) upon request.	Are not subject to the other sections of this subpart.
(3) Own or operate a combustor that must have a permit under Section 3005 of the Solid Waste Disposal Act.	.....	.....	Are not subject to this subpart.
(4) Own or operate a combustor which meets the applicability requirements of 40 CFR part 60 subpart Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors).	.....	.....	Are not subject to this subpart.
(5) Own or operate a pyrolysis unit (defined in 40 CFR 62.14490) processing hospital waste and/or medical/infectious waste.	.....	.....	Are not subject to this subpart.

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If you . . .	And you . . .	And you . . .	Then you . . .
(6) Own or operate a cement kiln firing hospital waste and/or medical/infectious waste.	.....	.....	Are not subject to this sub-part.

(c) Owners or operators of sources that qualify for the exemptions in paragraphs (b)(1) or (2) of this section must submit 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 (b)(1) or (2) 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). Records required under paragraphs (b)(1) and (2) of this section must be maintained by the source for a period of at least 5 years. Notifications of exemption claims required under paragraphs (b)(1) and (2) of this section must be maintained by the EPA or delegated enforcement authority for as long as the source is operating under such exempt status. 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).

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28066, May 13, 2013]

**§ 62.14401 How do I determine if my HMIWI is covered by an approved and effective State or Tribal plan?**

This part (40 CFR part 62) contains a list of all states and tribal areas with approved Clean Air Act (CAA) section 111(d)/129 plans in effect. However, this part is only updated once a year. Thus, 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 approval occurred since publication of the most recent version of this part. A state may also meet its CAA 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 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 §§ 60.25(a) and 60.39e(c).

(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 who 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 the EPA's Delegation Manual, Item 7-139, Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) Federal plans.

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

(c) A state's CAA section 111(d)/129 obligations are separate from its obligations under Title V of the CAA.

[78 FR 28066, May 13, 2013]

## § 62.14402

### § 62.14402 If my HMIWI is not listed on the Federal plan inventory, am I exempt from this subpart?

Not necessarily. Sources subject to this subpart include, but are not limited to, the inventory of sources listed in Docket ID Number EPA-HQ-OAR-2011-0405 for the federal plan. Review the applicability of § 62.14400 to determine if you are subject to this subpart.

[78 FR 28066, May 13, 2013]

### § 62.14403 What happens if I modify an existing HMIWI?

(a) If you commenced modification (defined in 40 CFR 62.14490) of an existing HMIWI after April 6, 2010, you are subject to 40 CFR part 60, subpart Ec (40 CFR 60.50c through 60.58c), as amended, and you are not subject to this subpart, except as provided in paragraph (b) of this section.

(b) If you made physical or operational changes to your existing HMIWI solely for the purpose of complying with this subpart, these changes are not considered a modification and you are not subject to 40 CFR part 60, subpart Ec (40 CFR 60.50c through 60.58c), as amended. You remain subject to this subpart.

[78 FR 28067, May 13, 2013]

## EMISSION LIMITS

### § 62.14410 Are there different emission limits for different locations and sizes of HMIWI?

Yes, there are different emission limits for small rural, small, medium, and large HMIWI. To determine the size category of your HMIWI, consult the definitions in 40 CFR 62.14490.

### § 62.14411 What emission limits apply to my HMIWI?

You must operate your HMIWI in compliance with the emission limit requirements for your HMIWI size category listed in table 1 of this subpart.

### § 62.14412 What stack opacity and visible emissions requirements apply?

(a) Your HMIWI (regardless of size category) must not discharge into the atmosphere from the stack any gases that exhibit greater than 6 percent opacity (6-minute block average).

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(b) Your HMIWI as defined in § 62.14400(a)(2)(ii) and utilizing a large HMIWI must not discharge into the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of 5 percent of the observation period (*i.e.*, 9 minutes per 3-hour period), as determined by EPA Reference Method 22 of 40 CFR part 60, appendix A-7, except as provided in paragraphs (b)(1) and (2) of this section.

(1) The emissions limit specified in paragraph (b) of this section does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, the emissions limit does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems.

(2) The provisions specified in paragraph (b) of this section do not apply during maintenance and repair of ash conveying systems. Maintenance and/or repair must not exceed 10 operating days per calendar quarter unless you obtain written approval from the state agency establishing a date when all necessary maintenance and repairs of ash conveying systems are to be completed.

[78 FR 28067, May 13, 2013]

### § 62.14413 When do the emissions limits and stack opacity and visible emissions requirements apply?

The emissions limits, stack opacity, and visible emissions requirements of this subpart apply at all times.

[78 FR 28067, May 13, 2013]

## OPERATOR TRAINING AND QUALIFICATION

### § 62.14420 Am I required to have a trained and qualified operator?

You must have a fully trained and qualified HMIWI operator, either at your facility or able to be at your facility within 1 hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators.

### § 62.14421 How does an operator become trained and qualified?

(a) The HMIWI operator can obtain training and qualification through a

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State-approved program or as provided in paragraph (b) of this section.

(b) If there are no State-approved training and qualification programs available or if your operator does not want to participate in a State-approved program, then your operator must complete a training course that includes the requirements in § 62.14422 and satisfy the qualification requirements in § 62.14423.

**§ 62.14422 What are the requirements for a training course that is not part of a State-approved program?**

A training course must include:

(a) Twenty-four hours of training that includes all of the following subjects:

(1) Environmental concerns, including pathogen destruction and types of emissions;

(2) Basic combustion principles, including products of combustion;

(3) Operation of the type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures;

(4) Combustion controls and monitoring;

(5) Operation of air pollution control equipment and factors affecting performance (if applicable);

(6) Methods to monitor pollutants (continuous emission monitoring systems and monitoring of HMIWI and air pollution control device operating parameters) and equipment calibration procedures (where applicable);

(7) Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(8) Actions to correct malfunctions and conditions that may lead to malfunction;

(9) Bottom and fly ash characteristics and handling procedures;

(10) Applicable Federal, State, and local regulations;

(11) Work safety procedures;

(12) Prestartup inspections; and

(13) Recordkeeping requirements; and

(14) Training in waste segregation according to § 62.14430(c)

(b) An examination designed and administered by the instructor; and

(c) Reference material distributed to the attendees covering the course topics.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28067, May 13, 2013]

**§ 62.14423 What are the qualification requirements for operators who do not participate in a State-approved program?**

(a) Operators who do not participate in a State-approved program must satisfy paragraphs (a)(1) and (2) of this section:

(1) The operator must complete a training course that satisfies the requirements in § 62.14422; and

(2) The operator must have either 6 months experience as an HMIWI operator, 6 months experience as a direct supervisor of an HMIWI operator, or completion of at least two burn cycles under the observation and supervision of two qualified HMIWI operators.

(b) The operator's qualification is valid after paragraphs (a)(1) and (2) of this section are completed.

(c) To remain qualified, the operator must complete and pass an annual review or refresher course of at least 4 hours covering, at a minimum, the following:

(1) Update of regulations;

(2) Incinerator operation, including startup and shutdown procedures;

(3) Inspection and maintenance;

(4) Responses to malfunctions or conditions that may lead to malfunction; and

(5) Discussion of operating problems encountered by attendees.

(d) If the operator's qualification lapses, he or she must renew it by one of the following methods:

(1) For a lapse of less than 3 years, complete and pass a standard annual refresher course described in paragraph (c) of this section;

(2) For a lapse of 3 years or more, complete and pass a training course with the minimum criteria described in § 62.14422.

**§ 62.14424 What documentation must I maintain onsite?**

(a) You must maintain the following at the facility:

(1) Summary of the applicable standards under this subpart;

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- (2) Description of basic combustion theory applicable to an HMIWI;
- (3) Procedures for receiving, handling, and charging waste;
- (4) Procedures for startup, shutdown, and malfunction;
- (5) Procedures for maintaining proper combustion air supply levels;
- (6) Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this subpart;
- (7) Procedures for responding to malfunction or conditions that may lead to malfunction;
- (8) Procedures for monitoring HMIWI emissions;
- (9) Reporting and recordkeeping procedures; and
- (10) Procedures for handling ash.

(b) You must keep the information listed in paragraph (a) of this section in a readily accessible location for all HMIWI operators. This information, along with records of training, must be available for inspection by the EPA or its delegated enforcement agent upon request.

**§ 62.14425 When must I review the documentation?**

(a) You must establish a program for reviewing the information listed in § 62.14424 annually with each HMIWI operator (defined in § 62.14490).

(b) You must conduct your initial review of the information listed in § 62.14424 by [date 6 months after publication of final rule], or prior to assumption of responsibilities affecting HMIWI operation, whichever is later.

(c) You must conduct subsequent reviews of the information listed in § 62.14424 annually.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28067, May 13, 2013]

**WASTE MANAGEMENT PLAN****§ 62.14430 Must I prepare a waste management plan?**

Yes. All HMIWI owners or operators must have a waste management plan.

**§ 62.14431 What must my waste management plan include?**

(a) Your waste management plan must identify both the feasibility of, and the approach for, separating cer-

tain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. The waste management plan you develop may address, but is not limited to, elements such as segregation and recycling of paper, cardboard, plastics, glass, batteries, food waste and metals (e.g., aluminum cans, metals-containing devices); segregation of non-recyclable wastes (e.g., polychlorinated biphenyl-containing waste, pharmaceutical waste, and mercury-containing waste such as dental waste); and purchasing recycled or recyclable products. Your waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. When you develop your waste management plan, it should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other potential environmental or energy impacts they might have. In developing your waste management plan, you must consider the American Hospital Association (AHA) publication titled "Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities." This publication (AHA Catalog Number 057007) is available for purchase from AHA Services, Inc., Post Office Box 933283, Atlanta, Georgia 31193-3283.

(b) If you own or operate commercial HMIWI, you must conduct training and education programs in waste segregation for each of your waste generator clients and ensure that each client prepares its own waste management plan that includes, but is not limited to, the provisions listed in this section.

(c) If you own or operate commercial HMIWI, you must conduct training and education programs in waste segregation for your HMIWI operators.

[78 FR 28067, May 13, 2013]

**Environmental Protection Agency****§ 62.14442****§ 62.14432 When must my waste management plan be completed?**

As specified in §§ 62.14463 and 62.14464, you must submit your waste management plan with your initial report, which is due 60 days after you demonstrate initial compliance with the amended emissions limits, by conducting an initial performance test or submitting the results of previous emissions tests, provided the conditions in § 62.14451(e) are met.

[78 FR 28067, May 13, 2013]

**INSPECTION REQUIREMENTS****§ 62.14440 Which HMIWI are subject to inspection requirements?**

(a) All HMIWI, including small rural HMIWI (defined in § 62.14490) and each HMIWI (subject to emissions limits and visible emissions requirements in §§ 62.14411 and 62.14412) are subject to the HMIWI equipment inspection requirements.

(b) All HMIWI equipped with one or more air pollution control devices are subject to the air pollution control device inspection requirements.

[78 FR 28067, May 13, 2013]

**§ 62.14441 When must I inspect my HMIWI equipment and air pollution control devices?**

(a) You must inspect your large, medium, small or small rural HMIWI equipment by May 13, 2014.

(b) You must conduct inspections of your large, medium, small or small rural HMIWI equipment as outlined in § 62.14442(a) annually (no more than 12 months following the initial inspection or previous annual HMIWI equipment inspection).

(c) You must inspect the air pollution control devices on your large, medium, small or small rural HMIWI by May 13, 2014.

(d) You must conduct the air pollution control device inspections on your large, medium, small or small rural HMIWI as outlined in § 62.14442(b) annually (no more than 12 months following the initial inspection or previous annual air pollution control device inspection).

[78 FR 28067, May 13, 2013]

**§ 62.14442 What must my inspection include?**

(a) At a minimum, you must do the following during your HMIWI equipment inspection:

(1) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation, and clean pilot flame sensor as necessary;

(2) Check for proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;

(3) Inspect hinges and door latches, and lubricate as necessary;

(4) Inspect dampers, fans, and blowers for proper operation;

(5) Inspect HMIWI door and door gaskets for proper sealing;

(6) Inspect motors for proper operation;

(7) Inspect primary chamber refractory lining, and clean and repair/replace lining as necessary;

(8) Inspect incinerator shell for corrosion and/or hot spots;

(9) Inspect secondary/tertiary chamber and stack, and clean as necessary;

(10) Inspect mechanical loader, including limit switches, for proper operation, if applicable;

(11) Visually inspect waste bed (grates), and repair/ seal, as necessary;

(12) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;

(13) Inspect air pollution control device(s) for proper operation, if applicable;

(14) Inspect waste heat boiler systems to ensure proper operation, if applicable;

(15) Inspect bypass stack components;

(16) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

(17) Include inspection elements according to manufacturer's recommendations; and

(18) Generally observe that the equipment is maintained in good operating condition.

(b) At a minimum, you must do the following during your air pollution control device inspection:

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- (1) Inspect air pollution control device(s) for proper operation, if applicable;
- (2) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and
- (3) Include inspection elements according to manufacturer's recommendations; and
- (4) Generally observe that the equipment is maintained in good operating condition.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28068, May 13, 2013]

### § 62.14443 When must I do repairs?

(a) You must complete any necessary repairs to the HMIWI equipment within 10 operating days of the HMIWI equipment inspection unless you obtain written approval from the EPA Administrator (or delegated enforcement authority) establishing a different date when all necessary repairs of your HMIWI equipment must be completed.

(b) You must complete any necessary repairs to the air pollution control device within 10 operating days of the air pollution control device inspection unless you obtain written approval from the EPA Administrator (or delegated enforcement authority) establishing a different date when all necessary repairs of your air pollution control device must be completed. During the time that you conduct repairs to your air pollution control device, all emissions standards remain in effect according to § 62.14413.

[78 FR 28068, May 13, 2013]

## PERFORMANCE TESTING AND MONITORING REQUIREMENTS

### § 62.14450 [Reserved]

### § 62.14451 What are the testing requirements for HMIWI that are not small rural?

(a) Except as specified in paragraph (e) of this section, you must conduct an initial performance test for PM, opacity, CO, dioxin/furan, HCl, Pb, Cd, Hg, SO<sub>2</sub>, NO<sub>x</sub> and fugitive ash emissions using the test methods and procedures outlined in § 62.14452.

(b) After the initial performance test is completed or is required to be com-

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pleted under § 62.14470, whichever date comes first, you must:

(1) Determine compliance with the opacity limit by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in § 62.14452.

(2) Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in § 62.14452. If all three performance tests over a 3-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), you may forego a performance test for that pollutant for the next 2 years. At a minimum, you must conduct a performance test for PM, CO, and HCl every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), you may forego a performance test for that pollutant for an additional 2 years. If any performance test indicates noncompliance with the respective emission limit, you must conduct a performance test for that pollutant annually until all annual performance tests over a 3-year period indicate compliance with the emission limit.

(3) If you use a large HMIWI that commenced construction or modification according to § 62.14400(a)(2)(ii), determine compliance with the visible emissions limits for fugitive emissions from flyash/bottom ash storage and handling by conducting a performance test using EPA Reference Method 22 of 40 CFR part 60, appendix A-7 on an annual basis (no more than 12 months following the previous performance test).

(c) The 2,000 lb/wk limitation for small rural HMIWI does not apply during performance tests.

(d) The EPA Administrator may request a repeat performance test at any time.

(e) You may use the results of previous emissions tests to demonstrate compliance with the emissions limits,

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provided that the conditions in paragraphs (e)(1) through (3) of this section are met:

(1) Your previous emissions tests must have been conducted using the applicable procedures and test methods listed in § 62.14452. Previous emissions test results obtained using the EPA-accepted voluntary consensus standards are also acceptable.

(2) The HMIWI at your facility must currently be operated in a manner (e.g., with charge rate, secondary chamber temperature, etc.) that would be expected to result in the same or lower emissions than observed during the previous emissions test(s), and the HMIWI may not have been modified such that emissions would be expected to exceed the results from previous emissions test(s).

(3) The previous emissions test(s) must have been conducted in 1996 or later.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28068, May 13, 2013]

**§ 62.14452 What test methods and procedures must I use?**

You must use the following test methods and procedures to conduct

performance tests to determine compliance with the emission limits:

(a) All performance tests must consist of a minimum of three test runs conducted under representative operating conditions;

(b) The minimum sample time must be 1 hour per test run unless otherwise indicated in this section;

(c) You must use EPA Reference Method 1 of 40 CFR part 60, appendix A-1 to select the sampling location and number of traverse points;

(d) You must use EPA Reference Method 3, 3A or 3B of 40 CFR part 60, appendix A-2 for gas composition analysis, including measurement of oxygen concentration. You must use EPA Reference Method 3, 3A or 3B of 40 CFR part 60, appendix A-2 simultaneously with each reference method. You may use ASME PTC-19-10-1981-Part 10 (incorporated by reference in 40 CFR 60.17) as an alternative to EPA Reference Method 3B;

(e) You must adjust pollutant concentrations to 7 percent oxygen using the following equation:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \%O_2) \quad (\text{Eq. 1})$$

Where:

$C_{adj}$  = pollutant concentration adjusted to 7 percent oxygen;

$C_{meas}$  = pollutant concentration measured on a dry basis at standard conditions

$(20.9 - 7) = 20.9$  percent oxygen - 7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

$\%O_2$  = oxygen concentration measured on a dry basis at standard conditions, percent.

(f) You must use EPA Reference Method 5 of 40 CFR part 60, appendix A-3 or Method 26A or Method 29 of 40 CFR part 60, appendix A-8 to measure particulate matter (PM) emissions. You may use bag leak detection systems, as specified in § 62.14454(e), or PM continuous emissions monitoring systems (CEMS), as specified in paragraph (o) of this section, as an alternative to

demonstrate compliance with the PM emissions limit;

(g) You must use EPA Reference Method 6 or 6C of 40 CFR part 60, appendix A-4 to measure  $SO_2$  emissions;

(h) You must use EPA Reference Method 7 or 7E of 40 CFR part 60, appendix A-4 to measure  $NO_x$  emissions;

(i) You must use EPA Reference Method 9 of 40 CFR part 60, appendix A-4 to measure stack opacity. You may use bag leak detection systems, as specified in § 62.14454(e), or PM CEMS, as specified in paragraph (o) of this section, as an alternative to demonstrate compliance with the opacity requirements;

(j) You must use EPA Reference Method 10 or 10B of 40 CFR part 60, appendix A-4 to measure the CO emissions. You may use CO CEMS, as specified in paragraph (o) of this section, as

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an alternative to demonstrate compliance with the CO emissions limit;

(k) You must use EPA Reference Method 23 of 40 CFR part 60, appendix A-7 to measure total dioxin/furan emissions. The minimum sample time must be 4 hours per test run. You may elect to sample dioxins/furans by installing, calibrating, maintaining and operating a continuous automated sampling system, as specified in paragraph (p) of this section, as an alternative to demonstrate compliance with the dioxin/furan emissions limit. If you have selected the toxic equivalency (TEQ) standards for dioxin/furans under § 62.14411, you must use the following procedures to determine compliance:

(1) Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23 of 40 CFR part 60, appendix A-7;

(2) For each dioxin/furan congener measured in accordance with paragraph (k)(1) of this section, multiply the congener concentration by its corresponding TEQ factor specified in Table 2 of this subpart;

(3) Sum the products calculated in accordance with paragraph (k)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of TEQ.

(l) You must use EPA Reference Method 26 or 26A of 40 CFR part 60, appendix A-8 to measure HCl emissions. You may use HCl CEMS as an alternative to demonstrate compliance with the HCl emissions limit;

(m) You must use EPA Reference Method 29 of 40 CFR part 60, appendix A-8 to measure Pb, Cd and Hg emissions. You may use ASTM D6784-02 (incorporated by reference in 40 CFR 60.17) as an alternative to EPA Reference Method 29 for measuring Hg emissions. You may also use Hg CEMS, as specified in paragraph (o) of this section, or a continuous automated sampling system for monitoring Hg emissions, as specified in paragraph (q) of this section, as an alternative to demonstrate compliance with the Hg emissions limit. You may use multi-metals CEMS, as specified in paragraph (o) of this section, as an alternative to EPA Reference Method 29 to demonstrate

compliance with the Pb, Cd or Hg emissions limits;

(n) You must use EPA Reference Method 22 of 40 CFR part 60, appendix A-7 to measure fugitive ash emissions and determine compliance with the fugitive ash emissions limit, as applicable, under § 60.52c(c). The minimum observation time must be a series of three 1-hour observations.

(o) If you are using a CEMS to demonstrate compliance with any of the emissions limits under §§ 62.14411 or 62.14412, you:

(1) Must determine compliance with the appropriate emissions limit(s) using a 12-hour rolling average, calculated as specified in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7. Performance tests using EPA Reference Methods are not required for pollutants monitored with CEMS.

(2) Must operate a CEMS to measure oxygen concentration, adjusting pollutant concentrations to 7 percent oxygen as specified in paragraph (e) of this section.

(3) Must operate all CEMS in accordance with the applicable procedures under appendices B and F of 40 CFR part 60. For those CEMS for which performance specifications have not yet been promulgated (HCl, multi-metals), this option takes effect on the date a final performance specification is published in the FEDERAL REGISTER or the date of approval of a site-specific monitoring plan.

(4) May substitute use of a CO CEMS for the CO annual performance test and minimum secondary chamber temperature to demonstrate compliance with the CO emissions limit.

(5) May substitute use of an HCl CEMS for the HCl annual performance test, minimum HCl sorbent flow rate and minimum scrubber liquor pH to demonstrate compliance with the HCl emissions limit.

(6) May substitute use of a PM CEMS for the PM annual performance test and minimum pressure drop across the wet scrubber, if applicable, to demonstrate compliance with the PM emissions limit.

(p) If you are using a continuous automated sampling system to demonstrate compliance with the dioxin/

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furan emissions limits, you must record the output of the system and analyze the sample according to EPA Reference Method 23 of 40 CFR part 60, appendix A-7. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from monitors is published in the FEDERAL REGISTER or the date of approval of a site-specific monitoring plan. If you elect to continuously sample dioxin/furan emissions instead of sampling and testing using EPA Reference Method 23 of 40 CFR part 60, appendix A-7, you must install, calibrate, maintain and operate a continuous automated sampling system and comply with the requirements specified in 40 CFR 60.58b(p) and (q) of subpart Eb.

(q) If you are using a continuous automated sampling system to demonstrate compliance with the Hg emissions limits, you must record the output of the system and analyze the sample at set intervals using any suitable determinative technique that can meet appropriate performance criteria. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to Hg from monitors is published in the FEDERAL REGISTER or the date of approval of a site-specific monitoring plan. If you elect to continuously sample Hg emissions instead of sampling and testing using EPA Reference Method 29 of 40 CFR part 60, appendix A-8, or an approved alternative method for measuring Hg emissions, you must install, calibrate, maintain and operate a continuous automated sampling system and comply with the requirements specified in 40 CFR 60.58b(p) and (q) of subpart Eb.

(r) Use of the bypass stack during a performance test will invalidate the performance test.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28068, May 13, 2013]

**§ 62.14453 What must I monitor?**

(a) If your HMIWI uses combustion control only, or your HMIWI is equipped with a dry scrubber followed by a fabric filter (FF), a wet scrubber, a dry scrubber followed by a FF and wet scrubber, or a selective noncatalytic reduction (SNCR) system:

(1) You must establish the appropriate maximum and minimum operating parameters, indicated in Table 3, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits; and

(2) After the date on which the initial performance test is completed or is required to be completed under § 62.14470, whichever comes first, your HMIWI must not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 3 and measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours), at all times except during performance tests.

(b) If you are using an air pollution control device other than a dry scrubber followed by a FF, a wet scrubber, a dry scrubber followed by a FF and a wet scrubber, or a SNCR system to comply with the emissions limits under § 62.14411, you must petition the EPA Administrator for site-specific operating parameters to be established during the initial performance test and you must continuously monitor those parameters thereafter. You may not conduct the initial performance test until the EPA Administrator has approved the petition.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28069, May 13, 2013]

**§ 62.14454 How must I monitor the required parameters?**

(a) Except as provided in §§ 62.14452(o) through (q), you must install, calibrate (to manufacturers' specifications), maintain and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 3 of this subpart (unless CEMS are used as a substitute for certain parameters as specified) such that these devices (or methods) measure and record values for the operating parameters at the frequencies indicated in Table 3 of this subpart at all times. For charge rate, the device must measure and record the date, time and weight of each charge fed to the HMIWI. This must be done automatically, meaning that the only intervention from an operator

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during the process would be to load the charge onto the weighing device. For batch HMIWI, the maximum charge rate is measured on a daily basis (the amount of waste charged to the unit each day).

(b) For all HMIWI, you must install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack, including the date, time and duration of such use.

(c) For all HMIWI, if you are using controls other than a dry scrubber followed by a FF, a wet scrubber, a dry scrubber followed by a FF and a wet scrubber, or a SNCR system to comply with the emissions limits under § 62.14411, you must install, calibrate (to manufacturers' specifications), maintain and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to § 62.14453(b).

(d) You must obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data must be obtained for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter that your HMIWI is combusting hospital waste and/or medical/infectious waste.

(e) If you use an air pollution control device that includes a FF and are not demonstrating compliance using PM CEMS, you must determine compliance with the PM emissions limit using a bag leak detection system and meet the requirements in paragraphs (e)(1) through (12) of this section for each bag leak detection system.

(1) Each triboelectric bag leak detection system must be installed, calibrated, operated and maintained according to the "Fabric Filter Bag Leak Detection Guidance," (EPA-454/R-98-015, September 1997). This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality Planning and Standards; Sector Policies and Programs Division; Measurement Policy Group (D-243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emissions Measurement Center

Continuous Emissions Monitoring. Other types of bag leak detection systems must be installed, operated, calibrated and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

(2) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(3) The bag leak detection system sensor must provide an output of relative PM loadings.

(4) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(5) The bag leak detection system must be equipped with an audible alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.

(6) For positive pressure FF systems, a bag leak detector must be installed in each baghouse compartment or cell.

(7) For negative pressure or induced air FF, the bag leak detector must be installed downstream of the FF.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(9) The baseline output must be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the "Fabric Filter Bag Leak Detection Guidance."

(10) Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points or alarm delay time may not be adjusted. In no case may the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless such adjustment follows a complete FF inspection that demonstrates that the FF is in good operating condition. Each adjustment must be recorded.

(11) Record the results of each inspection, calibration and validation check.

(12) Initiate corrective action within 1 hour of a bag leak detection system alarm; operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period. If inspection of the FF demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of 1 hour. If it takes longer than 1 hour to initiate corrective action, the alarm time is counted as the actual amount

of time taken to initiate corrective action.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28070, May 13, 2013]

**§ 62.14455 What if my HMIWI goes outside of a parameter limit?**

(a) Operation above the established maximum or below the established minimum operating parameter(s) constitutes a violation of established operating parameter(s). Operating parameter limits do not apply during performance tests.

(b) Except as provided in paragraph (g) or (h) of this section, if your HMIWI uses combustion control only:

And your HMIWI . . .	Then you are in violation of . . .
Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The PM, CO and dioxin/furan emissions limits.

(c) Except as provided in paragraph (f) or (g) of this section, if your HMIWI is equipped with a dry scrubber followed by a FF:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emissions limit.
(2) Operates above the maximum FF inlet temperature (3-hour rolling average), above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), and below the minimum dioxin/furan sorbent flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emissions limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum HCl sorbent flow rate (3-hour rolling average) simultaneously.	The HCl emissions limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum Hg sorbent flow rate (3-hour rolling average) simultaneously.	The Hg emissions limit.
(5) Uses the bypass stack . . .	The PM, dioxin/furan, HCl, Pb, Cd and Hg emissions limits.
(6) Operates above the CO emissions limit as measured by a CO CEMS, as specified in § 62.14452(o).	The CO emissions limit.
(7) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the PM emissions limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The PM emissions limit. <sup>a</sup>
(8) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the opacity limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The opacity limit. <sup>a</sup>
(9) Operates above the PM emissions limit as measured by a PM CEMS, as specified in § 62.14452(o).	The PM emissions limit.
(10) Operates above the HCl emissions limit as measured by an HCl CEMS, as specified in § 62.14452(o).	The HCl emissions limit.
(11) Operates above the Pb emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Pb emissions limit.
(12) Operates above the Cd emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Cd emissions limit.
(13) Operates above the Hg emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Hg emissions limit.
(14) Operates above the dioxin/furan emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(p).	The dioxin/furan emissions limit.

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And your HMIWI . . .	Then you are in violation of . . .
(15) Operates above the Hg emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(q).	The Hg emissions limit.

<sup>a</sup>If inspection of the FF demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of 1 hour. If it takes longer than 1 hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

(d) Except as provided in paragraph (g) or (h) of this section, if your HMIWI is equipped with a wet scrubber:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emissions limit.
(2) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum pressure drop across the wet scrubber (3-hour rolling average) or below the minimum horsepower or amperage to the system (3-hour rolling average) simultaneously.	The PM emissions limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), below the minimum secondary chamber temperature (3-hour rolling average), and below the minimum scrubber liquor flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emissions limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum scrubber liquor pH (3-hour rolling average) simultaneously.	The HCl emissions limit.
(5) Operates above the maximum flue gas temperature (3-hour rolling average) and above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) simultaneously.	The Hg emissions limit.
(6) Uses the bypass stack . . .	The PM, dioxin/furan, HCl, Pb, Cd and Hg emissions limits. The CO emissions limit.
(7) Operates above the CO emissions limit as measured by a CO CEMS, as specified in § 62.14452(o).	The CO emissions limit.
(8) Operates above the PM emissions limit as measured by a PM CEMS, as specified in § 62.14452(o).	The PM emissions limit.
(9) Operates above the HCl emissions limit as measured by an HCl CEMS, as specified in § 62.14452(o).	The HCl emissions limit.
(10) Operates above the Pb emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Pb emissions limit.
(11) Operates above the Cd emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Cd emissions limit.
(12) Operates above the Hg emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Hg emissions limit.
(13) Operates above the dioxin/furan emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(p).	The dioxin/furan emissions limit.
(14) Operates above the Hg emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(q).	The Hg emissions limit.

(e) Except as provided in paragraph (g) or (h) of this section, if your HMIWI is equipped with a dry scrubber followed by a FF and a wet scrubber:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emissions limit.
(2) Operates above the maximum fabric filter inlet temperature (3-hour rolling average), above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), and below the minimum dioxin/furan sorbent flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emissions limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum scrubber liquor pH (3-hour rolling average) simultaneously.	The HCl emissions limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum Hg sorbent flow rate (3-hour rolling average) simultaneously.	The Hg emissions limit.

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And your HMIWI . . .	Then you are in violation of . . .
(5) Uses the bypass stack . . .	The PM, dioxin/furan, HCl, Pb, Cd and Hg emissions limits. The CO emissions limit.
(6) Operates above the CO emissions limit as measured by a CO CEMS, as specified in § 62.14452(o).	The CO emissions limit. The PM emissions limit. <sup>a</sup>
(7) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the PM emissions limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The opacity limit. <sup>a</sup>
(8) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the opacity limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The PM emissions limit.
(9) Operates above the PM emissions limit as measured by a PM CEMS, as specified in § 62.14452(o).	The HCl emissions limit.
(10) Operates above the HCl emissions limit as measured by an HCl CEMS, as specified in § 62.14452(o).	The Pb emissions limit.
(11) Operates above the Pb emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Cd emissions limit.
(12) Operates above the Cd emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The Hg emissions limit.
(13) Operates above the Hg emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o).	The dioxin/furan emissions limit.
(14) Operates above the dioxin/furan emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(p).	The Hg emissions limit.
(15) Operates above the Hg emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(q).	

<sup>a</sup>If inspection of the FF demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of 1 hour. If it takes longer than 1 hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

(f) Except as provided in paragraph (g) or (h) of this section, if your HMIWI is equipped with a SNCR system:

And your HMIWI . . .	Then you are in violation of . . .
Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), below the minimum secondary chamber temperature (3-hour rolling average), and below the minimum reagent flow rate (3-hour rolling average) simultaneously.	The NO <sub>x</sub> emissions limit.

(g) You may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that your HMIWI is not in violation of the applicable emissions limit(s). You must conduct repeat performance tests pursuant to this paragraph using the identical operating parameters that indicated a violation under paragraph (b), (c), (d), (e), or (f) of this section.

(h) If you are using a CEMS to demonstrate compliance with any of the emissions limits in table 1 of this subpart or § 62.14412, and your CEMS indicates compliance with an emissions limit during periods when operating parameters indicate a violation of an emissions limit under paragraphs (b), (c), (d), (e) or (f) of this section, then

you are considered to be in compliance with the emissions limit. You need not conduct a repeat performance test to demonstrate compliance.

(i) You may conduct a repeat performance test in accordance with § 62.14452 at any time to establish new values for the operating parameters.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28070, May 13, 2013]

#### REPORTING AND RECORDKEEPING REQUIREMENTS

#### **§ 62.14460 What records must I maintain?**

You must maintain the following:

- (a) Calendar date of each record;
- (b) Records of the following data:

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- (1) Concentrations of any pollutant listed in table 1, measurements of opacity and visible ash;
- (2) The HMIWI charge dates, times, and weights and hourly charge rates;
- (3) Fabric filter inlet temperatures during each minute of operation, as applicable;
- (4) Amount and type of dioxin/furan sorbent used during each hour of operation, as applicable;
- (5) Amount and type of Hg sorbent used during each hour of operation, as applicable;
- (6) Amount and type of HCl sorbent used during each hour of operation, as applicable;
- (7) Amount and type of NO<sub>x</sub> reagent used during each hour of operation, as applicable;
- (8) Secondary chamber temperatures recorded during each minute of operation;
- (9) Liquor flow rate to the wet scrubber inlet during each minute of operation, as applicable;
- (10) Horsepower or amperage to the wet scrubber during each minute of operation, as applicable;
- (11) Pressure drop across the wet scrubber system during each minute of operation, as applicable;
- (12) Temperature at the outlet from the wet scrubber during each minute of operation, as applicable;
- (13) The pH at the inlet to the wet scrubber during each minute of operation, as applicable;
- (14) Records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 operating days of an inspection or the time frame established by the EPA Administrator or delegated enforcement authority, as applicable;
- (15) Records indicating use of the bypass stack, including dates, times, and durations; and
- (16) All operating parameter data collected, if you are complying by monitoring site-specific operating parameters under § 62.14453(b).
- (17) Concentrations of CO, PM, HCl, Pb, Cd, Hg and dioxin/furan, as applicable, as determined by the CEMS or continuous automated sampling system, as applicable.
- (18) Records of the annual air pollution control device inspections, any re-

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quired maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the Administrator.

(19) Records of each bag leak detection system alarm, the time of the alarm, the time corrective action was initiated and completed and a brief description of the cause of the alarm and the corrective action taken, as applicable.

(c) Identification of calendar days for which data on emissions rates or operating parameters specified under paragraph (b)(1) through (19) of this section were not obtained, with an identification of the emissions rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken;

(d) Identification of calendar days, times and durations of malfunctions, and a description of the malfunction and the corrective action taken.

(e) Identification of calendar days for which data on emissions rates or operating parameters specified under paragraphs (b)(1) through (19) of this section exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances and a description of corrective actions taken.

(f) The results of the initial, annual and any subsequent performance tests conducted to determine compliance with the emissions limits and/or to establish or re-establish operating parameters, as applicable, including sample calculations, of how the operating parameters were established or re-established, if applicable.

(g) Records showing the names of HMIWI operators who have completed review of the documentation in § 62.14424 as required by § 62.14425, including the date of the initial review and all subsequent annual reviews;

(h) Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training;

(i) Records showing the names of the HMIWI operators who have met the criteria for qualification under § 62.14423 and the dates of their qualification; and

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(j) Records of calibration of any monitoring devices as required under § 62.14454.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28073, May 13, 2013]

### § 62.14461 For how long must I maintain records?

You must maintain the records specified under § 62.14460 for a period of at least 5 years.

### § 62.14462 Where must I keep the records?

You must maintain all records specified under § 62.14460 onsite in either paper copy or computer-readable format, unless an alternative format is approved by the EPA Administrator.

### § 62.14463 What reporting requirements must I satisfy?

(a) You must report the following to the EPA Administrator (or delegated enforcement authority):

(1) The initial performance test data as recorded under § 62.14451(a);

(2) The values for the site-specific operating parameters established pursuant to § 62.14453, as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test;

(3) The waste management plan as specified in § 62.14431;

(4) If you use a bag leak detection system, analysis and supporting documentation demonstrating conformance with the EPA guidance and specifications for bag leak detection systems in § 62.14454(e);

(5) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to § 62.14453, as applicable;

(6) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded pursuant to § 62.14453 for the calendar year preceding the year being reported, in order to provide a summary of the performance of the HMIWI over a 2-year period;

(7) Any information recorded under § 62.14460(c) through (e) for the calendar year being reported;

(8) Any information recorded under § 62.14460(c) through (e) for the calendar year preceding the year being reported, in order to provide a summary of the performance of the HMIWI over a 2-year period;

(9) The results of any performance test conducted during the reporting period;

(10) If no exceedances or malfunctions occurred during the calendar year being reported, a statement that no exceedances occurred during the reporting period;

(11) Any use of the bypass stack, duration of such use, reason for malfunction and corrective action taken;

(12) Records of the annual equipment inspections, any required maintenance and any repairs not completed within 10 days of an inspection or the time frame established by the EPA Administrator (or delegated enforcement authority);

(13) Records of the annual air pollution control device inspections, any required maintenance and any repairs not completed within 10 days of an inspection or the time frame established by the EPA Administrator (or delegated enforcement authority);

(14) Concentrations of CO, PM, HCl, Pb, Cd, Hg and dioxin/furan, as applicable, as determined by the CEMS or continuous automated sampling system, as applicable; and

(15) Petition for site-specific operating parameters under § 62.14453(b).

(b) If you choose to submit an electronic copy of stack test reports to the EPA's WebFIRE database, as of December 31, 2011, you must enter the test data into the EPA's database using the Electronic Reporting Tool (ERT) located at [http://www.epa.gov/ttn/chief/ert\\_tool.html](http://www.epa.gov/ttn/chief/ert_tool.html).

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28073, May 13, 2013]

### § 62.14464 When must I submit reports?

(a) You must submit the information specified in § 62.14463(a)(1) through (4) no later than 60 days following the initial performance test.

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(b) You must submit an annual report to the EPA Administrator (or delegated enforcement authority) no more than 1 year following the submission of the information in paragraph (a) of this section, and you must submit subsequent reports no more than 1 year following the previous report (once the unit is subject to permitting requirements under Title V of the CAA, you must submit these reports semiannually). The annual report must include the information specified in § 62.14463(a)(5) through (14), as applicable.

(c) You must submit semiannual reports containing any information recorded under § 62.14460(c) through (e) no later than 60 days following the end of the semiannual reporting period. The first semiannual reporting period ends 6 months following the submission of information in paragraph (a) of this section. Subsequent reports must be submitted no later than 6 calendar months following the previous report.

(d) You must submit your petition for site-specific operating parameters specified in § 62.14463(a)(15) prior to your initial performance test. You may not conduct the initial performance test until the EPA Administrator has approved the petition.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28074, May 13, 2013]

### § 62.14465 Who must sign all submitted reports?

All reports must be signed by the facilities manager (defined in § 62.14490).

#### COMPLIANCE SCHEDULE

### § 62.14470 When must I comply with this subpart if I plan to continue operation of my HMIWI?

If you plan to continue operation of your HMIWI, 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 May 13, 2014, then you must complete the requirements of paragraphs (a)(1) through (a)(4) of this section.

(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by May 13, 2014.

(2) You must achieve final compliance by May 13, 2014. This includes incorporating all process changes and/or completing retrofit construction, connecting the air pollution control equipment or process changes such that the HMIWI is brought online, and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(3) You must conduct the initial performance test required by § 62.14451(a) within 180 days after the date when you are required to achieve final compliance under paragraph (a)(2) of this section.

(4) You must submit an initial report including the results of the initial performance test and the waste management plan no later than 60 days following the initial performance test (see §§ 62.14463 and 62.14464 for complete reporting and recordkeeping requirements).

(b) If you plan to continue operation and come into compliance with the requirements of this subpart after May 13, 2014, but before October 6, 2014, then you must complete the requirements of paragraphs (b)(1) through (4) of this section.

(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by May 13, 2014.

(2) You must demonstrate that you are taking steps towards compliance with the emission limits in the subpart by completing the increments of progress in paragraphs (b)(2)(i) through (b)(2)(v) of this section. You must submit notification to the EPA Administrator (or delegated enforcement authority) within 10 business days of completing (or failing to complete by the applicable date) each of the increments of progress listed in paragraphs (b)(2)(i) through (b)(2)(v) of this section. Your notification must be signed by your facilities manager (defined in § 62.14490).

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(i) You must submit a final control plan by August 13, 2013. Your final control plan must, at a minimum, include a description of the air pollution control device(s) or process changes that will be employed for each unit to comply with the emissions limits and other requirements of this subpart.

(ii) You must award contract(s) for on-site construction, on-site installation of emissions control equipment or incorporation of process changes by December 13, 2013. You must submit a signed copy of the contract(s) awarded.

(iii) You must begin on-site construction, begin on-site installation of emissions control equipment or begin process changes needed to meet the emissions limits as outlined in the final control plan by January 6, 2014.

(iv) You must complete on-site construction, installation of emissions control equipment or process changes by August 6, 2014.

(v) You must achieve final compliance by October 6, 2014. This includes incorporating all process changes and/or completing retrofit construction as described in the final control plan, connecting the air pollution control equipment or process changes such that the HMIWI is brought online and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(3) You must conduct the initial performance test required by § 62.14451(a) within 180 days after the date when you are required to achieve final compliance under paragraph (b)(2)(v) of this section.

(4) You must submit an initial report including the result of the initial performance test and the waste management plan no later than 60 days following the initial performance test (see §§ 62.14463 and 62.14464 for complete reporting and recordkeeping requirements).

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28074, May 13, 2013; 78 FR 54766, Sept. 6, 2013]

**§ 62.14471 When must I comply with this subpart if I plan to shut down?**

If you plan to shut down, then you must follow the requirements in either paragraph (a) or (b) of this section de-

pending on when you plan to shut down.

(a) If you plan to shutdown by May 13, 2014, rather than come into compliance with the requirements of this subpart, then you must shutdown by May 13, 2014, to avoid coverage under any of the requirements of this subpart.

(b) If you plan to shutdown rather than come into compliance with the requirements of this subpart but are unable to shutdown by [May 13, 2014, then you may petition the EPA for an extension by following the procedures outlined in paragraphs (b)(1) through (3) of this section.

(1) You must submit your request for an extension to the EPA Administrator (or delegated enforcement authority) by [date 90 days after publication of final rule]. Your request must include:

(i) Documentation of the analyses undertaken to support your need for an extension, including an explanation of why your requested extension date is sufficient time for you to shutdown while May 13, 2014, does not provide sufficient time for shutdown. Your documentation must include an evaluation of the option to transport your waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

(ii) Documentation of incremental steps of progress, including dates for completing the increments of progress, that you will take towards shutting down. Some suggested incremental steps of progress towards shut down are provided as follows:

If you . . .	Then your increments of progress could be . . .
Need an extension so you can install an onsite alternative waste treatment technology before you shut down your HMIWI.	Date when you will enter into a contract with an alternative treatment technology vendor, Date for initiating onsite construction or installation of the alternative technology, and Date for completing onsite construction or installation of the alternative technology, and Date for shutting down the HMIWI.
Need an extension so you can acquire the services of a commercial medical/infectious waste disposal company before you shut down your HMIWI.	

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If you . . .	Then your increments of progress could be . . .
	Date when price quotes will be obtained from commercial disposal companies, Date when you will enter into a contract with a commercial disposal company, and Date for shutting down the HMIWI.

(2) You must shutdown no later than October 6, 2014.

(3) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by May 13, 2014.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28074, May 13, 2013]

**§ 62.14472 When must I comply with this subpart if I plan to shut down and later restart?**

If you wish to shut down and later restart, then you must follow the compliance times in paragraph (a), (b), or (c) of this section depending on when you shut down and restart.

(a) If you plan to shutdown and restart prior to October 6, 2014, then you must:

(1) Meet the compliance schedule outlined in § 62.14470(a) if you restart prior to May 13, 2014; or

(2) Meet the compliance schedule outlined in § 62.14470(b) if you restart after May 13, 2014. Any missed increments of progress need to be completed prior to or upon the date of restart.

(b) If you plan to shutdown by May 13, 2014, and restart after October 6, 2014, then you must complete the requirements of paragraphs (b)(1) through (b)(5) of this section.

(1) You must shutdown by May 13, 2014.

(2) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart before restarting your HMIWI.

(3) You must achieve final compliance upon restarting your HMIWI. This includes incorporating all process changes and/or completing retrofit construction, connecting the air pollution control equipment or process changes such that the HMIWI is brought online, and ensuring that all necessary

process changes and air pollution control equipment are operating properly.

(4) You must conduct the initial performance test required by § 62.14451(a) within 180 days after the date when you restart.

(5) You must submit an initial report including the results of the initial performance test and the waste management plan no later than 60 days following the initial performance test (see §§ 62.14463 and 62.14464 for complete reporting and recordkeeping requirements).

(c) If you plan to shutdown after May 13, 2014, and restart after October 6, 2014, then you must complete the requirements of paragraphs (c)(1) and (2) of this section.

(1) You must petition the EPA for an extension by following the procedures outlined in § 63.14471(b)(1) through (3).

(2) You must comply with the requirements of paragraphs (b)(2) through (b)(5) of this section.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28075, May 13, 2013]

**PERMITTING OBLIGATION**

**§ 62.14480 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act and implementing regulations?**

This subpart requires you to obtain an operating permit under title V of the Clean Air Act and implementing regulations ("title V permit") unless you are only subject to the record-keeping and reporting requirements listed at § 62.14400(b)(1) or (b)(2), and § 62.14400(c), of this subpart. Also, if you own or operate a unit described in § 62.14400(b)(3), (b)(4), (b)(5) or (b)(6), you are not subject to any requirements of this subpart; therefore, this subpart does not require you to obtain a title V permit.

**§ 62.14481 When must I submit a title V permit application for my HMIWI?**

You must submit a title V permit application in time for it to be determined or deemed complete by no later than September 15, 2000 or by the effective date of a title V permits program in the jurisdiction in which the unit is located, whichever is later. (An earlier deadline may apply if your HMIWI is

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also subject to title V permitting requirements because of some other triggering requirement.) A “complete” title V permit application is one that has been approved by the appropriate permitting authority as complete under Section 503 of the Clean Air Act and 40 CFR parts 70 and 71. It is not enough to have submitted a title V permit application by September 15, 2000 because the application must be determined or deemed complete by the permitting authority by that date for your HMIWI to operate after that date in compliance with Federal law.

### DEFINITIONS

#### § 62.14490 Definitions.

*Bag leak detection system* means an instrument that is capable of monitoring PM loadings in the exhaust of a FF in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light-scattering, light-transmittance or other effects to monitor relative PM loadings.

*Batch HMIWI* means an HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.

*Biologicals* means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

*Blood products* means any product derived from human blood, including but not limited to blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

*Body fluids* means liquid emanating or derived from humans and limited to blood; dialysate; amniotic, cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; and semen and vaginal secretions.

*Bypass stack* means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

*Chemotherapeutic waste* means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

*Co-fired combustor* means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered “other” wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.

*Commercial HMIWI* means a HMIWI which offers incineration services for hospital/medical/infectious waste generated offsite by firms unrelated to the firm that owns the HMIWI.

*Continuous emission monitoring system* or *CEMS* means a monitoring system for continuously measuring and recording the emissions of a pollutant.

*Continuous HMIWI* means an HMIWI that is designed to allow waste charging and ash removal during combustion.

*Dioxins/furans* means the combined emissions of tetra-through octachlorinated dibenzo-para-dioxins and dibenzofurans, as measured by EPA Reference Method 23.

*Dry scrubber* means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in the HMIWI exhaust stream forming a dry powder material.

*Fabric filter* or *baghouse* means an add-on air pollution control system that removes particulate matter (PM) and nonvaporous metals emissions by passing flue gas through filter bags.

*Facilities manager* means the individual in charge of purchasing, maintaining, and operating the HMIWI or the owner's or operator's representative responsible for the management of the HMIWI. Alternative titles may include director of facilities or vice president of support services.

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*High-air phase* means the stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

*Hospital* means any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

*Hospital/medical/infectious waste incinerator or HMIWI or HMIWI unit* means any device that combusts any amount of hospital waste and/or medical/infectious waste.

*Hospital/medical/infectious waste incinerator operator or HMIWI operator* means any person who operates, controls or supervises the day-to-day operation of an HMIWI.

*Hospital waste* means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

*Infectious agent* means any organism (such as a virus or bacteria) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

*Intermittent HMIWI* means an HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

*Large HMIWI* means:

- (1) Except as provided in paragraph (2) of this definition;
- (i) An HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour; or
- (ii) A continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or

(iii) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.

(2) The following are not large HMIWI:

(i) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 pounds per hour; or

(ii) A batch HMIWI whose maximum charge rate is less than or equal to 4,000 pounds per day.

*Low-level radioactive waste* means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions. During periods of malfunction the operator must operate within established parameters as much as possible, and monitoring of all applicable operating parameters must continue until all waste has been combusted or until the malfunction ceases, whichever comes first.

*Maximum charge rate* means:

(1) For continuous and intermittent HMIWI, 110 percent of the lowest 3-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(2) For batch HMIWI, 110 percent of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

*Maximum design waste burning capacity* means:

(1) For intermittent and continuous HMIWI,

$$C = P_v \times 15,000 / 8,500 \quad (Eq. 2)$$

Where:

C = HMIWI capacity, lb/hr

P<sub>v</sub> = primary chamber volume, ft<sup>3</sup>

15,000 = primary chamber heat release rate factor, Btu/ft<sup>3</sup>/hr

8,500 = standard waste heating value, Btu/lb;

(2) For batch HMIWI,

$$C = P_v \times 4.5 / 8 \quad (Eq. 3)$$

Where:

C = HMIWI capacity, lb/hr

P<sub>v</sub> = primary chamber volume, ft<sup>3</sup>

4.5 = waste density, lb/ft<sup>3</sup>

8 = typical hours of operation of a batch HMIWI, hours.

*Maximum fabric filter inlet temperature* means 110 percent of the lowest 3-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

*Maximum flue gas temperature* means 110 percent of the lowest 3-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the mercury (Hg) emission limit.

*Medical/infectious waste* means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs (1) through (7) of this definition. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in part 261 of this chapter; household waste, as defined in § 261.4(b)(1) of this chapter; ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in § 261.4(a)(1) of this chapter.

(1) Cultures and stocks of infectious agents and associated biologicals, including: Cultures from medical and pathological laboratories; cultures and

stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

(2) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

(3) Human blood and blood products including:

(i) Liquid waste human blood;

(ii) Products of blood;

(iii) Items saturated and/or dripping with human blood; or

(iv) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also include in this category.

(4) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), Pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

(5) Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were

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known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

(6) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

(7) Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

*Medium HMIWI* means:

(1) Except as provided in paragraph (2) of this definition;

(i) An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

(ii) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

(iii) A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

(2) The following are not medium HMIWI:

(i) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour or more than 500 pounds per hour; or

(ii) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day or less than or equal to 1,600 pounds per day.

*Minimum dioxin/furan sorbent flow rate* means 90 percent of the highest 3-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

*Minimum Hg sorbent flow rate* means 90 percent of the highest 3-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the Hg emission limit.

*Minimum horsepower or amperage* means 90 percent of the highest 3-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits.

*Minimum hydrogen chloride (HCl) sorbent flow rate* means 90 percent of the highest 3-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

*Minimum pressure drop across the wet scrubber* means 90 percent of the highest 3-hour average pressure drop across the wet scrubber PM control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

*Minimum reagent flow rate* means 90 percent of the highest 3-hour average reagent flow rate at the inlet to the SNCR technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO<sub>x</sub> emissions limit.

*Minimum scrubber liquor flow rate* means 90 percent of the highest 3-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

*Minimum scrubber liquor pH* means 90 percent of the highest 3-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

*Minimum secondary chamber temperature* means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, CO, dioxin/furan or NO<sub>x</sub> emissions limits.

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*Modification* or *Modified HMIWI* means any change to a HMIWI unit after April 6, 2010, such that:

(1) The cumulative costs of the modifications, over the life of the unit, exceed 50 per centum of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs, or

(2) The change involves a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under section 129 or section 111.

*Operating day* means a 24-hour period between 12:00 midnight and the following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in the HMIWI.

*Operation* means the period during which waste is combusted in the incinerator excluding periods of startup or shutdown.

*Particulate matter* or *PM* means the total particulate matter emitted from an HMIWI as measured by EPA Reference Method 5 or EPA Reference Method 29.

*Pathological waste* means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

*Primary chamber* means the chamber in an HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

*Pyrolysis* means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy.

*Secondary chamber* means a component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

*Shutdown* means the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown must commence no less than 2 hours after the last charge to the incinerator. For intermittent HMIWI, shutdown must commence no

less than 4 hours after the last charge to the incinerator. For batch HMIWI, shutdown must commence no less than 5 hours after the high-air phase of combustion has been completed.

*Small HMIWI* means:

(1) Except as provided in paragraph (2) of this definition;

(i) An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or

(ii) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or

(iii) A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

(2) The following are not small HMIWI:

(i) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour;

(ii) A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day.

*Small rural HMIWI* means a small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste.

*Standard conditions* means a temperature of 20 °C and a pressure of 101.3 kilopascals.

*Standard Metropolitan Statistical Area* or *SMSA* means any areas listed in OMB Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993. This information can also be obtained from the nearest Metropolitan Planning Organization.

*Startup* means the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, startup means the period of time between activation of the system and ignition of the waste.

*Wet scrubber* means an add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect particulate matter (including non-volatile metals and condensed organics) and/or to absorb and neutralize acid gases.

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28075, May 13, 2013]

## § 62.14495

### DELEGATION OF AUTHORITY

#### § 62.14495 What authorities will be retained by the EPA Administrator?

The following authorities will be retained by the EPA Administrator and not transferred to the State or Tribe:

(a) The requirements of § 62.14453(b) establishing operating parameters when using controls other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber.

(b) Approval of alternative methods of demonstrating compliance under 40 CFR 60.8, including:

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(1) Approval of CEMS for PM, HCl, multi-metals and Hg where used for purposes of demonstrating compliance,

(2) Approval of continuous automated sampling systems for dioxin/furan and Hg where used for purposes of demonstrating compliance, and

(3) Approval of major alternatives to test methods;

(c) Approval of major alternatives to monitoring;

(d) Waiver of recordkeeping requirements; and

(e) Performance test and data reduction waivers under 40 CFR 60.8(b).

[65 FR 49881, Aug. 15, 2000, as amended at 78 FR 28075, May 13, 2013]

TABLE 1 TO SUBPART HHH OF PART 62—EMISSION LIMITS FOR SMALL RURAL, SMALL, MEDIUM, AND LARGE HMIWI

For the air pollutant	You must meet this emissions limit				With these units (7 percent oxygen, dry basis)	Using this averaging time <sup>a</sup>	And determining compliance using this method <sup>b</sup>			
	HMIWI size									
	Small rural	Small	Medium	Large						
Particulate matter.	87 (0.038)	66 (0.029)	46 (0.020) <sup>c</sup> 34 (0.015) <sup>d</sup>	25 (0.011)	Milligrams per dry standard cubic meter (grains per dry standard cubic foot).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 5 of appendix A-3 of part 60, or EPA Reference Method M 26A or 29 of appendix A-8 of part 60			
Carbon monoxide.	20 .....	20 .....	5.5 .....	11 .....	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 10 or 10B of appendix A-4 of part 60			
Dioxins/furans ..	240 (100) or 5.1 (2.2).	16 (7.0) or 0.013 (0.0057).	0.85 (0.37) or 0.020 (0.0087).	9.3 (4.1) or 0.054 (0.024).	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet).	3-run average (4-hour minimum sample time per run).	EPA Reference Method 23 of appendix A-7 of part 60			
Hydrogen chloride.	810 .....	44 <sup>c</sup> .....	7.7 .....	6.6 .....	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 26 or 26A of appendix A-8 of part 60			
Sulfur dioxide ...	55 .....	4.2 .....	4.2 .....	9.0 .....	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 6 or 6C of appendix A-4 of part 60			

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For the air pollutant	You must meet this emissions limit				With these units (7 percent oxygen, dry basis)	Using this averaging time <sup>a</sup>	And determining compliance using this method <sup>b</sup>			
	HMIWI size									
	Small rural	Small	Medium	Large						
Nitrogen oxides	130 .....	190 .....	190 .....	140 .....	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 7 or 7E of appendix A-4 of part 60			
Lead .....	0.50 (0.22)	0.31 (0.14)	0.018 (0.0079).	0.036 (0.016).	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 29 of appendix A-8 of part 60			
Cadmium .....	0.11 (0.048).	0.017 (0.0074).	0.013 (0.0057).	0.0092 (0.0040).	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 29 of appendix A-8 of part 60			
Mercury .....	0.051 (0.0022).	0.014 (0.0061).	0.025 (0.011).	0.018 (0.0079).	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 29 of appendix A-8 of part 60			

<sup>a</sup> Except as allowed under §§ 62.14452(o)–(q) for HMIWI equipped with CEMS or continuous automated sampling systems.

<sup>b</sup> Does not include CEMS, continuous automated sampling systems, and approved alternative non-EPA test methods allowed under § 62.14452(d) and (m).

<sup>c</sup> Limits for those HMIWI for which construction or modification was commenced according to § 62.14400(a)(2)(i).

<sup>d</sup> Limits for those HMIWI for which construction or modification was commenced according to § 62.14400(a)(2)(ii).

[78 FR 28075, May 13, 2013]

TABLE 2 TO SUBPART HHH OF PART 62—TOXIC EQUIVALENCY FACTORS

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin .....	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin .....	1
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin .....	0.01
Octachlorinated dibenzo-p-dioxin .....	0.0003
2,3,7,8-tetrachlorinated dibenzofuran .....	0.1
2,3,4,7,8-pentachlorinated dibenzofuran .....	0.3
1,2,3,7,8-pentachlorinated dibenzofuran .....	0.03
1,2,3,4,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran .....	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran .....	0.01
Octachlorinated dibenzofuran .....	0.0003

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**Pt. 62, Subpt. HHH, Table 3**

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TABLE 3 TO SUBPART HHH OF PART 62—OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES

Operating parameters to be monitored	Minimum frequency		HMIWI				
	Data measurement	Data recording	HMIWI with combustion control only	HMIWI with dry scrubber followed by FF	HMIWI with wet scrubber	HMIWI with dry scrubber followed by FF and wet scrubber	HMIWI with SNCR system
Maximum operating parameters:							
Maximum charge rate.	Once per charge	Once per charge	✓	✓	✓	✓	✓
Maximum FF inlet temperature.	Continuous .....	Once per minute ..	.....	✓	.....	✓	
Maximum flue gas temperature.	Continuous .....	Once per minute ..	.....	.....	✓	✓	
Minimum operating parameters:							
Minimum secondary chamber temperature.	Continuous .....	Once per minute ..	✓	✓	✓	✓	✓
Minimum dioxin/furan sorbent flow rate.	Hourly .....	Once per hour ....	.....	✓	.....	✓	
Minimum HCl sorbent flow rate.	Hourly .....	Once per hour ....	.....	✓	.....	✓	
Minimum mercury (Hg) sorbent flow rate.	Hourly .....	Once per hour ....	.....	✓	.....	✓	
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber.	Continuous .....	Once per minute ..	.....	.....	✓	✓	
Minimum scrubber liquor flow rate.	Continuous .....	Once per minute ..	.....	.....	✓	✓	
Minimum scrubber liquor pH.	Continuous .....	Once per minute ..	.....	.....	✓	✓	
Minimum reagent flow rate.	Hourly .....	Once per hour ....	.....	.....	.....	.....	✓

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## § 62.14515

[78 FR 28076, May 13, 2013]

### APPLICABILITY

#### **Subpart III—Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before November 30, 1999**

SOURCE: 68 FR 57539, Oct. 3, 2003, unless otherwise noted.

### INTRODUCTION

#### **§ 62.14500 What is the purpose of this subpart?**

(a) This subpart establishes emission requirements and compliance schedules for the control of emissions from commercial and industrial solid waste incineration (CISWI) units that are not covered by an EPA approved and currently effective State or Tribal plan. The pollutants addressed by these emission requirements are listed in Table 1 of this subpart. These emission requirements are developed in accordance with sections 111 and 129 of the Clean Air Act and subpart B of 40 CFR part 60.

(b) In this subpart, “you” means the owner or operator of a CISWI unit.

#### **§ 62.14505 What are the principal components of this subpart?**

This subpart contains the eleven major components listed in paragraphs (a) through (k) of this section.

- (a) Increments of progress toward compliance.
- (b) Waste management plan.
- (c) Operator training and qualification.
- (d) Emission limitations and operating limits.
- (e) Performance testing.
- (f) Initial compliance requirements.
- (g) Continuous compliance requirements.
- (h) Monitoring.
- (i) Recordkeeping and reporting.
- (j) Definitions.
- (k) Tables.

#### **§ 62.14510 Am I subject to this subpart?**

(a) You are subject to this subpart if you own or operate a CISWI unit as defined in § 62.14840 and the CISWI unit meets the criteria described in paragraphs (a)(1) through (a)(3) of this section.

(1) Construction of your CISWI unit commenced on or before November 30, 1999.

(2) Your CISWI unit is not exempt under § 62.14525.

(3) Your CISWI unit is not regulated by an EPA approved and currently effective State or Tribal plan, or your CISWI unit is located in any State whose approved State or Tribal plan is subsequently vacated in whole or in part.

(b) If you made changes after June 1, 2001 that meet the definition of modification or reconstruction after promulgation of the final 40 CFR part 60 subpart CCCC (New Source Performance Standards for Commercial and Industrial Solid Waste Incineration Units), your CISWI unit is subject to subpart CCCC of 40 CFR part 60 and this subpart no longer applies to that unit.

(c) If you make physical or operational changes to your existing CISWI unit primarily to comply with this subpart, then such changes do not qualify as modifications or reconstructions under subpart CCCC of 40 CFR part 60.

(d) On and after January 10, 2025, CISWI will no longer be subject to the requirements of this subpart and instead will be subject to the requirements of subpart IIIa of this part.

[68 FR 57539, Oct. 3, 2003, as amended at 89 FR 100105, Dec. 11, 2024]

#### **§ 62.14515 Can my CISWI unit be covered by both a State plan and this subpart?**

(a) If your CISWI unit is located in a State that does not have an EPA-approved State plan or your State's plan has not become effective, this subpart applies to your CISWI unit until the EPA approves a State plan that covers your CISWI unit and that State plan becomes effective. However, a State may enforce the requirements of a

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State regulation while your CISWI unit is still subject to this subpart.

(b) After the EPA approves a State plan covering your CISWI unit, and after that State plan becomes effective, you will no longer be subject to 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 approved and effective State or Tribal plan?**

This part (40 CFR part 62) contains a list of State and Tribal areas with approved Clean Air Act section 111(d) and section 129 plans along with the effective 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 listed 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 necessarily exempt from this subpart. Sources subject to this subpart are not limited to the inventory of sources listed in Docket A-2000-52 for the Federal plan. If your CISWI units meets the applicability 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 complying 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 calendar quarter basis and excluding the weight of auxiliary fuel and combustion 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 specified 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 quarter 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 calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in § 62.14840 are not subject to this subpart if you meet the two requirements 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 quarter 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 (Standards 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); subpart 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 Combustion Units); or subpart JJJ of 40 CFR part 62 (Federal Plan Requirements for Small Municipal Waste Combustion 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 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(18)(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 Incinerators 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.*

(l) *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.

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(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 retrofit 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

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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 through § 62.14565. To achieve the final compliance increment of progress, you must complete the requirements of paragraphs (b)(1) through (b)(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 3, 2005. For the final compliance increment of progress, you must incorporate all process changes and complete retrofit construction of control devices, as specified in the final control plan, so that, when the affected CISWI unit is brought online, all necessary process changes and air pollution control devices 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 (b)(3) of this section.

(5) You must submit an initial report including the result of the initial performance no later than 60 days following the initial performance test (see §§ 62.14700 through 62.14760 for complete reporting and recordkeeping requirements).

### **§ 62.14536 What steps are required to request an extension of the initial compliance date if I plan to continue operation of my CISWI unit?**

If you plan to continue operation and want to come into compliance with the requirements of this subpart after October 4, 2004, but before October 3, 2005, then you must petition to the Administrator to grant you an extension by following the procedures outlined in paragraphs (a) and (b) of this section.

(a) You must submit your request for an extension to the EPA Administrator (or delegated enforcement authority) on or before December 3, 2003.

(b) Your request must include documentation of the analyses undertaken

to support your need for an extension, including an explanation of why you are unable to meet the final compliance date specified in § 62.14535(a)(3) and why your requested extension date is needed to provide sufficient time for you to design, fabricate, and install the emissions control systems necessary to meet the requirements of this Subpart. A request based upon the avoidance of costs of meeting provisions of this Subpart is not acceptable and will be denied.

### **§ 62.14540 When must I complete each increment of progress?**

If you plan to come into compliance after October 4, 2004, you must meet the two increments of progress specified in paragraphs (a) and (b) of this section.

(a) Increment 1. Submit a final control plan by April 5, 2004.

(b) Increment 2. Reach final compliance by October 3, 2005.

### **§ 62.14545 What must I include in each notification of achievement of an increment of progress?**

Your notification of achievement of an increment of progress must include the four items specified in paragraphs (a) through (d) of this section.

(a) Notification of the date 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 CISWI unit.

(d) The date you were required to complete the increment of progress.

### **§ 62.14550 When must I submit a notification of achievement of the first increment of progress?**

Your notification for achieving the first increment of progress must be postmarked no later than April 15, 2004.

### **§ 62.14555 What if I do not meet an increment of progress?**

Failure to meet an increment of progress is a violation of the standards under this subpart. If you fail to meet an increment of progress, you must submit a notification to the Administrator postmarked within 10 business

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days after the due date for that increment of progress. You must inform the Administrator that you did not meet the increment, and you must continue to submit reports each subsequent calendar month until the increment of progress is met.

**§ 62.14560 How do I comply with the increment of progress for submittal of a control plan?**

For your control plan increment of progress, you must satisfy the two requirements specified in paragraphs (a) and (b) of this section.

(a) Submit the final control plan that includes the six items described in paragraphs (a)(1) through (6) of this section.

(1) A description of the devices for air pollution control and process changes that you will use to comply with the emission limitations and other requirements of this subpart.

(2) The type(s) of waste to be burned.

(3) The maximum design waste burning capacity.

(4) The anticipated maximum charge rate.

(5) If applicable, the petition for site-specific operating limits under § 62.14640.

(6) A schedule that includes the date by which you will award the contracts to procure emission control equipment or related materials, initiate on-site construction, initiate on-site installation of emission control equipment, and/or incorporate process changes, and the date by which you will initiate on-site construction.

(b) Maintain an on-site copy of the final control plan.

**§ 62.14565 How do I comply with the increment of progress for achieving final compliance?**

For the final compliance increment of progress, you must incorporate all process changes and complete retrofit construction of control devices, as specified in the final control plan, so that, when the affected CISWI unit is brought online, all necessary process changes and air pollution control devices operate as designed.

**§ 62.14570 What must I do if I plan to permanently close my CISWI unit?**

If you plan to permanently close your CISWI unit, then you must follow the requirements in either paragraph (a) or (b) of this section depending on when you plan to shut down.

(a) If you plan to shut down by October 4, 2004, rather than come into compliance with the complete set of requirements in this subpart, then you must shut down by October 4, 2004. In addition, while still in operation, your CISWI unit is subject to the same requirement to apply for and obtain a title V operating permit that applies to a CISWI unit that will not be permanently closing. See §§ 62.14830 and 62.14835.

(b) If you plan to shut down rather than come into compliance with the complete set of requirements of this subpart, but are unable to shut down by October 4, 2004, then you must petition EPA for and be granted an extension by following the procedures outlined in paragraphs (b)(1) through (5) of this section.

(1) You must submit your request for an extension to the EPA Administrator (or delegated enforcement authority) by December 3, 2003. Your request must include:

(i) Documentation of the analyses undertaken to support your need for an extension, including an explanation of why your requested extension date is sufficient time for you to shut down while October 4, 2004 does not provide sufficient time for shut down. A request based upon the avoidance of costs of meeting provisions of this subpart is not acceptable and will be denied. Your documentation must include an evaluation of the option to transport your waste offsite to a commercial or municipal waste treatment and/or disposal facility on a temporary or permanent basis; and

(ii) Documentation of incremental steps of progress, including dates for completing the increments of progress, that you will take towards shutting down. Some suggested incremental steps of progress towards shut down are provided as follows:

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If you . . .	Then your increments of progress could be . . .
(A) Need an extension so you can install an onsite alternative waste treatment technology before you shut down your CISWI.	(1) Date when you will enter into a contract with an alternative treatment technology vendor, (2) Date for initiating onsite construction or installation of the alternative technology, (3) Date for completing onsite construction or installation of the alternative technology, and (4) Date for shutting down the CISWI.
(B) Need an extension so you can acquire the services of a commercial waste disposal company before you shut down your CISWI.	(1) Date when price quotes will be obtained from commercial disposal companies, (2) Date when you will enter into a contract with a commercial disposal company, and (3) Date for shutting down the CISWI.

(2) You must shut down no later than by October 3, 2005.

(3) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by October 4, 2004.

(4) You must submit a legally binding closure agreement to the Administrator by April 5, 2004. The closure agreement must specify the date by which operation will cease. The closure date cannot be later than October 3, 2005.

(5) While still in operation, your CISWI unit is subject to the same requirement to apply for and obtain a title V operating permit that applies to a CISWI unit that will not be permanently closing. *See §§ 62.14830 and 62.14835.*

**§ 62.14575 What must I do if I close my CISWI unit and then restart it?**

If you temporarily close your CISWI unit and restart the unit for the purpose of continuing operation of your CISWI unit, then you must follow the requirements in paragraphs (a), (b), or (c) of this section depending on when you plan to come into compliance with the requirements of this subpart. You are subject to the operating permit requirements of title V of the CAA and 40 CFR part 70 or 71 until you close your CISWI unit and at the time you restart it.

(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 § 62.14535(a).

(b) If you plan to continue operation and come into compliance with the requirements of this subpart on or before October 3, 2005, then you must com-

plete the requirements of § 62.14535(b). You must have first requested and been granted an extension from the initial compliance date by following the requirements of § 62.14536.

(c) If you restart your CISWI unit after the October 4, 2004 and resume operation, but have not previously requested an extension by meeting all of the requirements of § 62.14536, you must meet all of the requirements of § 62.14535(a)(1) through (a)(5) at the time you restart your CISWI unit. Upon restarting your CISWI unit, you must have incorporated all process changes and completed retrofit construction of control devices so that when the affected CISWI unit is brought online, all necessary process changes and air pollution control devices operate as designed.

**WASTE MANAGEMENT PLAN****§ 62.14580 What is a waste management plan?**

A waste management plan is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

**§ 62.14585 When must I submit my waste management plan?**

You must submit a waste management plan no later than April 5, 2004.

**§ 62.14590 What should I include in my waste management plan?**

A waste management plan must include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of

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recyclable materials. The plan must identify any additional waste management measures, and the source must implement those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

**OPERATOR TRAINING AND QUALIFICATION****§ 62.14595. What are the operator training and qualification requirements?**

(a) You must have a fully trained and qualified CISWI unit operator accessible at all times when the unit is in operation, either at your facility or able to be at your facility within one hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI unit operators are temporarily not accessible, you must follow the procedures in § 62.14625.

(b) Operator training and qualification must be obtained through a State-approved program or by completing the requirements included in paragraph (c) of this section.

(c) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (c)(1) through (3) of this section.

(1) Training on the thirteen subjects listed in paragraphs (c)(1)(i) through (xiii) of this section.

(i) Environmental concerns, including types of emissions.

(ii) Basic combustion principles, including products of combustion.

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

(iv) Combustion controls and monitoring.

(v) Operation of air pollution control equipment and factors affecting performance (where applicable).

(vi) Inspection and maintenance of the incinerator and air pollution control devices.

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(vii) Actions to correct malfunctions or conditions that may lead to malfunction.

(viii) Bottom and fly ash characteristics and handling procedures.

(ix) Applicable Federal, State, and local regulations, including Occupational Safety and Health Administration workplace standards.

(x) Pollution prevention.

(xi) Waste management practices.

(xii) Recordkeeping requirements.

(xiii) Methods to continuously monitor CISWI unit and air pollution control device operating parameters and monitoring equipment calibration procedures (where applicable).

(2) An examination designed and administered by the instructor.

(3) Written material covering the training course topics that can serve as reference material following completion of the course.

**§ 62.14600 When must the operator training course be completed?**

(a) The operator training course must be completed by the later of the two dates specified in paragraphs (a)(1) and (2) of this section.

(1) October 4, 2004.

(2) Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

(b) You must follow the requirements in § 63.14625 if all qualified operators are temporarily not accessible.

**§ 62.14605 How do I obtain my operator qualification?**

(a) You must obtain operator qualification by completing a training course that satisfies the criteria under § 62.14595(b) or (c).

(b) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under § 62.14595(c)(2).

**§ 62.14610 How do I maintain my operator qualification?**

To maintain qualification, you must complete an annual review or refresher course of at least 4 hours covering, at a minimum, the five topics described in

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paragraphs (a) through (e) of this section.

- (a) Update of regulations.
- (b) Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.
- (c) Inspection and maintenance.
- (d) Responses to malfunctions or conditions that may lead to malfunction.
- (e) Discussion of operating problems encountered by attendees.

### § 62.14615 How do I renew my lapsed operator qualification?

You must renew a lapsed operator qualification by one of the two methods specified in paragraphs (a) and (b) of this section.

- (a) For a lapse of less than 3 years, you must complete a standard annual refresher course described in § 62.14610.
- (b) For a lapse of 3 years or more, you must repeat the initial qualification requirements in § 62.14605(a).

### § 62.14620 What site-specific documentation is required?

(a) Documentation must be available at the facility and readily accessible for all CISWI unit operators that addresses the ten topics described in paragraphs (a)(1) through (10) of this section. You must maintain this information and the training records required by paragraph (c) of this section in a manner that they can be readily accessed and are suitable for inspection upon request.

- (1) Summary of the applicable standards under this subpart.
- (2) Procedures for receiving, handling, and charging waste.
- (3) Incinerator startup, shutdown, and malfunction procedures.
- (4) Procedures for maintaining proper combustion air supply levels.
- (5) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.
- (6) Monitoring procedures for demonstrating compliance with the incinerator operating limits.
- (7) Reporting and recordkeeping procedures.
- (8) The waste management plan required under §§ 62.14580 through 62.14590.
- (9) Procedures for handling ash.

(10) A list of the wastes burned during the performance test.

(b) You must establish a program for reviewing the information listed in paragraph (a) of this section with each employee who operates your incinerator.

(1) The initial review of the information listed in paragraph (a) of this section must be conducted by the later of the two dates specified in paragraphs (b)(1)(i) through (ii) of this section.

(i) October 4, 2004.

(ii) Two months after being assigned to operate the CISWI unit.

(2) Subsequent annual reviews of the information listed in paragraph (a) of this section must be conducted no later than 12 months following the previous review.

(c) You must also maintain the information specified in paragraphs (c)(1) through (3) of this section.

(1) Records showing the names of all plant personnel who operate your CISWI unit who have completed review of the information in § 62.14620(a) as required by § 62.14620(b), including the date of the initial review and all subsequent annual reviews.

(2) Records showing the names of all plant personnel who operate your CISWI unit who have completed the operator training requirements under § 62.14595, met the criteria for qualification under § 62.14605, and maintained or renewed their qualification under § 62.14610 or § 62.14615. Records must include documentation of training, the dates of the initial refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(3) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

### § 62.14625 What if all the qualified operators are temporarily not accessible?

If all qualified operators are temporarily not accessible (*i.e.*, not at the facility and not able to be at the facility within 1 hour), you must meet one of the two criteria specified in paragraphs (a) and (b) of this section, depending on the length of time that a qualified operator is not accessible.

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(a) When all qualified operators are not accessible for more than 8 hours, but less than 2 weeks, the CISWI unit may be operated by other plant personnel familiar with the operation of the CISWI unit who have completed a review of the information specified in § 62.14620(a) within the past 12 months. However, you must record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under § 62.14730.

(b) When all qualified operators are not accessible for 2 weeks or more, you must take the two actions that are described in paragraphs (b)(1) and (2) of this section.

(1) Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible.

(2) Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the CISWI unit. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (b)(1) of this section. If the Administrator notifies you that your request to continue operation of the CISWI unit is disapproved, the CISWI unit may continue operation for 90 days, then must cease operation. Operation of the unit may resume if you meet the two requirements in paragraphs (b)(2)(i) and (ii) of this section.

(i) A qualified operator is accessible as required under § 62.14595(a).

(ii) You notify the Administrator that a qualified operator is accessible and that you are resuming operation.

### EMISSION LIMITATIONS AND OPERATING LIMITS

#### § 62.14630 What emission limitations must I meet and by when?

You must meet the emission limitations specified in table 1 of this subpart

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by the applicable final compliance date for your CISWI unit.

#### § 62.14635 What operating limits must I meet and by when?

(a) If you use a wet scrubber to comply with the emission limitations, you must establish operating limits for four operating parameters (as specified in table 2 of this subpart) as described in paragraphs (a)(1) through (4) of this section during the initial performance test.

(1) Maximum charge rate, calculated using one of the two different procedures in paragraph (a)(1)(i) or (ii) of this section, as appropriate.

(i) For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(ii) For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(2) Minimum pressure drop across the wet scrubber, which is calculated as 90 percent of the average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations; or minimum amperage to the wet scrubber, which is calculated as 90 percent of the average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(3) Minimum scrubber liquor flow rate, which is calculated as 90 percent of the average liquor flow rate at the inlet to the wet scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(4) Minimum scrubber liquor pH, which is calculated as 90 percent of the average liquor pH at the inlet to the wet scrubber measured during the most recent performance test demonstrating compliance with the hydrogen chloride emission limitation.

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(b) You must meet the operating limits established during the initial performance test on the date the initial performance test is required or completed (whichever is earlier).

(c) If you use a fabric filter to comply with the emission limitations, you must operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during any 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by you to initiate corrective action.

**§ 62.14640 What if I do not use a wet scrubber to comply with the emission limitations?**

If you use an air pollution control device other than a wet scrubber, or limit emissions in some other manner, to comply with the emission limitations under § 62.14630, you must petition the Administrator for specific operating limits to be established during the initial performance test and continuously monitored thereafter. You must not conduct the initial performance test until after the petition has been approved by the Administrator. Your petition must include the five items listed in paragraphs (a) through (e) of this section.

(a) Identification of the specific parameters you propose to use as additional operating limits.

(b) A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters, and how limits on these parameters will serve to limit emissions of regulated pollutants.

(c) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the operating limits on these parameters.

(d) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments.

(e) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

**§ 62.14645 What happens during periods of startup, shutdown, and malfunction?**

(a) The emission limitations and operating limits apply at all times except during periods of CISWI unit startup, shutdown, or malfunction as defined in § 62.14840.

(b) Each malfunction must last no longer than 3 hours.

**PERFORMANCE TESTING****§ 62.14650 How do I conduct the initial and annual performance test?**

(a) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations.

(b) You must document that the waste burned during the performance test is representative of the waste burned under normal operating conditions by maintaining a log of the quantity of waste burned (as required in § 62.14700(b)(1)) and the types of waste burned during the performance test.

(c) All performance tests must be conducted using the minimum run duration specified in Table 1 of this subpart.

(d) Method 1 of 40 CFR part 60, appendix A must be used to select the sampling location and number of traverse points.

(e) Method 3A or 3B of 40 CFR part 60, appendix A must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B of 40 CFR part 60, appendix A must be used simultaneously with each method.

(f) All pollutant concentrations, except for opacity, must be adjusted to 7 percent oxygen using Equation 1 of this section:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \%O_2) \text{ (Eq. 1)}$$

Where:

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$C_{adj}$  = pollutant concentration adjusted to 7 percent oxygen;  
 $C_{meas}$  = pollutant concentration measured on a dry basis;  
 $(20.9 - 7) = 20.9$  percent oxygen - 7 percent oxygen (defined oxygen correction basis);  
20.9 = oxygen concentration in air, percent; and  
 $\%O_2$  = oxygen concentration measured on a dry basis, percent.

(g) You must determine dioxins/furans toxic equivalency by following the procedures in paragraphs (g)(1) through (3) of this section.

(1) Measure the concentration of each dioxin/furan tetra- through octa-congener emitted using EPA Method 23.

(2) For each dioxin/furan congener measured in accordance with paragraph (g)(1) of this section, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 3 of this subpart.

(3) Sum the products calculated in accordance with paragraph (g)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

**§ 62.14655 How are the performance test data used?**

You use results of performance tests to demonstrate compliance with the emission limitations in Table 1 of this subpart.

**INITIAL COMPLIANCE REQUIREMENTS****§ 62.14660 How do I demonstrate initial compliance with the emission limitations and establish the operating limits?**

You must conduct an initial performance test, as required under 40 CFR 60.8, to determine compliance with the emission limitations in Table 1 of this subpart and to establish operating limits using the procedure in § 62.14635 or § 62.14640. The initial performance test must be conducted using the test methods listed in table 1 of this subpart and the procedures in § 62.14650.

**§ 62.14665 By what date must I conduct the initial performance test?**

The initial performance test must be conducted no later than 90 days after your final compliance date.

**40 CFR Ch. I (7-1-25 Edition)****CONTINUOUS COMPLIANCE REQUIREMENTS****§ 62.14670 How do I demonstrate continuous compliance with the emission limitations and the operating limits?**

(a) You must conduct an annual performance test for particulate matter, hydrogen chloride, and opacity for each CISWI unit as required under 40 CFR 60.8 to determine compliance with the emission limitations. The annual performance test must be conducted using the test methods listed in table 1 of this subpart and the procedures in § 62.14650.

(b) You must continuously monitor the operating parameters specified in § 62.14635 or established under § 62.14640. Operation above the established maximum or below the established minimum operating limits constitutes a deviation from the established operating limits. Three-hour rolling average values are used to determine compliance (except for baghouse leak detection system alarms) unless a different averaging period is established under § 62.14640. Operating limits do not apply during performance tests.

(c) You must only burn the same types of waste used to establish operating limits during the performance test.

**§ 62.14675 By what date must I conduct the annual performance test?**

You must conduct annual performance tests for particulate matter, hydrogen chloride, and opacity within 12 months following the initial performance test. Conduct subsequent annual performance tests within 12 months following the previous one.

**§ 62.14680 May I conduct performance testing less often?**

(a) You can test less often for a given pollutant if you have test data for at least 3 years, and all performance tests for the pollutant (particulate matter, hydrogen chloride, or opacity) over 3 consecutive years show that you comply with the emission limitation. In this case, you do not have to conduct a performance test for that pollutant for the next 2 years. You must conduct a performance test during the third year

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and no later than 36 months following the previous performance test.

(b) If your CISWI unit continues to meet the emission limitation for particulate matter, hydrogen chloride, or opacity, you may choose to conduct performance tests for these pollutants every third year, but each test must be within 36 months of the previous performance test.

(c) If a performance test shows a deviation from an emission limitation for particulate matter, hydrogen chloride, or opacity, you must conduct annual performance tests for that pollutant until all performance tests over a 3-year period show compliance.

**§ 62.14685 May I conduct a repeat performance test to establish new operating limits?**

(a) Yes. You may conduct a repeat performance test at any time to establish new values for the operating limits. The Administrator may request a repeat performance test at any time.

(b) You must repeat the performance test if your feed stream is different than the feed streams used during any performance test used to demonstrate compliance.

**MONITORING****§ 62.14690 What monitoring equipment must I install and what parameters must I monitor?**

(a) If you are using a wet scrubber to comply with the emission limitation under § 62.14630, you must install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits listed in table 2 of this subpart. These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in table 2 of this subpart at all times except as specified in § 62.14695(a).

(b) If you use a fabric filter to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (b)(1) through (8) of this section.

(1) You must install and operate a bag leak detection system for each exhaust stack of the fabric filter.

(2) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

(3) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(4) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(5) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(6) The bag leak detection system must be equipped with an alarm system that will sound automatically when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.

(7) For positive pressure fabric filter systems, a bag leak detection system must be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector must be installed downstream of the fabric filter.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(c) If you are using an emission control system other than a wet scrubber to comply with the emission limitations under § 62.14630, you must install, calibrate (to the manufacturers' specifications), maintain, and operate the equipment necessary to monitor compliance with the site-specific operating limits established using the procedures in § 62.14640.

**§ 62.14695 Is there a minimum amount of monitoring data I must obtain?**

(a) Except for monitoring malfunctions, associated repairs, and required quality assurance or quality control activities (including, as applicable, calibration checks and required zero

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and span adjustments of the monitoring system), you must conduct all monitoring at all times the CISWI unit is operating.

(b) Do not use data recorded during monitor malfunctions, associated repairs, and required quality assurance or quality control activities for meeting the requirements of this subpart, including data averages and calculations. You must use all the data collected during all other periods in assessing compliance with the operating limits.

### RECORDKEEPING AND REPORTING

#### § 62.14700 What records must I keep?

You must maintain the 13 items (as applicable) as specified in paragraphs (a) through (m) of this section for a period of at least 5 years:

- (a) Calendar date of each record.
- (b) Records of the data described in paragraphs (b)(1) through (6) of this section:
  - (1) The CISWI unit charge dates, times, weights, and hourly charge rates.
  - (2) Liquor flow rate to the wet scrubber inlet every 15 minutes of operation, as applicable.
  - (3) Pressure drop across the wet scrubber system every 15 minutes of operation or amperage to the wet scrubber every 15 minutes of operation, as applicable.
  - (4) Liquor pH as introduced to the wet scrubber every 15 minutes of operation, as applicable.
  - (5) For affected CISWI units that establish operating limits for controls other than wet scrubbers under § 62.14640, you must maintain data collected for all operating parameters used to determine compliance with the operating limits.
  - (6) If a fabric filter is used to comply with the emission limitations, you must record the date, time, and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in § 62.14635(c).
- (c) Identification of calendar dates and times for which monitoring systems used to monitor operating limits were inoperative, inactive, malfunctioning, or out of control (except for downtime associated with zero and span and other routine calibration checks). Identify the operating parameters not measured, the duration, reasons for not obtaining the data, and a description of corrective actions taken.
- (d) Identification of calendar dates, times, and durations of malfunctions, and a description of the malfunction and the corrective action taken.
- (e) Identification of calendar dates and times for which data show a deviation from the operating limits in table 2 of this subpart or a deviation from other operating limits established under § 62.14640 with a description of the deviations, reasons for such deviations, and a description of corrective actions taken.
- (f) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating limits, as applicable. Retain a copy of the complete test report including calculations.
- (g) Records showing the names of CISWI unit operators who have completed review of the information in § 62.14620(a) as required by § 62.14620(b), including the date of the initial review and all subsequent annual reviews.
- (h) Records showing the names of the CISWI operators who have completed the operator training requirements under § 62.14595, met the criteria for qualification under § 62.14605, and maintained or renewed their qualification under § 62.14610 or § 62.14615. Records must include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.
- (i) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.
- (j) Records of calibration of any monitoring devices as required under § 62.14690.
- (k) Equipment vendor specifications and related operation and maintenance

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requirements for the incinerator, emission controls, and monitoring equipment.

(1) The information listed in § 62.14620(a).

(m) On a daily basis, keep a log of the quantity of waste burned and the types of waste burned (always required).

**§ 62.14705 Where and in what format must I keep my records?**

All records must be available onsite in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Administrator.

**§ 62.14710 What reports must I submit?**

See table 4 of this subpart for a summary of the reporting requirements.

**§ 62.14715 When must I submit my waste management plan?**

You must submit the waste management plan no later than April 5, 2004.

**§ 62.14720 What information must I submit following my initial performance test?**

You must submit the information specified in paragraphs (a) through (c) of this section no later than 60 days following the initial performance test. All reports must be signed by the facilities manager.

(a) The complete test report for the initial performance test results obtained under § 62.14660, as applicable.

(b) The values for the site-specific operating limits established in § 62.14635 or § 62.14640.

(c) If you are using a fabric filter to comply with the emission limitations, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by § 62.14690(b).

**§ 62.14725 When must I submit my annual report?**

You must submit an annual report no later than 12 months following the submission of the information in § 62.14720. You must submit subsequent reports no more than 12 months following the previous report. As with all other requirements in this subpart, the requirement to submit an annual report does not modify or replace the oper-

ating permit requirements of 40 CFR parts 70 and 71.

**§ 62.14730 What information must I include in my annual report?**

The annual report required under § 62.14725 must include the ten items listed in paragraphs (a) through (j) of this section. If you have a deviation from the operating limits or the emission limitations, you must also submit deviation reports as specified in §§ 62.14735, 62.14740, and 62.14745.

(a) Company name and address.

(b) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(c) Date of report and beginning and ending dates of the reporting period.

(d) The values for the operating limits established pursuant to § 62.14635 or § 62.14640.

(e) If no deviation from any emission limitation or operating limit that applies to you has been reported, a statement that there was no deviation from the emission limitations or operating limits during the reporting period, and that no monitoring system used to determine compliance with the operating limits was inoperative, inactive, malfunctioning or out of control.

(f) The highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.

(g) Information recorded under § 62.14700(b)(6) and (c) through (e) for the calendar year being reported.

(h) If a performance test was conducted during the reporting period, the results of that test.

(i) If you met the requirements of § 62.14680(a) or (b), and did not conduct a performance test during the reporting period, you must state that you met the requirements of § 62.14680(a) or (b), and, therefore, you were not required to conduct a performance test during the reporting period.

(j) Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours, but less than 2 weeks.

**§ 62.14735****§ 62.14735 What else must I report if I have a deviation from the operating limits or the emission limitations?**

(a) You must submit a deviation report if any recorded 3-hour average parameter level is above the maximum operating limit or below the minimum operating limit established under this subpart, if the bag leak detection system alarm sounds for more than 5 percent of the operating time for any 6-month reporting period, or if a performance test was conducted that yielded results that deviated from any emission limitation.

(b) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).

**§ 62.14740 What must I include in the deviation report?**

In each report required under § 62.14735, for any pollutant or parameter that deviated from the emission limitations or operating limits specified in this subpart, include the six items described in paragraphs (a) through (f) of this section.

(a) The calendar dates and times your unit deviated from the emission limitations or operating limit requirements.

(b) The averaged and recorded data for those dates.

(c) Duration and causes of each deviation from the emission limitations or operating limits and your corrective actions.

(d) A copy of the operating limit monitoring data during each deviation and any test report that documents the emission levels.

(e) The dates, times, number, duration, and causes for monitoring downtime incidents (other than downtime associated with zero, span, and other routine calibration checks).

(f) Whether each deviation occurred during a period of startup, shutdown, or malfunction, or during another period.

**40 CFR Ch. I (7-1-25 Edition)****§ 62.14745 What else must I report if I have a deviation from the requirement to have a qualified operator accessible?**

(a) If all qualified operators are not accessible for two weeks or more, you must take the two actions in paragraphs (a)(1) and (2) of this section.

(1) Within 10 days of each deviation, you must submit a notification that includes the three items in paragraphs (a)(1)(i) through (iii) of this section.

(i) A statement of what caused the deviation.

(ii) A description of what you are doing to ensure that a qualified operator is accessible.

(iii) The date when you anticipate that a qualified operator will be available.

(2) Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (a)(2)(i) through (iii) of this section.

(i) A description of what you are doing to ensure that a qualified operator is accessible.

(ii) The date when you anticipate that a qualified operator will be accessible.

(iii) Request approval from the Administrator to continue operation of the CISWI unit.

(b) If your unit was shut down by the Administrator, under the provisions of § 62.14625(b)(2), due to a failure to provide an accessible qualified operator, you must notify the Administrator that you are resuming operation once a qualified operator is accessible.

**§ 62.14750 Are there any other notifications or reports that I must submit?**

You must submit notifications as provided by 40 CFR 60.7.

**§ 62.14755 In what form can I submit my reports?**

Submit initial, annual, and deviation reports electronically or in paper format, postmarked on or before the submittal due dates.

**§ 62.14760 Can reporting dates be changed?**

If the Administrator agrees, you may change the semiannual or annual reporting dates. See 40 CFR 60.19(c) for

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procedures to seek approval to change your reporting date.

### **AIR CURTAIN INCINERATORS THAT BURN 100 PERCENT WOOD WASTES, CLEAN LUMBER AND/OR YARD WASTE**

#### **§ 62.14765 What is an air curtain incinerator?**

An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are different from conventional combustion devices which typically have enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

#### **§ 62.14770 When must I achieve final compliance?**

If you plan to continue operating, then you must achieve final compliance by October 4, 2004. It is unlawful for your air curtain incinerator to operate after October 4, 2004 if you have not achieved final compliance. An air curtain incinerator that continues to operate after October 4, 2004 without being in compliance is subject to penalties.

#### **§ 62.14795 How do I achieve final compliance?**

For the final compliance, you must complete all equipment changes and retrofit installation control devices so that, when the affected air curtain incinerator is placed into service, all necessary equipment and air pollution control devices operate as designed and meet the opacity limits of § 62.14815.

#### **§ 62.14805 What must I do if I close my air curtain incinerator and then restart it?**

(a) If you close your incinerator but will reopen it prior to the final compliance date in this subpart, you must achieve final compliance by October 4, 2004.

(b) If you close your incinerator but will restart it after October 4, 2004, you must have completed any needed emission control retrofits and meet the

opacity limits of § 62.14815 on the date your incinerator restarts operation.

(c) You are subject to the operating permit requirements of title V of the CAA and 40 CFR part 70 or 71 until you close your air curtain incinerator and at the time you restart it.

#### **§ 62.14810 What must I do if I plan to permanently close my air curtain incinerator and not restart it?**

If you plan to permanently close your incinerator rather than comply with this subpart, you must submit a closure notification, including the date of closure, to the Administrator by March 31, 2004. In addition, while still in operation, your air curtain incinerator is subject to the same requirement to apply for and obtain a title V operating permit that applies to an air curtain incinerator that will not be permanently closing.

#### **§ 62.14815 What are the emission limitations for air curtain incinerators that burn 100 percent wood wastes, clean lumber and/or yard waste?**

(a) After the date the initial test for opacity is required or completed (whichever is earlier), you must meet the limitations in paragraphs (a)(1) and (2) of this section.

(1) The opacity limitation is 10 percent (6-minute average), except as described in paragraph (a)(2) of this section.

(2) The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

(b) Except during malfunctions, the requirements of this subpart apply at all times, and each malfunction must not exceed 3 hours.

#### **§ 62.14820 How must I monitor opacity for air curtain incinerators that burn 100 percent wood wastes, clean lumber, and/or yard waste?**

(a) Use Method 9 of 40 CFR part 60, appendix A to determine compliance with the opacity limitation.

(b) Conduct an initial test for opacity as specified in § 60.8 no later than January 2, 2005.

(c) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of your previous test.

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### § 62.14825 What are the recordkeeping and reporting requirements for air curtain incinerators that burn 100 percent wood wastes, clean lumber, and/or yard waste?

- (a) Keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Administrator approves another format, for at least 5 years.
- (b) Make all records available for submittal to the Administrator or for an inspector's onsite review.
- (c) Submit an initial report no later than 60 days following the initial opacity test that includes the information specified in paragraphs (c)(1) and (2) of this section.
  - (1) The types of materials you plan to combust in your air curtain incinerator.
  - (2) The results (each 6-minute average) of the initial opacity tests.
- (d) Submit annual opacity test results within 12 months following the previous report.
- (e) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy onsite for a period of five years.

#### TITLE V REQUIREMENTS

### § 62.14830 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act?

If you are subject to this subpart, you are required to apply for and obtain a title V operating permit unless you meet the relevant requirements specified in 40 CFR 62.14525(a) through (h) and (j) through (o) and all of the requirements specified in 40 CFR 62.14531.

### § 62.14835 When must I submit a title V permit application for my existing CISWI unit?

(a) If your existing CISWI unit is not subject to an earlier permit application deadline, a complete title V permit application must be submitted not later than the date 36 months after promulgation of 40 CFR Part 60, subpart DDDD (December 1, 2003), or by the effective date of the applicable State, Tribal, or Federal operating permits program, whichever is later. For any existing CISWI unit not subject to an earlier application deadline, this final

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application deadline applies regardless of when this Federal plan is effective, or when the relevant State or Tribal section 111(d)/129 plan is approved by the EPA and becomes effective. See sections 129(e), 503(c), 503(d), and 502(a) of the Clean Air Act.

(b) A "complete" title V permit application is one that has been determined or deemed complete by the relevant permitting authority under section 503(d) of the Clean Air Act and 40 CFR 70.5(a)(2) or 71.5(a)(2). You must submit a complete permit application by the relevant application deadline in order to operate after this date in compliance with Federal law. See sections 503(d) and 502(a) of the Clean Air Act; 40 CFR 70.7(b) and 71.7(b).

#### DELEGATION OF AUTHORITY

### § 62.14838 What authorities are withheld by the EPA Administrator?

The following authorities are withheld by the EPA Administrator and not transferred to the State or Tribe:

(a) Approval of alternatives to the emission limitations in table 1 of this subpart and operating limits established under § 62.14635 and table 2 of this subpart.

(b) Approval of petitions submitted pursuant to the requirements of § 62.14640 establishing operating parameters when using controls other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber.

(c) Approval of major alternatives to test methods established under § 62.14650 and table 1 of this subpart.

(d) Approval of major alternatives to monitoring requirements established under § 62.14690, § 62.14605 and table 2 of this subpart.

(e) Approval of major alternatives to recordkeeping and reporting requirements of this subpart.

(f) Approval of petitions submitted pursuant to the requirements of § 62.14530 establishing requirements for petitions and approvals of exemptions for chemical recovery units included in § 62.14525(n).

(g) Approval of requests submitted pursuant to the requirements in § 62.14625(b)(2).

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## § 62.14840

### DEFINITIONS

#### § 62.14840 What definitions must I know?

Terms used but not defined in this subpart are defined in the Clean Air Act, subparts A and B of part 60 and subpart A of this part 62.

*Administrator* means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.

*Agricultural waste* means vegetative agricultural materials such as nut and grain hulls and chaff (e.g., almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds, and other vegetative waste materials generated as a result of agricultural operations.

*Air curtain incinerator* means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are different from conventional combustion devices which typically have enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

*Auxiliary fuel* means natural gas, liquified petroleum gas, fuel oil, or diesel fuel.

*Bag leak detection system* means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (i.e., baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

*Calendar quarter* means 3 consecutive months (non-overlapping) beginning on: January 1, April 1, July 1, or October 1.

*Calendar year* means 365 consecutive days starting on January 1 and ending on December 31.

*Chemotherapeutic waste* means waste material resulting from the production or use of antineoplastic agents used for

the purpose of stopping or reversing the growth of malignant cells.

*Clean lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

*Commercial and industrial solid waste incineration (CISWI) unit* means any combustion device that combusts commercial and industrial waste, as defined in this subpart. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:

(1) The combustion unit flue gas system, which ends immediately after the last combustion chamber.

(2) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

*Commercial and industrial waste*, for the purposes of this subpart, means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field-erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

*Contained gaseous material* means gases that are in a container when that container is combusted.

*Cyclonic barrel burner* means a combustion device for waste materials that is attached to a 55 gallon, open-head drum. The device consists of a lid, which fits onto and encloses the drum, and a blower that forces combustion

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*air into the drum in a cyclonic manner to enhance the mixing of waste material and air.*

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation, operating limit, or operator qualification and accessibility requirements;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation, operating limit, or operator qualification and accessibility requirement in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

*Dioxins/furans* means tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans.

*Discard* means, for purposes of this subpart and 40 CFR part 60, subpart DDDD, only, burned in an incineration unit without energy recovery.

*Drum reclamation unit* means a unit that burns residues out of drums (e.g., 55 gallon drums) so that the drums can be reused.

*Energy recovery* means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating.

*Fabric filter* means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

*Low-level radioactive waste* means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable Federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

*Modification* or *modified CISWI unit* means a CISWI unit you have changed later than promulgation of the final CISWI emission guidelines in 40 CFR part 60, subpart DDDD and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

(2) Any physical change in the CISWI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

*Particulate matter* means total particulate matter emitted from CISWI units as measured by Method 5 or Method 29 of 40 CFR part 60, appendix A.

*Parts reclamation unit* means a unit that burns coatings off parts (e.g., tools, equipment) so that the parts can be reconditioned and reused.

*Pathological waste* means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

*Rack reclamation unit* means a unit that burns the coatings off racks used to hold small items for application of a coating. The unit burns the coating overspray off the rack so the rack can be reused.

*Reconstruction* means rebuilding a CISWI unit and meeting two criteria:

(1) The reconstruction begins on or after promulgation of the final CISWI emission guidelines in 40 CFR part 60, subpart DDDD.

(2) The cumulative cost of the construction over the life of the incineration unit exceeds 50 percent of the

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original cost of building and installing the CISWI unit (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

*Refuse-derived fuel* means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

(1) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.

(2) Pelletized refuse-derived fuel.

*Shutdown* means the period of time after all waste has been combusted in the primary chamber.

*Solid waste* means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923). For purposes of this subpart and 40 CFR part 60, subpart DDDD, only, solid waste does not include the waste burned in the fifteen types of units described in

40 CFR 60.2555 of subpart DDDD and § 62.14525 of this subpart.

*Standard conditions*, when referring to units of measure, means a temperature of 68 °F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

*Startup period* means the period of time between the Activation of the system and the first charge to the unit.

*Tribal plan* means a plan submitted by a Tribal Authority pursuant to 40 CFR parts 9, 35, 49, 50, and 81 that implements and enforces 40 CFR part 60, subpart DDDD.

*Wet scrubber* means an add-on air pollution control device that utilizes an aqueous or alkaline scrubbing liquor to collect particulate matter (including non-vaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

*Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

(1) Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

(2) Construction, renovation, or demolition wastes.

(3) Clean lumber.

*Yard waste* means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

TABLE 1 TO SUBPART III OF PART 62—EMISSION LIMITATIONS

For the air pollutant	You must meet this emission limitation <sup>a</sup>	Using this averaging time	And determining compliance using this method
Cadmium .....	0.004 milligrams per dry standard cubic meter.	3-run average (1 hour minimum sample time per run).	Performance test (Method 29 of appendix A of part 60).
Carbon monoxide .....	157 parts per million by dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 10, 10A, or 10B, of appendix A of part 60).
Dioxins/furans (toxic equivalence basis).	0.41 nanograms per dry standard cubic meter.	3-run average (4 hour minimum sample time per run).	Performance test (Method 23 of appendix A of part 60).
Hydrogen chloride .....	62 parts per million by dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 26A of appendix A of part 60).

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For the air pollutant	You must meet this emission limitation <sup>a</sup>	Using this averaging time	And determining compliance using this method
Lead .....	0.04 milligrams per dry standard cubic meter.	3-run (1 hour minimum sample time per run).	Performance test (Method 29 of appendix A of part 60).
Mercury .....	0.47 milligrams per dry standard cubic meter.	3-run average (1 hour minimum sample time per run).	Performance test (Method 29 of appendix A of part 60).
Opacity .....	10 percent .....	6-minute averages .....	Performance test (Method 9 of appendix A of part 60).
Oxides of nitrogen .....	388 parts per million by dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Methods 7, 7A, 7C, 7D, or 7E of appendix A of part 60).
Particulate matter .....	70 milligrams per dry standard cubic meter.	3-run average (1 hour minimum sample time per run).	Performance test (Method 5 or 29 of appendix A of part 60).
Sulfur dioxide .....	20 parts per million by dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 6 or 6c of appendix A of part 60).

<sup>a</sup> All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions.

**TABLE 2 TO SUBPART III OF PART 62—OPERATING LIMITS FOR WET SCRUBBERS**

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording	Averaging time
Charge rate .....	Maximum charge rate ..	Continuous .....	Every hour .....	1. Daily (batch units) 2. 3-hour rolling (continuous and intermittent units) <sup>a</sup>
Pressure drop across the wet scrubber or amperage to wet scrubber.	Minimum pressure drop or amperage.	Continuous .....	Every 15 minutes .....	3-hour rolling <sup>a</sup>
Scrubber liquor flow rate.	Minimum flow rate .....	Continuous .....	Every 15 minutes .....	3-hour rolling <sup>a</sup>
Scrubber liquor pH .....	Minimum pH .....	Continuous .....	Every 15 minutes .....	3-hour rolling <sup>a</sup>

<sup>a</sup> Calculated each hour as the average of the previous 3 operating hours.

**TABLE 3 TO SUBPART III OF PART 62—TOXIC EQUIVALENCY FACTORS**

Dioxin/furan congener	Toxic equivalency factor
A. 2,3,7,8-tetrachlorinated dibenzo-p-dioxin .....	1
B. 12,3,7,8-pentachlorinated dibenzo-p-dioxin .....	0.5
C. 1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
D. 1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin .....	0.1
E. 12,3,6,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
F. 1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin .....	0.01
G. Octachlorinated dibenzo-p-dioxin .....	0.001
H. 2,3,7,8-tetrachlorinated dibenzofuran .....	0.1
I. 2,3,4,7,8-pentachlorinated dibenzofuran .....	0.5
J. 1,2,3,7,8-pentachlorinated dibenzofuran .....	0.05
K. 1,2,3,4,7,8-hexachlorinated dibenzofuran .....	0.1
L. 1,2,3,6,7,8-hexachlorinated dibenzofuran .....	0.1
M. 1,2,3,7,8,9-hexachlorinated dibenzofuran .....	0.1
N. 2,3,4,6,7,8-hexachlorinated dibenzofuran .....	0.1
O. 1,2,3,4,6,7,8-heptachlorinated dibenzofuran .....	0.01
P. 1,2,3,4,7,8,9-heptachlorinated dibenzofuran .....	0.01
Q. Octachlorinated dibenzofuran .....	0.001

**TABLE 4 TO SUBPART III OF PART 62—SUMMARY OF REPORTING REQUIREMENTS <sup>A</sup>**

Report	Due date	Contents	Reference
A. Waste Management Plan.	No later than April 5, 2004.	Waste management plan	§ 62.14715.

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Report	Due date	Contents	Reference
B. Initial Test Report .....	No later than 60 days following the initial performance test.	<ol style="list-style-type: none"><li>1. Complete test report for the initial performance test.</li><li>2. The values for the site-specific operating limits.</li><li>3. Installation of bag leak detection systems for fabric filters.</li></ol>	\$ 62.14720.
C. Annual report .....	No later than 12 months following the submission of the initial test report. Subsequent reports are to be submitted no more than 12 months following the previous report.	<ol style="list-style-type: none"><li>1. Name and address .....</li><li>2. Statement and signature by responsible official.</li><li>3. Date of report.</li><li>4. Values for the operating limits.</li><li>5. If no deviations or malfunctions were reported, a statement that no deviations occurred during the reporting period.</li><li>6. Highest recorded 3-hour average and the lowest 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported</li><li>7. Information for deviations or malfunctions recorded under § 62.14700(b)(6) and (c) through (e).</li><li>8. If a performance test was conducted during the reporting period, the results of the test.</li><li>9. If a performance test was not conducted during the reporting period, a statement that the requirements of § 62.14680(a) or (b) were met.</li><li>10. Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours but less than 2 weeks.</li></ol>	§§ 62.14725 and 62.14730. Subsequent reports are to be submitted no more than 12 months following the previous report.

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Report	Due date	Contents	Reference
D. Emission Limitation or Operating Limit Deviation Report.	By August 1 of that year for data collected during the first half of the calendar year. By February 1 of the following year for data collected during the second half of the calendar year.	1. Dates and times of deviations. 2. Averaged and recorded data for these dates. 3. Duration and causes for each deviation and the corrective actions taken. 4. Copy of operating limit monitoring data and any test reports. 5. Dates, times, and causes for monitor downtime incidents. 6. Whether each deviation occurred during a period of startup, shutdown, or malfunction.	§§ 62.14735 and 62.14740.
E. Qualified Operator Deviation Notification.	Within 10 days of deviation.	1. Statement of cause of deviation.. 2. Description of efforts to have an accessible qualified operator. 3. The date a qualified operator will be accessible.	§ 62.14745(a)(1).
F. Qualified Operator Deviation Status Report.	Every 4 weeks following deviation..	1. Description of efforts to have an accessible qualified operator. 2. The date a qualified operator will be accessible. 3. Request for approval to continue operation.	§ 62.14745(a)(2).
G. Qualified Operator Deviation Notification of Resumed Operation.	Prior to resuming operation.	Notification that you are resuming operation.	§ 62.14745(b).

<sup>a</sup> This table is only a summary, see the referenced sections of the rule for the complete requirements.

**Subpart IIIa—Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010, and Have Not Been Modified or Reconstructed Since August 7, 2013**

SOURCE: 89 FR 100104, Dec. 11, 2024, unless otherwise noted.

INTRODUCTION

**§ 62.14500a What is the purpose of this subpart?**

(a) This subpart establishes emission requirements and compliance schedules

for the control of emissions from commercial and industrial solid waste incineration units (CISWI) that are not covered, or are only partially covered, by an EPA approved and currently effective state or tribal plan. The pollutants addressed by the emission requirements in this subpart are listed in tables 4 through 7 to this subpart. The emission requirements in this subpart were developed in accordance with sections 111 and 129 of the Clean Air Act and 40 CFR part 60, subpart B.

(b) In this subpart, “you” means the owner or operator of a CISWI.

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## § 62.14525a

### § 62.14505a What are the principal components of this subpart?

This subpart contains the ten major components listed in paragraphs (a) through (j) of this section.

- (a) Waste management plan.
- (b) Operator training and qualification.
- (c) Emission limitations and operating limits.
- (d) Performance testing.
- (e) Initial compliance requirements.
- (f) Continuous compliance requirements.
- (g) Monitoring.
- (h) Recordkeeping and reporting.
- (i) Definitions.
- (j) Tables.

### APPLICABILITY

### § 62.14510a Am I subject to this subpart?

(a) You are subject to this subpart if you own or operate a CISWI as defined in § 62.14780a or an air curtain incinerator as defined in § 62.14780a and the CISWI or air curtain incinerator meets the criteria described in paragraphs (a)(1) through (3) of this section.

(1) Construction of your CISWI or air curtain incinerator commenced on or before June 4, 2010, and have not been modified or reconstructed since August 7, 2013.

(2) Your CISWI is not exempt under § 62.14530a.

(3) Your CISWI is not regulated by an EPA approved and currently effective state or tribal plan, or your CISWI is located in any state whose approved state or tribal plan is only approved in part. In the case of a state or tribal program that is approved in part, the Federal plan applies to affected CISWI in lieu of the disapproved portions of the state or tribal program until the state or tribe plan addresses the deficiencies and the revised plan is approved by the EPA.

(b) If changes to the CISWI are made after August 7, 2013, that meet the definition of modification or reconstruction in this subpart, your CISWI is subject to 40 CFR part 60, subpart CCCC, and this subpart no longer applies to that unit.

(c) If you make physical or operational changes to your existing CISWI

primarily to comply with this subpart, then such changes do not qualify as modifications or reconstructions under 40 CFR part 60, subpart CCCC.

### § 62.14515a Can my CISWI be covered by both a state plan and this subpart?

(a) If your CISWI is located in a state that does not have an EPA-approved state plan or your state's plan has not become effective, this subpart applies to your CISWI until the EPA approves a state plan that covers your CISWI and that state plan becomes effective. However, a state may enforce the requirements of a state regulation while your CISWI is still subject to this subpart.

(b) After the EPA fully approves a state plan covering your CISWI, and after that state plan becomes effective, you will no longer be subject to this subpart and will only be subject to the approved and effective state plan. If the state or tribal plan are only approved in part, you will remain subject to the Federal plan to the extent necessary to address the deficiencies in the disapproved portions of the state or tribal plan.

### § 62.14520a How do I determine if my CISWI is covered by an approved and effective state or tribal plan?

This part contains a list of state and tribal areas with approved Clean Air Act section 111(d) and section 129 plans along with the effective 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 CISWI since publication of the most recent version of this subpart.

### § 62.14525a If my CISWI is not listed in the Federal plan inventory, am I exempt from this subpart?

Any CISWI that meets the applicability criteria in § 62.14510a is required to comply with the applicable emissions guidelines even if the source is not listed in the Federal plan or otherwise applicable state or tribal plan inventory. CISWI subject to this subpart

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are not limited to the inventory of sources listed in Docket EPA-HQ-OAR-2016-0664 for the Federal plan. If your CISWI meets the applicability criteria in § 62.14510a, this subpart applies to you whether or not your CISWI is listed in the Federal plan inventory in the docket.

### § 62.14530a Can my combustion unit be exempt from this subpart?

This subpart exempts 11 types of units, described in paragraphs (a) through (k) of this section, from complying with the requirements of this subpart with the exception of the requirements specified in this section.

(a) *Pathological waste incineration units.* Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in § 62.14785a are not subject to this subpart if you meet the two requirements specified in paragraphs (a)(1) and (2) of this section.

(1) Notify the Administrator that the unit meets the criteria in this paragraph (a).

(2) Keep records on a calendar quarter 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) *Municipal waste combustion units.* Incineration units that are regulated under 40 CFR part 60, subpart Ea, Eb, Cb, AAAA, or BBBB or subpart JJJ of this part.

(c) *Medical waste incineration units.* Incineration units regulated under 40 CFR part 60, subparts Ec and Ce and subpart HHH of this part.

(d) *Small power production facilities.* Units that meet the four requirements specified in paragraphs (d)(1) through (4) 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 submit documentation to the Administrator notifying the Agency that the qualifying small power production facility is combusting homogeneous waste.

(4) You must maintain the records specified in § 62.14675a(t).

(e) *Cogeneration facilities.* Units that meet the four requirements specified in paragraphs (e)(1) through (4) 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(18)(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 submit documentation to the Administrator notifying the Agency that the qualifying cogeneration facility is combusting homogeneous waste.

(4) You maintain the records specified in § 62.14675a(u).

(f) *Hazardous waste combustion units.* Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

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

(h) *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 §§ 62.14740a through 62.14765a and 62.14770a.

(i) *Sewage treatment plants.* Incineration units regulated under 40 CFR part 60, subpart O.

(j) *Sewage sludge incineration units.* Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to 40 CFR part 60, subpart LLLL or MMMM.

(k) *Other solid waste incineration units.* Incineration units that are subject to 40 CFR part 60, subpart EEEE or FFFF.

(l) *Small, remote incinerators.* Incineration units located in the State of Alaska are not subject to this subpart

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as specified in the Consolidated Appropriations Act of 2024, H.R. 4366, section 432.

**COMPLIANCE SCHEDULE****§ 62.14535a When must I comply with this subpart if I plan to continue operation of my CISWI?**

(a) If you plan to continue operation of your CISWI, then you must follow the requirements in paragraph (b) of this section.

(b) If you plan to continue operation and come into compliance with the requirements of this subpart by January 10, 2025, then you must complete the requirements of paragraphs (b)(1) through (5) of this section.

(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by January 10, 2025.

(2) You must submit a waste management plan no later than January 10, 2025.

(3) You must achieve final compliance by January 10, 2025. To achieve final compliance, you must incorporate all process changes and complete retrofit construction of control devices, so that, if the affected CISWI 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 180 days after the date when you are required to achieve final compliance under paragraph (b)(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 §§ 62.14675a through 62.14735a for complete reporting and recordkeeping requirements).

**§ 62.14540a What must I do if I plan to permanently close my CISWI?**

If you plan to permanently close your CISWI rather than comply with the Federal plan, you must submit a legally binding closure agreement, including the date of closure, to the Administrator by January 10, 2025, for sources that will not operate on or after the compliance date under this subpart.

**§ 62.14545a What must I do if I close my CISWI and then restart it?**

If you close your CISWI but restart it after January 10, 2025, for the purpose of continuing operation of the your CISWI, you must complete emission control retrofits and meet the emission limitations and operating limits on the date your unit restarts operation.

**WASTE MANAGEMENT PLAN****§ 62.14550a What is a waste management plan?**

A waste management plan is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

**§ 62.14555a When must I submit my waste management plan?**

You must submit a waste management plan no later than January 10, 2025, or six months prior to commencing or recommencing burning solid waste, whichever is later.

**§ 62.14560a What should I include in my waste management plan?**

A waste management plan must include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of recyclable materials. The plan must identify any additional waste management measures, and the source must implement those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

**OPERATOR TRAINING AND QUALIFICATION****§ 62.14565a What are the operator training and qualification requirements?**

(a) You must have a fully trained and qualified CISWI operator accessible at all times when the unit is in operation, either at your facility or able to be at your facility within one hour. The

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trained and qualified CISWI operator may operate the CISWI directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI operators are temporarily not accessible, you must follow the procedures in § 62.14595a.

(b) Operator training and qualification must be obtained through a state-approved program or by completing the requirements included in paragraph (c) of this section.

(c) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (c)(1) through (3) of this section.

(1) Training on the eleven subjects listed in paragraphs (c)(1)(i) through (xi) of this section.

(i) Environmental concerns, including types of emissions.

(ii) Basic combustion principles, including products of combustion.

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

(iv) Combustion controls and monitoring.

(v) Operation of air pollution control equipment and factors affecting performance (where applicable).

(vi) Inspection and maintenance of the incinerator and air pollution control devices.

(vii) Actions to correct malfunctions or conditions that may lead to malfunction.

(viii) Bottom and fly ash characteristics and handling procedures.

(ix) Applicable Federal, state, and local regulations, including Occupational Safety and Health Administration workplace standards.

(x) Pollution prevention.

(xi) Waste management practices.

(2) An examination designed and administered by the instructor.

(3) Written material covering the training course topics that can serve as reference material following completion of the course.

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The operator training course must be completed by the later of the three dates specified in paragraphs (a) through (c) of this section.

(a) January 10, 2025.

(b) Six months after CISWI startup; or

(c) Six months after an employee assumes responsibility for operating the CISWI or assumes responsibility for supervising the operation of the CISWI.

**§ 62.14575a How do I obtain my operator qualification?**

(a) You must obtain operator qualification by completing a training course that satisfies the criteria under § 62.14565a(b).

(b) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under § 62.14565a(c)(2).

**§ 62.14580a How do I maintain my operator qualification?**

To maintain qualification, you must complete an annual review or refresher course covering, at a minimum, the five topics described in paragraphs (a) through (e) of this section.

(a) Update of regulations.

(b) Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.

(c) Inspection and maintenance.

(d) Responses to malfunctions or conditions that may lead to malfunction.

(e) Discussion of operating problems encountered by attendees.

**§ 62.14585a How do I renew my lapsed operator qualification?**

You must renew a lapsed operator qualification by one of the two methods specified in paragraphs (a) and (b) of this section.

(a) For a lapse of less than 3 years, you must complete a standard annual refresher course described in § 62.14580a.

(b) For a lapse of 3 years or more, you must repeat the initial qualification requirements in § 62.14575a(a).

**Environmental Protection Agency****§ 62.14595a****§ 62.14590a What site-specific documentation is required?**

(a) Documentation must be available at the facility and readily accessible for all CISWI operators that addresses the ten topics described in paragraphs (a)(1) through (10) of this section. You must maintain this information and the training records required by paragraph (c) of this section in a manner that they can be readily accessed and are suitable for inspection upon request.

- (1) Summary of the applicable standards under this subpart.
- (2) Procedures for receiving, handling, and charging waste.
- (3) Incinerator startup, shutdown, and malfunction procedures.
- (4) Procedures for maintaining proper combustion air supply levels.
- (5) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.
- (6) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(7) Reporting and recordkeeping procedures.

(8) The waste management plan required under §§ 62.14550a through 62.14560a.

(9) Procedures for handling ash.

(10) A list of the wastes burned during the performance test.

(b) You must establish a program for reviewing the information listed in paragraph (a) of this section with each employee who operates your incinerator.

(1) The initial review of the information listed in paragraph (a) of this section must be conducted by the later of the three dates specified in paragraphs (b)(1)(i) through (iii) of this section.

- (i) January 10, 2025.
- (ii) Six months after CISWI startup.
- (iii) Six months after being assigned to operate the CISWI.

(2) Subsequent annual reviews of the information listed in paragraph (a) of this section must be conducted no later than 12 months following the previous review.

(c) You must also maintain the information specified in paragraphs (c)(1) through (3) of this section.

(1) Records showing the names of all plant personnel who operate your CISWI who have completed review of the information in paragraph (a) of this section as required by paragraph (b) of this section, including the date of the initial review and all subsequent annual reviews.

(2) Records showing the names of all plant personnel who operate your CISWI who have completed the operator training requirements under § 62.14565a, met the criteria for qualification under § 62.14575a, and maintained or renewed their qualification under § 62.14580a or § 62.14585a. Records must include documentation of training, the dates of the initial refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(3) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

**§ 62.14595a What if all the qualified operators are temporarily not accessible?**

If all qualified operators are temporarily not accessible (*i.e.*, not at the facility and not able to be at the facility within 1 hour), you must meet one of the two criteria specified in paragraphs (a) and (b) of this section, depending on the length of time that a qualified operator is not accessible.

(a) When all qualified operators are not accessible for more than 8 hours, but less than 2 weeks, the CISWI may be operated by other plant personnel familiar with the operation of the CISWI who have completed a review of the information specified in § 62.14590a(a) within the past 12 months. However, you must record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under § 62.14705a.

(b) When all qualified operators are not accessible for 2 weeks or more, you must take the two actions that are described in paragraphs (b)(1) and (2) of this section.

(1) Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure

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that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible.

(2) Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the CISWI. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (b)(1) of this section. If the Administrator notifies you that your request to continue operation of the CISWI is disapproved, the CISWI may continue operation for 90 days, then must cease operation. Operation of the unit may resume if you meet the two requirements in paragraphs (b)(2)(i) and (ii) of this section.

(i) A qualified operator is accessible as required under § 62.14565a(a).

(ii) You notify the Administrator that a qualified operator is accessible and that you are resuming operation.

### EMISSION LIMITATIONS AND OPERATING LIMITS

#### § 62.14600a What emission limitations must I meet and by when?

(a) You must meet the emission limitations for each CISWI, including bypass stack or vent, specified in tables 4 through 7 to this subpart by January 10, 2025. The emission limitations apply at all times the unit is operating including and not limited to startup, shutdown, or malfunction.

(b) Units that do not use wet scrubbers must maintain opacity to less than or equal to the percent opacity (three 1-hour blocks consisting of ten 6-minute average opacity values) specified in table 4 to this subpart, as applicable.

#### § 62.14605a What operating limits must I meet and by when?

(a) If you use a wet scrubber to comply with the emission limitations in § 62.14600a, you must establish operating limits for up to four operating parameters (as specified in table 1 to this subpart) as described in para-

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graphs (a)(1) through (4) of this section during the initial performance test.

(1) Maximum charge rate, calculated using one of the two different procedures in paragraph (a)(1)(i) or (ii) of this section, as appropriate.

(i) For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(ii) For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(2) Minimum pressure drop across the wet particulate matter scrubber, which is calculated as the lowest 1-hour average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations; or minimum amperage to the wet scrubber, which is calculated as the lowest 1-hour average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(3) Minimum scrubber liquor flow rate, which is calculated as the lowest 1-hour average liquor flow rate at the inlet to the wet acid gas or particulate matter scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(4) Minimum scrubber liquor pH, which is calculated as the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber measured during the most recent performance test demonstrating compliance with the hydrogen chloride (HCl) emission limitation.

(b) You must meet the operating limits established on the date that the performance test report is submitted to the EPA's Central Data Exchange or postmarked, per the requirements of § 62.14730a(b).

(c) If you use a fabric filter to comply with the emission limitations in

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§ 62.14600a and you do not use a particulate matter (PM) continuous parameter monitoring system (CPMS) for monitoring PM compliance, you must operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during any 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by you to initiate corrective action.

(d) If you use an electrostatic precipitator (ESP) to comply with the emission limitations in § 62.14600a and you do not use a PM CPMS for monitoring PM compliance, you must measure the (secondary) voltage and amperage of the electrostatic precipitator collection plates during the particulate matter performance test. Calculate the average electric power value (secondary voltage  $\times$  secondary current = secondary electric power) for each test run. The operating limit for the electrostatic precipitator is calculated as the lowest 1-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(e) If you use activated carbon sorbent injection to comply with the emission limitations in § 62.14600a, you must measure the sorbent flow rate during the performance testing. The operating limit for the carbon sorbent injection is calculated as the lowest 1-hour average sorbent flow rate measured during the most recent performance test demonstrating compliance with the mercury emission limitations. For energy recovery units (ERU), when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in this subpart, to determine the required injection rate (e.g., for 50 percent load, multiply the injection rate operating limit by 0.5).

(f) If you use selective noncatalytic reduction to comply with the emission limitations in § 62.14600a, you must measure the charge rate, the secondary chamber temperature (if applicable to your CISWI), and the reagent flow rate during the nitrogen oxides (NO<sub>x</sub>) performance testing. The operating limits for the selective noncatalytic reduction are calculated as the highest 1-hour average charge rate, lowest secondary chamber temperature, and lowest reagent flow rate measured during the most recent performance test demonstrating compliance with the nitrogen oxides emission limitations.

(g) If you use a dry scrubber to comply with the emission limitations in § 62.14600a, you must measure the injection rate of each sorbent during the performance testing. The operating limit for the injection rate of each sorbent is calculated as the lowest 1-hour average injection rate of each sorbent measured during the most recent performance test demonstrating compliance with the hydrogen chloride emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in this subpart, to determine the required injection rate (e.g., for 50 percent load, multiply the injection rate operating limit by 0.5).

(h) If you do not use a wet scrubber, electrostatic precipitator, or fabric filter to comply with the emission limitations in § 62.14600a, and if you do not determine compliance with your particulate matter emission limitation with either a particulate matter continuous emission monitoring system (CEMS) or a particulate matter CPMS, you must maintain opacity to less than or equal to ten percent opacity (1-hour block average).

(i) If you use a PM CPMS to demonstrate compliance with this subpart, you must establish your PM CPMS operating limit and determine compliance with it according to paragraphs (i)(1) through (5) of this section:

(1) During the initial performance test or any subsequent performance test that demonstrates compliance with the PM limit, record all hourly average output values (milliamps, or the digital signal equivalent) from the

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PM CPMS for the periods corresponding to the test runs (e.g., three 1-hour average PM CPMS output values for three 1-hour test runs):

(i) Your PM CPMS must provide a 4-20 milliamp output, or the digital signal equivalent, and the establishment of its relationship to manual reference method measurements must be determined in units of milliamps or digital bits;

(ii) Your PM CPMS operating range must be capable of reading PM concentrations from zero to a level equivalent to at least two times your allowable emission limit. If your PM CPMS is an auto-ranging instrument capable of multiple scales, the primary range of the instrument must be capable of reading PM concentration from zero to a level equivalent to two times your allowable emission limit; and

(iii) During the initial performance test or any subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp output values, or their digital equivalent, from the PM CPMS for the periods corresponding to the compliance test runs (e.g., average all your PM CPMS output values for three corresponding 2-hour PM test runs under Method 5 of 40 CFR part 60, appendix A-3, or Method 29 of 40 CFR part 60, appendix A-8).

(2) If the average of your three PM performance test runs are below 75 percent of your PM emission limit, you must calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS output values

corresponding to the three compliance test runs, and the average PM concentration from the performance tests under Method 5 of 40 CFR part 60, appendix A-3, or Method 29 of 40 CFR part 60, appendix A-8, with the procedures in (i)(1) through (5) of this section:

(i) Determine your instrument zero output with one of the following procedures:

(A) Zero point data for *in-situ* instruments should be obtained by removing the instrument from the stack and monitoring ambient air on a test bench;

(B) Zero point data for extractive instruments should be obtained by removing the extractive probe from the stack and drawing in clean ambient air;

(C) The zero point can also be established by performing manual reference method measurements when the flue gas is free of PM emissions or contains very low PM concentrations (e.g., when your process is not operating, but the fans are operating or your source is combusting only natural gas) and plotting these with the compliance data to find the zero intercept; and

(D) If none of the steps in paragraphs (i)(2)(i)(A) through (C) of this section are possible, you must use a zero output value provided by the manufacturer.

(ii) Determine your PM CPMS instrument average in milliamps, or the digital equivalent, and the average of your corresponding three PM compliance test runs, using equation 1 to this paragraph (i)(2)(ii):

EQUATION 1 TO PARAGRAPH (I)(2)(II)

$$\bar{x} = \frac{1}{n} \sum_{i=1}^n X_i, \bar{y} = \frac{1}{n} \sum_{i=1}^n Y_i \quad (\text{Eq. 1})$$

Where:

$X_i$  = The PM CPMS output data points for the three runs constituting the performance test;

$Y_i$  = The PM concentration value for the three runs constituting the performance test; and

$n$  = The number of data points.

(iii) With your instrument zero expressed in milliamps, or the digital equivalent, your three run average PM CPMS milliamp value, or its digital equivalent, and your three run average PM concentration from your three compliance tests, determine a relationship of mg/dscm per milliamp or digital

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signal equivalent, with equation 2 to this paragraph (i)(2)(iii):

EQUATION 2 TO PARAGRAPH (I)(2)(III)

$$R = Z + \frac{Y_1}{(X_1 - z)} \quad (\text{Eq. 2})$$

Where:

R = The relative mg/dscm per milliamp, or the digital equivalent, for your PM CPMS;  
 Y<sub>1</sub> = The three run average mg/dscm PM concentration;  
 X<sub>1</sub> = The three run average milliamp output, or the digital equivalent, from your PM CPMS; and  
 Z = The milliamp or digital signal equivalent of your instrument zero determined from paragraph (i)(2)(i) of this section.

(iv) Determine your source specific 30-day rolling average operating limit using the mg/dscm per milliamp value, or per digital signal equivalent from equation 2 to paragraph (i)(2)(iii) of this section, in equation 3 to this paragraph (i)(2)(iv). This sets your operating limit at the PM CPMS output value corresponding to 75 percent of your emission limit:

EQUATION 3 TO PARAGRAPH (I)(2)(IV)

$$O_1 = Z + \frac{0.75(L)}{R} \quad (\text{Eq. 3})$$

Where:

O<sub>1</sub> = The operating limit for your PM CPMS on a 30-day rolling average, in millamps or their digital signal equivalent;  
 L = Your source emission limit expressed in mg/dscm;  
 z = Your instrument zero in millamps or digital equivalent, determined from paragraph (i)(2)(i) of this section; and  
 R = The relative mg/dscm per milliamp, or per digital signal output equivalent, for your PM CPMS, from equation 2 to paragraph (i)(2)(iii) of this section.

(3) If the average of your three PM compliance test runs is at or above 75

percent of your PM emission limit you must determine your operating limit by averaging the PM CPMS milliamp or digital signal output corresponding to your three PM performance test runs that demonstrate compliance with the emission limit using equation 4 to this paragraph (i)(3) and you must submit all compliance test and PM CPMS data according to the reporting requirements in paragraph (i)(5) of this section:

EQUATION 4 TO PARAGRAPH (I)(3)

$$O_h = \frac{1}{n} \sum_{i=1}^n X_i \quad (\text{Eq. 4})$$

Where:

X<sub>i</sub> = The PM CPMS data points for all runs i;  
 n = The number of data points; and  
 O<sub>h</sub> = Your site specific operating limit, in millamps or digital signal equivalent.

(4) To determine continuous compliance, you must record the PM CPMS output data for all periods when the process is operating and the PM CPMS

is not out-of-control. You must demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (e.g., millamps or digital signal bits, PM concentration, raw data signal) on a 30-day rolling average basis.

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(5) For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report must also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (e.g., beta attenuation), span of the instruments primary analytical range, milliamp or digital signal value equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp or digital signals corresponding to each PM compliance test run.

**§ 62.14610a What if I do not use a wet scrubber, fabric filter, activated carbon injection, selective noncatalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations?**

If you use an air pollution control device other than a wet scrubber, activated carbon injection, selective noncatalytic reduction, fabric filter, an electrostatic precipitator, or a dry scrubber or limit emissions in some other manner, including mass balances, to comply with the emission limitations under § 62.14600a, you must petition the EPA Administrator for specific operating limits to be established during the initial performance test and continuously monitored thereafter. You must submit the petition at least sixty days before the performance test is scheduled to begin. Your petition must include the five items listed in paragraphs (a) through (e) of this section.

(a) Identification of the specific parameters you propose to use as additional operating limits.

(b) A discussion of the relationship between the parameters required by paragraph (a) of this section and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in the parameters, and how limits on the parameters will serve to limit emissions of regulated pollutants.

(c) A discussion of how you will establish the upper and/or lower values for the parameters required by paragraph (a) of this section that will establish the operating limits on the parameters.

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(d) A discussion identifying the methods you will use to measure and the instruments you will use to monitor the parameters required by paragraph (a) of this section, as well as the relative accuracy and precision of these methods and instruments.

(e) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring the parameters required by paragraph (a) of this section.

**PERFORMANCE TESTING****§ 62.14615a How do I conduct the initial and annual performance test?**

(a) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations.

(b) You must document that the waste burned during the performance test is representative of the waste burned under normal operating conditions by maintaining a log of the quantity of waste burned (as required in § 62.14675a(b)(1)) and the types of waste burned during the performance test.

(c) All performance tests must be conducted using the minimum run duration specified in tables 4 through 7 to this subpart.

(d) Method 1 of 40 CFR part 60, appendix A-1, must be used to select the sampling location and number of traverse points.

(e) Method 3A of 40 CFR part 60, appendix A-1, must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A must be used simultaneously with each method (except when using Method 9 of 40 CFR part 60, appendix A-4, and Method 22 of 40 CFR part 60, appendix A-7).

(f) All pollutant concentrations, except for opacity, must be adjusted to 7 percent oxygen using equation 1 to this paragraph (f):

**EQUATION 1 TO PARAGRAPH (F)**

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \%O_2) \quad (\text{Eq. 1})$$

Where:

$C_{adj}$  = Pollutant concentration adjusted to 7 percent oxygen;

$C_{meas}$  = Pollutant concentration measured on a dry basis;

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$(20.9 - 7) = 20.9$  percent oxygen - 7 percent oxygen (defined oxygen correction basis);  
20.9 = Oxygen concentration in air, percent; and  
 $\%O_2$  = Oxygen concentration measured on a dry basis, percent.

(g) You must determine dioxins/furans toxic equivalency by following the procedures in paragraphs (g)(1) through (4) of this section.

(1) Measure the concentration of each dioxin/furan (tetra- through octa-) isomer emitted using EPA Method 23 of 40 CFR part 60, appendix A-7.

(2) Quantify isomers meeting identification criteria in section 11.4.3.4 of Method 23 of 40 CFR part 60, appendix A-7, regardless of whether the isomers meet identification criteria in section 11.4.3.4.1 of Method 23. You must quantify the isomers per section 11.4.3.5 of Method 23. Note that you may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria in section 11.4.3.4 of Method 23.

(3) For each dioxin/furan (tetra- through octa-chlorinated) isomer measured in accordance with paragraph (g)(1) and (2) of this section, multiply the isomer concentration by its corresponding toxic equivalency factor specified in table 2 to this subpart; and

(4) Sum the products calculated in accordance with paragraph (g)(3) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(h) Method 22 of 40 CFR part 60, appendix A-7, must be used to determine compliance with the fugitive ash emission limit in table 4, 5, or 7 to this subpart.

(i) If you have an applicable opacity operating limit, you must determine compliance with the opacity limit using Method 9 of 40 CFR part 60, appendix A-4, based on three 1-hour blocks consisting of ten 6-minute average opacity values, unless you are required to install a continuous opacity monitoring system, consistent with §§ 62.14640a and 62.14665a.

(j) You must determine dioxins/furans total mass basis by following the procedures in paragraphs (j)(1) through (3) of this section:

(1) Measure the concentration of each dioxin/furan tetra- through octa-chlorinated isomer emitted using EPA

Method 23 of 40 CFR part 60, appendix A-7;

(2) Quantify isomers meeting identification criteria in section 11.4.3.4 of Method 23 of 40 CFR part 60, appendix A-7, regardless of whether the isomers meet identification criteria in section 11.4.3.4.1 of Method 23. Note that you may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria in section 11.4.3.4 of Method 23; and

(3) Sum the quantities measured in accordance with paragraphs (j)(1) and (2) of this section to obtain the total concentration of dioxins/furans emitted in terms of total mass basis.

**§ 62.14620a How are the performance test data used?**

You use results of performance tests to demonstrate compliance with the emission limitations in tables 4 through 7 to this subpart.

**INITIAL COMPLIANCE REQUIREMENTS****§ 62.14625a How do I demonstrate initial compliance with the emission limitations and establish the operating limits?**

(a) You must conduct an initial performance test to determine compliance with the emission limitations in tables 4 through 7 to this subpart, to establish compliance with any opacity operating limits in § 62.14605a(h), to establish the kiln-specific emission limit in § 62.14640a(y), as applicable, and to establish operating limits using the procedure in § 62.14605a or § 62.14610a. The initial performance test must be conducted using the test methods listed in tables 4 through 7 to this subpart and the procedures in § 62.14615a. The use of the bypass stack during a performance test shall invalidate the performance test.

(b) As an alternative to conducting a performance test, as required under §§ 62.14615a and 62.14600a, you may use a 30-day rolling average of the 1-hour arithmetic average CEMS data, including CEMS data during startup and shutdown as defined in this subpart, to determine compliance with the emission limitations in tables 4 through 7 to this subpart. You must conduct a performance evaluation of each continuous monitoring system within 180

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days of installation of the monitoring system. The initial performance evaluation must be conducted prior to collecting CEMS data that will be used for the initial compliance demonstration.

**§ 62.14630a By what date must I conduct the initial performance test?**

(a) The initial performance test must be conducted no later than 180 days after your final compliance date. Your final compliance date is January 10, 2025, or the date you restart your CISWI if later than January 10, 2025.

(b) If you commence or recommence combusting a solid waste at an existing combustion unit at any commercial or industrial facility and you conducted a test consistent with the provisions of this subpart while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, you do not need to retest until 6 months from the date you reintroduce that solid waste.

(c) If you commence or recommence combusting a solid waste at an existing combustion unit at any commercial or industrial facility and you have not conducted a performance test consistent with the provisions of this subpart while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, you must conduct a performance test within 60 days from the date you reintroduce solid waste.

**§ 62.14635a By what date must I conduct the initial air pollution control device inspection?**

(a) The initial air pollution control device inspection must be conducted within 60 days after installation of the control device and the associated CISWI reaches the charge rate at which it will operate, but no later than 180 days after January 10, 2025.

(b) Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless the owner or operator obtains written approval from the state agency establishing a date whereby all necessary repairs of the designated facility must be completed.

**40 CFR Ch. I (7-1-25 Edition)****CONTINUOUS COMPLIANCE REQUIREMENTS****§ 62.14640a How do I demonstrate continuous compliance with the emission limitations and the operating limits?**

(a)(1) The emission standards and operating requirements set forth in this subpart apply at all times.

(2) If you cease combusting solid waste you may opt to remain subject to the provisions of this subpart. Consistent with the definition of CISWI in this subpart, you are subject to the requirements of this subpart at least 6 months following the last date of solid waste combustion. Solid waste combustion is ceased when solid waste is not in the combustion chamber (*i.e.*, the solid waste feed to the combustor has been cut off for a period of time not less than the solid waste residence time).

(3) If you cease combusting solid waste you must be in compliance with any newly applicable standards on the effective date of the waste-to-fuel switch. The effective date of the waste-to-fuel switch is a date selected by you, that must be at least 6 months from the date that you ceased combusting solid waste, consistent with paragraph (a)(2) of this section. Your source must remain in compliance with this subpart until the effective date of the waste-to-fuel switch.

(4) If you own or operate an existing commercial or industrial combustion unit that combusted a fuel or non-waste material, and you commence or recommence combustion of solid waste, you are subject to the provisions of this subpart as of the first day you introduce or reintroduce solid waste to the combustion chamber, and this date constitutes the effective date of the fuel-to-waste switch. You must complete all initial compliance demonstrations for any standards under section 112 of the Clean Air Act that are applicable to your facility before you commence or recommence combustion of solid waste. You must provide 30 days prior notice of the effective date of the waste-to-fuel switch. The notification must identify:

(i) The name of the owner or operator of the CISWI, the location of the source, the emissions unit(s) that will

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cease burning solid waste, and the date of the notice;

(ii) The currently applicable subcategory under this subpart, and any subpart and subcategory under 40 CFR part 63 that will be applicable after you cease combusting solid waste;

(iii) The fuel(s), non-waste material(s) and solid waste(s) the CISWI is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(iv) The date on which you became subject to the currently applicable emission limits; and

(v) The date upon which you will cease combusting solid waste, and the date (if different) that you intend for any new requirements to become applicable (*i.e.*, the effective date of the waste-to-fuel switch), consistent with paragraphs (a)(2) and (3) of this section.

(5) All air pollution control equipment necessary for compliance with any newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch.

(6) All monitoring systems necessary for compliance with any newly applicable monitoring requirements which apply as a result of the cessation or commencement or recommencement of combusting solid waste must be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch. All calibration and drift checks must be performed as of the effective date of the waste-to-fuel, or fuel-to-waste switch. Relative accuracy tests must be performed as of the performance test deadline for PM CEMS (if PM CEMS are elected to demonstrate continuous compliance with the particulate matter emission limits). Relative accuracy testing for other CEMS need not be repeated if that testing was previously performed consistent with monitoring requirements under section 112 of the Clean Air Act or monitoring requirements under this subpart.

(b) You must conduct an annual performance test for the pollutants listed in tables 4 through 7 to this subpart

and opacity for each CISWI as required under § 62.14615a. The annual performance test must be conducted using the test methods listed in tables 4 through 7 to this subpart and the procedures in § 62.14615a. Opacity must be measured using EPA Reference Method 9 of 40 CFR part 60, appendix A-4. Annual performance tests are not required if you use CEMS or continuous opacity monitoring systems to determine compliance.

(c) You must continuously monitor the operating parameters specified in § 62.14605a or established under § 62.14610a. Operation above the established maximum or below the established minimum operating limits constitutes a deviation from the established operating limits. Three-hour block average values are used to determine compliance (except for baghouse leak detection system alarms) unless a different averaging period is established under § 62.14610a or, for energy recovery units, where the averaging time for each operating parameter is a 30-day rolling average, calculated each hour as the average of the previous 720 operating hours. Operation above the established maximum, below the established minimum, or outside the allowable range of the operating limits specified in paragraph (a) of this section constitutes a deviation from your operating limits established under this subpart, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. Operating limits are confirmed or reestablished during performance tests.

(d) You must burn only the same types of waste and fuels used to establish subcategory applicability (for ERUs) and operating limits during the performance test.

(e) For energy recovery units, incinerators, and small remote units, you must perform annual visual emissions tests for ash handling.

(f) For energy recovery units, you must conduct an annual performance test for opacity using EPA Reference Method 9 of 40 CFR part 60, appendix A-4 (except where particulate matter continuous monitoring system or CPMS are used), and the pollutants listed in table 5 to this subpart.

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(g) For facilities using a CEMS to demonstrate compliance with the carbon monoxide emission limit, compliance with the carbon monoxide emission limit may be demonstrated by using the CEMS, as described in § 62.14665a(o).

(h) Coal and liquid/gas energy recovery units with annual average heat input rates greater than 250 MMBtu/hr may elect to demonstrate continuous compliance with the particulate matter emissions limit using a particulate matter CEMS according to the procedures in § 62.14665a(n) instead of the CPMS specified in paragraph (i) of this section. Coal and liquid/gas energy recovery units with annual average heat input rates less than 250 MMBtu/hr, incinerators, and small, remote incinerators may also elect to demonstrate compliance using a particulate matter CEMS according to the procedures in § 62.14665a(n) instead of particulate matter testing with EPA Method 5 of 40 CFR part 60, appendix A-3, and, if applicable, the continuous opacity monitoring requirements in paragraph (i) of this section.

(i) For energy recovery units with annual average heat input rates greater than or equal to 10 MMBtu/hr but less than 250 MMBtu/hr that do not use a wet scrubber, fabric filter with bag leak detection system, an electrostatic precipitator, particulate matter CEMS, or particulate matter CPMS, you must install, operate, certify, and maintain a continuous opacity monitoring system (COMS) according to the procedures in § 62.14665a(m).

(j) For waste-burning kilns, you must conduct an annual performance test for the pollutants (except mercury and hydrogen chloride if no acid gas wet scrubber or dry scrubber is used) listed in table 6 to this subpart, unless you choose to demonstrate initial and continuous compliance using CEMS, as allowed in paragraph (u) of this section. If you do not use an acid gas wet scrubber or dry scrubber, you must determine compliance with the hydrogen chloride emissions limit using a HCl CEMS according to the requirements in paragraph (j)(1) of this section. You must determine compliance with the mercury emissions limit using a mercury CEMS or an integrated sorbent

trap monitoring system according to paragraph (j)(2) of this section. You must determine compliance with particulate matter using a PM CPMS according to paragraph (x) of this section.

(1) If you monitor compliance with the HCl emissions limit by operating an HCl CEMS, you must do so in accordance with Performance Specification 15 (PS 15) of 40 CFR part 60, appendix B, or, PS 18 of 40 CFR part 60, appendix B. You must operate, maintain, and quality assure a HCl CEMS installed and certified under PS 15 according to the quality assurance requirements in Procedure 1 of 40 CFR part 60, appendix F, except that the Relative Accuracy Test Audit requirements of Procedure 1 must be replaced with the validation requirements and criteria of sections 11.1.1 and 12.0 of PS 15. You must operate, maintain and quality assure a HCl CEMS installed and certified under PS 18 according to the quality assurance requirements in Procedure 6 of 40 CFR part 60, appendix F. For any performance specification that you use, you must use Method 321 of 40 CFR part 63, appendix A, as the reference test method for conducting relative accuracy testing. The span value and calibration requirements in paragraphs (j)(1)(i) and (ii) of this section apply to all HCl CEMS used under this subpart:

(i) You must use a measurement span value for any HCl CEMS of 0-10 ppmvw unless the monitor is installed on a kiln without an inline raw mill. Kilns without an inline raw mill may use a higher span value sufficient to quantify all expected emissions concentrations. The HCl CEMS data recorder output range must include the full range of expected HCl concentration values which would include those expected during "mill off" conditions. The corresponding data recorder range shall be documented in the site-specific monitoring plan and associated records;

(ii) In order to quality assure data measured above the span value, you must use one of the three options in paragraphs (j)(1)(ii)(A) through (C) of this section:

(A) Include a second span that encompasses the HCl emission concentrations expected to be encountered during “mill off” conditions. This second span may be rounded to a multiple of 5 ppm of total HCl. The requirements of the appropriate HCl monitor performance specification shall be followed for this second span with the exception that a relative accuracy test audit (RATA) with the mill off is not required;

(B) Quality assure any data above the span value by proving instrument linearity beyond the span value established in paragraph (j)(1)(i) of this section using the following procedure. Conduct a weekly “above span linearity” calibration challenge of the monitoring system using a reference gas with a certified value greater than your highest expected hourly concentration or greater than 75 percent of the highest measured hourly concentration. The “above span” reference gas must meet the requirements of the applicable performance specification and must be introduced to the measurement system at the probe. Record and report the results of this procedure as you would for a daily calibration. The “above span linearity” challenge is successful if the value measured by the HCl CEMS falls within 10 percent of the certified value of the reference gas. If the value measured by the HCl CEMS during the above span linearity challenge exceeds 10 percent of the certified value of the reference gas, the monitoring system must be evaluated and repaired and a new “above span linearity” challenge met before returning the HCl CEMS to service, or data above span from the HCl CEMS must be subject to the quality assurance procedures established in (j)(1)(ii)(D) of this section. In this manner values measured by the HCl CEMS during the above span linearity challenge exceeding  $\pm 20$  percent of the certified value of the reference gas must be normalized using equation 1 to paragraph (j)(1)(ii)(D)(1) of this section;

(C) Quality assure any data above the span value established in paragraph (j)(1)(i) of this section using the following procedure. Any time two consecutive one-hour average measured concentration of HCl exceeds the span

value you must, within 24 hours before or after, introduce a higher, “above span” HCl reference gas standard to the HCl CEMS. The “above span” reference gas must meet the requirements of the applicable performance specification and target a concentration level between 50 and 150 percent of the highest expected hourly concentration measured during the period of measurements above span, and must be introduced at the probe. While this target represents a desired concentration range that is not always achievable in practice, it is expected that the intent to meet this range is demonstrated by the value of the reference gas. Expected values may include above span calibrations done before or after the above-span measurement period. Record and report the results of this procedure as you would for a daily calibration. The “above span” calibration is successful if the value measured by the HCl CEMS is within 20 percent of the certified value of the reference gas. If the value measured by the HCl CEMS is not within 20 percent of the certified value of the reference gas, then you must normalize the stack gas values measured above span as described in paragraph (j)(1)(ii)(D) of this section. If the “above span” calibration is conducted during the period when measured emissions are above span and there is a failure to collect the one data point in an hour due to the calibration duration, then you must determine the emissions average for that missed hour as the average of hourly averages for the hour preceding the missed hour and the hour following the missed hour. In an hour where an “above span” calibration is being conducted and one or more data points are collected, the emissions average is represented by the average of all valid data points collected in that hour; and

(D)(1) In the event that the “above span” calibration is not successful (*i.e.*, the HCl CEMS measured value is not within 20 percent of the certified value of the reference gas), then you must normalize the one-hour average stack gas values measured above the span during the 24-hour period preceding or following the “above span” calibration for reporting based on the HCl CEMS response to the reference gas as shown

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in equation 1 to this paragraph (j)(1)(ii)(D)(I):

**EQUATION 1 TO PARAGRAPH (J)(1)(II)(D)(I)**

$$\frac{\text{Certified reference gas value}}{\text{Measured value of reference gas}} = \text{Measured stack gas} = \text{Normalized stack gas result (Eq. 1)}$$

(2) Only one "above span" calibration is needed per 24-hour period.

(2) Compliance with the mercury emissions limit must be determined using a mercury CEMS or integrated sorbent trap monitoring system according to the following requirements:

(i) You must operate a mercury CEMS in accordance with performance specification 12A of 40 CFR part 60, appendix B, or an integrated sorbent trap monitoring system in accordance with Performance Specification 12B of 40 CFR part 60, appendix B; these monitoring systems must be quality assured according to Procedure 5 of appendix F to 40 CFR part 60. For the purposes of emissions calculations when using an integrated sorbent trap monitoring system, the mercury concentration determined for each sampling period must be assigned to each hour during the sampling period. If you choose to comply with the production-rate based mercury limit for your waste-burning kiln, you must also monitor hourly clinker production and determine the hourly mercury emissions rate in pounds per million ton of clinker produced. You must demonstrate compliance with the mercury emissions limit using a 30-day rolling average of these 1-hour mercury concentrations or mass emissions rates, including CEMS data during startup and shutdown as defined in this subpart, calculated using equation 19-19 in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content;

(ii) Owners or operators using a mercury CEMS or integrated sorbent trap monitoring system to determine mass emission rate must install, operate, calibrate and maintain an instrument for continuously measuring and recording the mercury mass emissions rate to the atmosphere according to the requirements of Performance Specifica-

tion 6 (PS 6) of 40 CFR part 60, appendix B, and conducting an annual relative accuracy test of the continuous emission rate monitoring system according to section 8.2 of PS 6; and

(iii) The owner or operator of a waste-burning kiln must demonstrate initial compliance by operating a mercury CEMS or integrated sorbent trap monitoring system while the raw mill of the in-line kiln/raw mill is operating under normal conditions and including at least one period when the raw mill is off.

(k) If you use an air pollution control device to meet the emission limitations in this subpart, you must conduct an initial and annual inspection of the air pollution control device. The inspection must include, at a minimum, the following:

(1) Inspect air pollution control device(s) for proper operation; and

(2) Develop a site-specific monitoring plan according to the requirements in paragraph (l) of this section. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under § 60.13(i) of this chapter.

(l) For each CMS required in this section, you must develop and submit to the EPA Administrator for approval a site-specific monitoring plan according to the requirements of this paragraph (l) that addresses paragraphs (l)(1)(i) through (vi) of this section:

(1) You must submit this site-specific monitoring plan at least 60 days before your initial performance evaluation of your continuous monitoring system:

(i) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (e.g., on or downstream of the last control device);

(ii) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric

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signal analyzer and the data collection and reduction systems;

(iii) Performance evaluation procedures and acceptance criteria (e.g., calibrations);

(iv) Ongoing operation and maintenance procedures in accordance with the general requirements of § 60.11(d) of this chapter;

(v) Ongoing data quality assurance procedures in accordance with the general requirements of § 60.13 of this chapter; and

(vi) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 60.7(b), (c) introductory text, (c)(1) and (4), and (d) through (g) of this chapter.

(2) You must conduct a performance evaluation of each continuous monitoring system in accordance with your site-specific monitoring plan.

(3) You must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(m) If you have an operating limit that requires the use of a flow monitoring system, you must meet the requirements in paragraphs (l) and (m)(1) through (4) of this section:

(1) Install the flow sensor and other necessary equipment in a position that provides a representative flow;

(2) Use a flow sensor with a measurement sensitivity at full scale of no greater than 2 percent;

(3) Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances; and

(4) Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(n) If you have an operating limit that requires the use of a pressure monitoring system, you must meet the requirements in paragraphs (l) and (n)(1) through (6) of this section:

(1) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (e.g., PM scrubber pressure drop);

(2) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion;

(3) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less;

(4) Perform checks at the frequency outlined in your site-specific monitoring plan to ensure pressure measurements are not obstructed (e.g., check for pressure tap plugging daily);

(5) Conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually; and

(6) If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in your monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(o) If you have an operating limit that requires a pH monitoring system, you must meet the requirements in paragraphs (l) and (o)(1) through (4) of this section:

(1) Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH;

(2) Ensure the sample is properly mixed and representative of the fluid to be measured;

(3) Conduct a performance evaluation of the pH monitoring system in accordance with your monitoring plan at least once each process operating day; and

(4) Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the pH of the operating limit) of the pH monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than quarterly.

(p) If you have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, you must meet the requirements in paragraphs (l) and (p)(1) and (2) of this section:

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(1) Install sensors to measure (secondary) voltage and current to the precipitator collection plates; and

(2) Conduct a performance evaluation of the electric power monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(q) If you have an operating limit that requires the use of a monitoring system to measure sorbent injection rate (*e.g.*, weigh belt, weigh hopper, or hopper flow measurement device), you must meet the requirements in paragraphs (1) and (q)(1) and (2) of this section:

(1) Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate; and

(2) Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(r) If you elect to use a fabric filter bag leak detection system to comply with the requirements of this subpart, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (1) and (r)(1) through (5) of this section:

(1) Install a bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent, or compartment (*e.g.*, for a positive pressure fabric filter) of the fabric filter;

(2) Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less;

(3) Conduct a performance evaluation of the bag leak detection system in accordance with your monitoring plan and consistent with the guidance provided in OAQPS Fabric Filter Bag Leak Detection Guidance, EPA-454/R-98-015 (incorporated by reference, see paragraph (z) of this section).

(4) Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor; and

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(5) Use a bag leak detection system equipped with a system that will sound an alarm when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is observed readily by plant operating personnel.

(s) For facilities using a CEMS to demonstrate initial and continuous compliance with the sulfur dioxide (SO<sub>2</sub>) emission limit, compliance with the sulfur dioxide emission limit may be demonstrated by using the CEMS specified in § 62.14665a(l) to measure sulfur dioxide. The sulfur dioxide CEMS must follow the procedures and methods specified in this paragraph (s). For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for inlet sulfur dioxide CEMS should be no greater than 20 percent of the mean value of the reference method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the reference method and the CEMS, whichever is greater:

(1) During each relative accuracy test run of the CEMS required by Performance Specification 2 of 40 CFR part 60, appendix B, collect sulfur dioxide and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in paragraphs (s)(1)(i) and (ii) of this section:

(i) For sulfur dioxide, EPA Reference Method 6 or 6C of 40 CFR part 60, appendix A-4, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus] must be used (incorporated by reference, see paragraph (z) of this section); and

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A of 40 CFR part 60, appendix A-2, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used (incorporated by reference, see paragraph (z) of this section).

(2) The span value of the CEMS at the inlet to the sulfur dioxide control

device must be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this subpart. The span value of the CEMS at the outlet of the sulfur dioxide control device must be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this subpart.

(3) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with Procedure 1 of 40 CFR part 60, appendix F.

(t) For facilities using a CEMS to demonstrate initial and continuous compliance with the nitrogen oxides emission limit, compliance with the nitrogen oxides emission limit may be demonstrated by using the CEMS specified in § 62.14665a to measure nitrogen oxides. The nitrogen oxides CEMS must follow the procedures and methods specified in paragraphs (t)(1) through (4) of this section:

(1) During each relative accuracy test run of the CEMS required by Performance Specification 2 of 40 CFR part 60, appendix B, collect nitrogen oxides and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in paragraphs (t)(1)(i) and (ii) of this section:

(i) For nitrogen oxides, EPA Reference Method 7 or 7E of 40 CFR part 60, appendix A-4, must be used; and

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A of 40 CFR part 60, appendix A-2, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used (incorporated by reference, see paragraph (z) of this section).

(2) The span value of the CEMS must be 125 percent of the maximum estimated hourly potential nitrogen oxide emissions of unit.

(3) Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with Procedure 1 of 40 CFR part 60, appendix F.

(4) The owner or operator of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. If car-

bon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the procedures and methods specified in paragraphs (t)(4)(i) through (iv) of this section. This relationship may be reestablished during performance compliance tests:

(i) The fuel factor equation in Method 3B of 40 CFR part 60, appendix A-2, must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A of 40 CFR part 60, appendix A-2, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor (incorporated by reference, see paragraph (z) of this section);

(ii) Samples must be taken for at least 30 minutes in each hour;

(iii) Each sample must represent a 1-hour average; and

(iv) A minimum of 3 runs must be performed.

(u) For facilities using a CEMS or an integrated sorbent trap monitoring system for mercury to demonstrate initial and continuous compliance with any of the emission limits of this subpart, you must complete the following:

(1) Demonstrate compliance with the appropriate emission limit(s) using a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS or an integrated sorbent trap monitoring system data during startup and shutdown, as defined in this subpart, calculated using equation 19-19 in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7. The 1-hour arithmetic averages for CEMS must be calculated using the data points required under § 60.13(e)(2) of this chapter. Except for CEMS or an integrated sorbent trap monitoring system data during startup and shutdown, the 1-hour arithmetic averages used to calculate the 30-day rolling average emission concentrations must be corrected to 7 percent oxygen (dry basis). Integrated sorbent trap monitoring system or CEMS data

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during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content; and

(2) Operate all CEMS and integrated sorbent trap monitoring systems in accordance with the applicable procedures under of 40 CFR part 60, appendices B and F.

(v) Use of the bypass stack at any time is an emissions standards deviation for PM, HCl, lead, cadmium, mercury, nitrogen oxides, sulfur dioxide, and dioxin/furans.

(w) For energy recovery units with a design heat input capacity of 100 MMBtu/hr or greater that do not use a carbon monoxide CEMS, you must install, operate, and maintain an oxygen analyzer system as defined in § 62.14785a according to the procedures in paragraphs (w)(1) through (4) of this section:

(1) The oxygen analyzer system must be installed by the initial performance test date specified in § 62.14605a;

(2) You must operate the oxygen trim system within compliance with paragraph (w)(3) of this section at all times;

(3) You must maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen is not below the lowest hourly average oxygen concentration measured during the most recent carbon monoxide (CO) performance test; and

(4) You must calculate and record a 30-day rolling average oxygen concentration using equation 19-19 in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7.

(x) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hr and waste-burning kilns, you must install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in paragraphs (x)(1) through (8) of this section. For other energy recovery units, you may elect to use PM CPMS operated in accordance with this section. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (*e.g.*, bag leak detectors, electrostatic precipitator secondary power, PM scrubber pressure):

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(1) Install, calibrate, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with paragraphs (1) and (x)(1)(i) through (iii) of this section:

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS must be expressed as milliamps or the digital signal equivalent;

(ii) The PM CPMS must have a cycle time (*i.e.*, period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes; and

(iii) The PM CPMS must be capable of detecting and responding to particulate matter concentrations increments no greater than 0.5 mg/actual cubic meter.

(2) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, you must adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in § 62.14605a.

(3) Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as milliamps or the digital signal equivalent.

(4) Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps or their digital equivalent).

(5) You must collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in paragraph (x)(1)(ii) of this section, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration

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checks and required zero and span adjustments), and any scheduled maintenance as defined in your site-specific monitoring plan.

(6) You must use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with your operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in your annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in your annual deviation report); and

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this subpart.

(7) You must record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with your site-specific monitoring plan.

(8) For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, you must:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value;

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit. Within 45 days of the deviation, you must re-establish the CPMS operating limit. You are not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this paragraph (x); and

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this subpart.

(y) When kiln emissions are emitted through multiple stacks (e.g., there is an alkali bypass and/or an in-line coal mill that exhaust emissions through a separate stack(s)), the combined emissions are subject to the emission limits applicable to waste-burning kilns. To determine the kiln-specific emission limit for demonstrating compliance, you must:

(1) Calculate a kiln-specific emission limit using equation 2 to this paragraph (y)(1):

EQUATION 2 TO PARAGRAPH (Y)(1)

$$C_{ks} = \frac{(Emission\ Limit \times \sum_1^n Q_i) - \sum_1^m (Q_i \times C_i)}{Q_{ks}} \quad (Eq. 2)$$

Where:

$C_{ks}$  = Kiln stack concentration (ppmvd, mg/dscm, ng/dscm, depending on pollutant.

Each corrected to 7% O<sub>2</sub>.

$Q_{ks}$  = Kiln stack flow rate (volume/hr).

$Q_i$  = Flow rate of stack  $i$  (volume/hr).

$n$  = Number of stacks kiln emissions are being emitted from including the kiln stack.

$m$  = Number of stacks excluding the kiln stack that kiln emissions are being emitted from.

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$C_i$  = Concentration in stack  $i$  (ppmvd, mg/dscm, ng/dscm, depending on pollutant. Each corrected to 7% O<sub>2</sub>).

(2) Particulate matter concentration must be measured downstream of the in-line coal mill. All other pollutant concentrations must be measured either upstream or downstream of the in-line coal mill.

(3) For purposes of determining the combined emissions from kilns equipped with an alkali bypass or that exhaust kiln gases to a coal mill that exhausts through a separate stack, instead of installing a CEMS or PM CPMS on the alkali bypass stack or in-line coal mill stack, the results of the initial and subsequent performance test can be used to demonstrate compliance with the relevant emissions limit. A performance test must be conducted on an annual basis (between 11 and 13 calendar months following the previous performance test).

(z) These standards are incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272-0167, <https://www.epa.gov>. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit <https://www.archives.gov/federal-register/cfr/ibr-locations.html> or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

(1) American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016-5990; phone: 1-800-843-2763; website: <https://www.asme.org/>.

(i) ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], Issued August 31, 1981.

(ii) [Reserved]

(2) U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; phone (202) 272-0167; website <https://www.epa.gov>.

(i) Fabric Filter Bag Leak Detection Guidance, EPA-454/R-98-015, September 1997. (Available from [www3.epa.gov/ttnemc01/cem/tribo.pdf](http://www3.epa.gov/ttnemc01/cem/tribo.pdf).)

(ii) [Reserved]

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### § 62.14645a By what date must I conduct the annual performance test?

You must conduct annual performance tests between 11 and 13 calendar months of the previous performance test.

### § 62.14650a By what date must I conduct the annual air pollution control device inspection?

On an annual basis (no more than 12 months following the previous annual air pollution control device inspection), you must complete the air pollution control device inspection as described in § 62.14635a.

### § 62.14655a May I conduct performance testing less often?

You must conduct annual performance tests according to the schedule specified in § 62.14645a, with the following exceptions:

(a) You may conduct a repeat performance test at any time to establish new values for the operating limits, as specified in § 62.14660a. New operating limits become effective on the date that the performance test report is submitted to the EPA's Central Data Exchange or postmarked, per the requirements of § 62.14730a(b). The Administrator may request a repeat performance test at any time;

(b) You must repeat the performance test within 60 days of a process change, as defined in § 62.14780a; and

(c) You can conduct performance tests less often if you meet the following conditions: your performance tests for the pollutant for at least 2 consecutive performance tests demonstrates that the emission level for the pollutant is no greater than the emission level specified in paragraph (c)(1) or (2) of this section, as applicable; there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions; and you are not required to conduct a performance test for the pollutant in response to a request by the Administrator in paragraph (a) of this section or a process change in paragraph (b) of this section.

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In this case, you do not have to conduct a performance test for that pollutant for the next 2 years. You must conduct a performance test for the pollutant no more than 37 months following the previous performance test for the pollutant. If the emission level for your CISWI continues to meet the emission level specified in paragraph (c)(1) or (2), as applicable, you may choose to conduct performance tests for the pollutant every third year, as long as there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions. Each such performance test must be conducted no more than 37 months after the previous performance test.

(1) For particulate matter, hydrogen chloride, mercury, carbon monoxide, nitrogen oxides, sulfur dioxide, cadmium, lead, and dioxins/furans, the emission level equal to 75 percent of the applicable emission limit in tables 4 through 7 to this subpart, as applicable; and

(2) For fugitive emissions, visible emissions (of combustion ash from the ash conveying system) for 2 percent of the time during each of the three 1-hour observation periods.

(3) If you are conducting less frequent testing for a pollutant as provided in this paragraph (c) and a subsequent performance test for the pollutant indicates that your CISWI does not meet the emission level specified in paragraph (c)(1) or (2) of this section, as applicable, you must conduct annual performance tests for the pollutant according to the schedule specified in this section until you qualify for less frequent testing for the pollutant as specified in this paragraph (c).

**§ 62.14660a May I conduct a repeat performance test to establish new operating limits?**

(a) Yes. You may conduct a repeat performance test at any time to establish new values for the operating limits. The Administrator may request a repeat performance test at any time.

(b) You must repeat the performance test if your feed stream is different than the feed streams used during any performance test used to demonstrate compliance.

**MONITORING****§ 62.14665a What monitoring equipment must I install and what parameters must I monitor?**

(a) If you are using a wet scrubber to comply with the emission limitation under § 62.14600a, you must install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits listed in table 1 to this subpart. These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in table 1 to this subpart at all times except as specified in § 62.14670a(a).

(b) If you use a fabric filter to comply with the requirements of this subpart and you do not use a PM CPMS or PM CEMS for monitoring PM compliance, you must install, calibrate, maintain, and continuously operate a bag leak detection system as specified in paragraphs (b)(1) through (8) of this section.

(1) You must install and operate a bag leak detection system for each exhaust stack of the fabric filter.

(2) Each bag leak detection system must be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

(3) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(4) The bag leak detection system sensor must provide output of relative or absolute particulate matter loadings.

(5) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(6) The bag leak detection system must be equipped with an alarm system that will alert automatically an operator when an increase in relative particulate matter emissions over a preset level is detected. The alarm must be located where it is observed easily by plant operating personnel.

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(7) For positive pressure fabric filter systems, a bag leak detection system must be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector must be installed downstream of the fabric filter.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(c) If you are using something other than a wet scrubber, activated carbon, selective non-catalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations under § 62.14600a, you must install, calibrate (to the manufacturers' specifications), maintain, and operate the equipment necessary to monitor compliance with the site-specific operating limits established using the procedures in § 62.14610a.

(d) If you use activated carbon injection to comply with the emission limitations in this subpart, you must measure the minimum sorbent flow rate once per hour.

(e) If you use selective noncatalytic reduction to comply with the emission limitations in this subpart, you must complete the following:

(1) Following the date on which the initial performance test is completed or is required to be completed under § 62.14615a, whichever date comes first, ensure that the affected facility does not operate above the maximum charge rate, or below the minimum secondary chamber temperature (if applicable to your CISWI) or the minimum reagent flow rate measured as 3-hour block averages at all times; and

(2) Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum reagent flow rate simultaneously constitute a violation of the nitrogen oxides emissions limit.

(f) If you use an electrostatic precipitator to comply with the emission limits of this subpart and you do not use a PM CPMS for monitoring PM compliance, you must monitor the secondary power to the electrostatic precipitator collection plates and maintain the 3-hour block averages at or above the operating limits established during the

mercury or particulate matter performance test.

(g) For waste-burning kilns not equipped with a wet scrubber or dry scrubber, you must install, calibrate, maintain, and operate a CEMS for monitoring hydrogen chloride emissions discharged to the atmosphere, as specified in § 62.14640a(j), and record the output of the system. You may substitute use of a HCl CEMS for conducting the HCl initial and annual testing with EPA Method 321 of 40 CFR part 63, appendix A, for units other than waste-burning kilns not equipped with a wet scrubber or dry scrubber, a facility may substitute use of a HCl CEMS for conducting the HCl initial and annual performance test. For units equipped with a HCl CEMS, you are not required to monitor the minimum hydrogen chloride sorbent flow rate, monitoring the minimum scrubber liquor pH, and monitoring minimum injection rate.

(h) To demonstrate continuous compliance with the particulate matter emissions limit in this subpart, a facility may substitute use of either a particulate matter CEMS or a particulate matter CPMS for conducting the particulate matter annual performance test. For units equipped with a particulate matter CEMS, you are not required to use other CMS monitoring for PM compliance (e.g., bag leak detectors, electrostatic precipitator secondary power, PM scrubber pressure). A facility may also substitute use of a particulate matter CEMS for conducting the PM initial performance test.

(i) To demonstrate initial and continuous compliance with the dioxin/furan emissions limit in this subpart, a facility may substitute use of a continuous automated sampling system for the dioxin/furan initial and annual performance test. You must record the output of the system and analyze the sample according to EPA Method 23 of 40 CFR part 60, appendix A-7. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from continuous monitors is published in the FEDERAL REGISTER. The owner or operator who elects to continuously sample

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dioxin/furan emissions instead of sampling and testing using EPA Method 23 must install, calibrate, maintain and operate a continuous automated sampling system and must comply with the requirements specified in § 60.58b(p) and (q) of this chapter. A facility may substitute continuous dioxin/furan monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the dioxin/furan emission limit.

(j)(1) To demonstrate initial and continuous compliance with the mercury emissions limit in this subpart, a facility may substitute use of a mercury CEMS or an integrated sorbent trap monitoring system for the mercury initial and annual performance test. The owner or operator who elects to continuously sample mercury emissions instead of sampling and testing using EPA Method 29 or 30B of 40 CFR part 60, appendix A-8, ASTM D6784-24, Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), approved March 1, 2024 (ASTM D6784-24), or an approved alternative method for measuring mercury emissions, must install, calibrate, maintain and operate the mercury CEMS or integrated sorbent trap monitoring system and must comply with Performance Specification 12A or 12B of 40 CFR part 60, appendix B, respectively, and quality assurance requirements of Procedure 5 of 40 CFR part 60, appendix F. For the purposes of emissions calculations when using an integrated sorbent trap monitoring system, the mercury concentration determined for each sampling period must be assigned to each hour during the sampling period. For units equipped with a mercury CEMS or an integrated sorbent trap monitoring system, you are not required to monitor the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the mercury emission limit. Waste-burning kilns must install, calibrate, maintain, and operate a mercury CEMS or an integrated sorbent trap monitoring system as specified in § 62.14640a(j).

(2) ASTM D6784-24 is incorporated by reference into this section with the ap-

proval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the U.S. Environmental Protection Agency (EPA) and at the National Archives and Records Administration (NARA). Contact the EPA at: 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272-0167, <https://www.epa.gov>. For information on the availability of this material at NARA, visit <https://www.archives.gov/federal-register/cfr/ibr-locations> or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). This material may be obtained from ASTM International (ASTM) at: 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; phone: +1-610-832-9500; website: <https://www.astm.org/>.

(k) To demonstrate initial and continuous compliance with the nitrogen oxides emissions limit in this subpart, a facility may substitute use of a CEMS for the nitrogen oxides initial and annual performance test to demonstrate compliance with the nitrogen oxides emissions limits. For units equipped with a nitrogen oxides CEMS, you are not required to monitor the charge rate, secondary chamber temperature and reagent flow for selective noncatalytic reduction, if applicable:

(1) Install, calibrate, maintain and operate a CEMS for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system. The requirements under Performance Specification 2 of 40 CFR part 60, appendix B, the quality assurance requirements of Procedure 1 of 40 CFR part 60, appendix F, and the procedures under § 60.13 of this chapter must be followed for installation, evaluation and operation of the CEMS; and

(2) Compliance with the emission limit in this subpart for nitrogen oxides must be determined based on the 30-day rolling average of the hourly emission concentrations using CEMS outlet data, as outlined in § 62.14640a(u).

(l) To demonstrate initial and continuous compliance with the sulfur dioxide emissions limit in this subpart, a facility may substitute use of a CEMS for the sulfur dioxide initial and annual performance test to demonstrate

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compliance with the sulfur dioxide emissions limits:

(1) Install, calibrate, maintain and operate a CEMS for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system. The requirements under Performance Specification 2 of 40 CFR part 60, appendix B, the quality assurance requirements of Procedure 1 of 40 CFR part 60, appendix F, and the procedures under §60.13 of this chapter must be followed for installation, evaluation and operation of the CEMS; and

(2) Compliance with the sulfur dioxide emission limit in this subpart shall be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations using CEMS outlet data, as outlined in §62.14640a(u).

(m) For energy recovery units over 10 MMBtu/hr but less than 250 MMBtu/hr annual average heat input rates that do not use a wet scrubber, fabric filter with bag leak detection system, an electrostatic precipitator, particulate matter CEMS, or particulate matter CPMS, you must install, operate, certify and maintain a continuous opacity monitoring system according to the procedures in paragraphs (m)(1) through (5) of this section by the compliance date specified in §62.14600a. Energy recovery units that use a particulate matter CEMS to demonstrate initial and continuing compliance according to the procedures in §62.14665a(n) are not required to install a continuous opacity monitoring system and must perform the annual performance tests for opacity consistent with §62.14640a(f):

(1) Install, operate and maintain each continuous opacity monitoring system according to Performance Specification 1 (PS 1) of 40 CFR part 60, appendix B;

(2) Conduct a performance evaluation of each continuous opacity monitoring system according to the requirements in §60.13 of this chapter and according to PS 1 of 40 CFR part 60, appendix B;

(3) As specified in §60.13(e)(1) of this chapter, each continuous opacity monitoring system must complete a minimum of one cycle of sampling and analyzing for each successive 10-second

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period and one cycle of data recording for each successive 6-minute period;

(4) Reduce the continuous opacity monitoring system data as specified in §60.13(h)(1) of this chapter; and

(5) Determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected.

(n) For coal and liquid/gas energy recovery units, incinerators, and small remote incinerators, an owner or operator may elect to install, calibrate, maintain and operate a CEMS for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who continuously monitors particulate matter emissions instead of conducting performance testing using EPA Method 5 of 40 CFR part 60, appendix A-3, or monitoring with a particulate matter CPMS according to paragraph (r) of this section, must install, calibrate, maintain and operate a PM CEMS and must comply with the requirements specified in paragraphs (n)(1) through (10) of this section:

(1) The PM CEMS must be installed, evaluated, and operated in accordance with the requirements of Performance Specification 11 of 40 CFR part 60, appendix B, and quality assurance requirements of Procedure 2 of 40 CFR part 60, appendix F, and §60.13 of this chapter;

(2) The initial performance evaluation must be completed no later than 180 days after January 10, 2025, as specified under §62.14615a or within 180 days of notification to the Administrator of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 5 of 40 CFR part 60, appendix A-3, performance tests, whichever is later;

(3) The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility must be established according to the procedures and methods specified in §62.14640a(t)(4)(i) through (iv);

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(4) The owner or operator of an affected facility must conduct an initial performance test for particulate matter emissions. If PM CEMS are elected for demonstrating compliance, and the initial performance test has not yet been conducted, then initial compliance must be determined by using the CEMS specified in this paragraph (n) to measure particulate matter. You must calculate a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown, as defined in this subpart, using equation 19-19 in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7;

(5) Continuous compliance with the particulate matter emission limit must be determined based on the 30-day rolling average calculated using equation 19-19 in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7, from the 1-hour arithmetic average of the CEMS outlet data;

(6) At a minimum, valid continuous monitoring system hourly averages must be obtained as specified § 62.14670a;

(7) The 1-hour arithmetic averages required under paragraph (n)(5) of this section must be expressed in milligrams per dry standard cubic meter (mg/dscm) corrected to 7 percent oxygen (or carbon dioxide)(dry basis) and must be used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this subpart, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages must be calculated using the data points required under § 60.13(e)(2) of this chapter;

(8) All valid CEMS data must be used in calculating average emission concentrations even if the minimum CEMS data requirements of paragraph (n)(6) of this section are not met;

(9) The CEMS must be operated according to Performance Specification 11 of 40 CFR part 60, appendix B; and

(10) Quarterly and yearly accuracy audits and daily drift, system optics, and sample volume checks must be performed in accordance with Procedure 2 of 40 CFR part 60, appendix F.

(o) To demonstrate initial and continuous compliance with the carbon monoxide emissions limit in this subpart, a facility may substitute use of a CEMS for the carbon monoxide initial and annual performance test to demonstrate compliance with the carbon monoxide emissions limits:

(1) Install, calibrate, maintain, and operate a CEMS for measuring carbon monoxide emissions discharged to the atmosphere and record the output of the system. The requirements under Performance Specification 4A or 4B of 40 CFR part 60, appendix B, the quality assurance requirements of Procedure 1 of 40 CFR part 60, appendix F, and the procedures under § 60.13 of this chapter must be followed for installation, evaluation, and operation of the CEMS; and

(2) Compliance with the carbon monoxide emission limit shall be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this subpart, using CEMS outlet data, as outlined in § 62.14640a(u).

(p) The owner/operator of an affected source with a bypass stack shall install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration.

(q) For energy recovery units with a heat input capacity of 100 MMBtu/hr or greater that do not use a carbon monoxide CEMS, you must install, operate and maintain the continuous oxygen monitoring system as defined in § 62.14780a according to the procedures in paragraphs (q)(1) through (4) of this section:

(1) The oxygen analyzer system must be installed by the initial performance test date specified in § 62.14605a;

(2) You must operate the oxygen trim system within compliance with paragraph (q)(3) of this section at all times;

(3) You must maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen according to paragraph (q)(4) of this section is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test; and

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(4) You must calculate and record a 30-day rolling average oxygen concentration using equation 19-19 in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7.

(r) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hr and waste-burning kilns, you must install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in paragraphs (r)(1) through (8) of this section. For other energy recovery units, you may elect to use PM CPMS operated in accordance with this section. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (*e.g.*, bag leak detectors, electrostatic precipitator secondary power, PM scrubber pressure):

(1) Install, calibrate, operate, and maintain your PM CPMS according to the procedures in your approved site-specific monitoring plan developed in accordance with § 62.14640a(1) and (r)(1)(i) through (iii) of this section:

(i) The operating principle of the PM CPMS must be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS must be expressed as millamps or the digital signal equivalent;

(ii) The PM CPMS must have a cycle time (*i.e.*, period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes; and

(iii) The PM CPMS must be capable of detecting and responding to particulate matter concentrations increments no greater than 0.5 mg/actual cubic meter.

(2) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit in this subpart, you must adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in § 62.14605a.

(3) Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as

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milliamps or the digital signal equivalent.

(4) Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps or digital bits).

(5) You must collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in paragraph (r)(1)(ii) of this section, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in your site-specific monitoring plan.

(6) You must use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with your operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in your annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in your annual deviation report); and

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this subpart.

(7) You must record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from

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when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with your site-specific monitoring plan.

(8) For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, you must:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value;

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit in this subpart and to verify the operation of the emissions control device(s). Within 45 days of the deviation, you must re-establish the CPMS operating limit. You are not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this paragraph (r)(8)(iii); and

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this subpart.

(s) If you use a dry scrubber to comply with the emission limits of this subpart, you must monitor the injection rate of each sorbent and maintain the 3-hour block averages at or above the operating limits established during the hydrogen chloride performance test.

(t) If you are required to monitor clinker production because you comply with the production-rate based mercury limit in this subpart for your waste-burning kiln, you must:

(1) Determine hourly clinker production by one of two methods:

(i) Install, calibrate, maintain, and operate a permanent weigh scale system to measure and record weight rates in tons-mass per hour of the amount of clinker produced. The system of measuring hourly clinker pro-

duction must be maintained within  $\pm 5$  percent accuracy; or

(ii) Install, calibrate, maintain, and operate a permanent weigh scale system to measure and record weight rates in tons-mass per hour of the amount of feed to the kiln. The system of measuring feed must be maintained within  $\pm 5$  percent accuracy. Calculate your hourly clinker production rate using a kiln-specific feed to clinker ratio based on reconciled clinker production determined for accounting purposes and recorded feed rates. Update this ratio monthly. Note that if this ratio changes at clinker reconciliation, you must use the new ratio going forward, but you do not have to retroactively change clinker production rates previously estimated.

(2) Determine the accuracy of the system of measuring hourly clinker production (or feed mass flow if applicable) before the final compliance date under this subpart and during each quarter of source operation.

(3) Conduct accuracy checks in accordance with the procedures outlined in your site-specific monitoring plan under § 62.14640a(1).

**§ 62.14670a Is there a minimum amount of monitoring data I must obtain?**

For each continuous monitoring system required or optionally allowed under § 62.14665a, you must monitor and collect data according to this section:

(a) You must operate the monitoring system and collect data at all required intervals at all times compliance is required except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods (as specified in § 62.14705a(o)), and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part

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by poor maintenance or careless operation are not malfunctions. You are required to effect monitoring system repairs in response to monitoring system malfunctions or out-of-control periods and to return the monitoring system to operation as expeditiously as practicable.

(b) You may not use data recorded during monitoring system malfunctions, repairs associated with monitoring system malfunctions or out-of-control periods, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating levels. You must use all the data collected during all other periods, including data normalized for above scale readings, in assessing the operation of the control device and associated control system.

(c) Except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments, failure to collect required data is a deviation of the monitoring requirements.

**RECORDKEEPING AND REPORTING****§ 62.14675a What records must I keep?**

You must maintain the items (as applicable) as specified in paragraphs (a) through (o) of this section for a period of at least 5 years:

(a) Calendar date of each record.

(b) Records of the data described in paragraphs (b)(1) through (7) of this section:

(1) The CISWI charge dates, times, weights, and hourly charge rates;

(2) Liquor flow rate to the wet scrubber inlet every 15 minutes of operation, as applicable;

(3) Pressure drop across the wet scrubber system every 15 minutes of operation or amperage to the wet scrubber every 15 minutes of operation, as applicable; and

(4) Liquor pH as introduced to the wet scrubber every 15 minutes of operation, as applicable.

(5) For affected CISWI that establish operating limits for controls other

than wet scrubbers under § 62.14610a, you must maintain data collected for all operating parameters used to determine compliance with the operating limits. For energy recovery units using activated carbon injection or a dry scrubber, you must also maintain records of the load fraction and corresponding sorbent injection rate records; and

(6) If a fabric filter is used to comply with the emission limitations, you must record the date, time, and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in § 62.14605a(c).

(7) If you monitor clinker production in accordance with § 62.14665a(t):

(i) Hourly clinker rate produced if clinker production is measured directly;

(ii) Hourly measured kiln feed rates and calculated clinker production rates if clinker production is not measured directly;

(iii) Thirty (30)-day rolling averages for mercury in pounds per million tons of clinker produced; and

(iv) The initial and quarterly accuracy of the system of measuring hourly clinker production (or feed mass flow).

(c) Identification of calendar dates and times for which data show a deviation from the operating limits in table 1 to this subpart or a deviation from other operating limits established under § 62.14605a(d) through (g) or § 62.14610a with a description of the deviations, reasons for such deviations, and a description of corrective actions taken.

(d) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating limits, as applicable. Retain a copy of the complete test report including calculations.

(e) Records showing the names of CISWI operators who have completed review of the information in § 62.14590a(a) as required by § 62.14590a(b), including the date of the

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initial review and all subsequent annual reviews.

(f) Records showing the names of the CISWI operators who have completed the operator training requirements under § 62.14565a, met the criteria for qualification under § 62.14575a, and maintained or renewed their qualification under § 62.14580a or § 62.14585a. Records must include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(g) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(h) Records of calibration of any monitoring devices as required under § 62.14665a.

(i) Equipment vendor specifications and related operation and maintenance requirements for the incinerator, emission controls, and monitoring equipment.

(j) The information listed in § 62.14590a(a).

(k) On a daily basis, keep a log of the quantity of waste burned and the types of waste burned (always required).

(l) Maintain records of the annual air pollution control device inspections that are required for each CISWI subject to the emissions limits in tables 4 through 7 to this subpart, any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the state regulatory agency.

(m) For continuously monitored pollutants or parameters, you must document and keep a record of the following parameters measured using continuous monitoring systems. If you monitor emissions with a CEMS, you must indicate which data are CEMS data during startup and shutdown:

(1) All 6-minute average levels of opacity;

(2) All 1-hour average concentrations of sulfur dioxide emissions;

(3) All 1-hour average concentrations of nitrogen oxides emissions;

(4) All 1-hour average concentrations of carbon monoxide emissions;

(5) All 1-hour average concentrations of particulate matter emissions;

(6) All 1-hour average concentrations of mercury emissions;

(7) All 1-hour average concentrations of HCl CEMS outputs;

(8) All 1-hour average percent oxygen concentrations; and

(9) All 1-hour average PM CPMS readings or particulate matter CEMS outputs.

(n) Records indicating use of the bypass stack, including dates, times and durations.

(o) If you choose to stack test less frequently than annually, consistent with § 62.14655a, you must keep annual records that document that your emissions in the previous stack test(s) were less than 75 percent of the applicable emission limit and document that there was no change in source operations including fuel composition and operation of air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past year.

(p) Records of the occurrence and duration of each malfunction of operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment.

(q) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(r) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 60.11(d) of this chapter, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(s) For operating units that combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to § 241.3(b)(1) of this chapter, you must keep a record which documents how the secondary material meets each of the legitimacy criteria under § 241.3(d)(1) of this chapter. If you combust a fuel that has been processed from a discarded non-hazardous secondary material pursuant to § 241.3(b)(4) of this chapter, you must keep records as to how the operations that produced the fuel satisfies the definition of processing in § 241.2 of this chapter and each of the legitimacy criteria in § 241.3(d)(1). If the fuel received a non-waste determination pursuant to

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the petition process submitted under § 241.3(c) of this chapter, you must keep a record that documents how the fuel satisfies the requirements of the petition process. For operating units that combust non-hazardous secondary materials as fuel per § 241.4 of this chapter, you must keep records documenting that the material is a listed non-waste under § 241.4(a) of this chapter.

(t) Records of the criteria used to establish that 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)) and that the waste material the unit is proposed to burn is homogeneous.

(u) Records of the criteria used to establish that the unit qualifies as a co-generation facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) and that the waste material the unit is proposed to burn is homogeneous.

**§ 62.14680a Where and in what format must I keep my records?**

All records must be available onsite in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Administrator.

**§ 62.14685a What reports must I submit?**

See table 3 to this subpart for a summary of the reporting requirements.

**§ 62.14690a When must I submit my waste management plan?**

You must submit a waste management plan no later than January 10, 2025, or the date you recommence burning solid waste, whichever is later.

**§ 62.14695a What information must I submit following my initial performance test?**

You must submit the information specified in paragraphs (a) through (c) of this section no later than 60 days following the initial performance test. All reports must be signed by the facilities manager:

(a) The complete test report for the initial performance test results obtained under § 62.14625a, as applicable;

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(b) The values for the site-specific operating limits established in § 62.14605a or § 62.14610a; and

(c) If you are using a fabric filter to comply with the emission limitations in this subpart, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by § 62.14665a(b).

**§ 62.14700a When must I submit my annual report?**

You must submit an annual report no later than 12 months following the submission of the information in § 62.14695a. You must submit subsequent reports no more than 12 months following the previous report. (If the unit is subject to permitting requirements under title V of the Clean Air Act, you may be required by the permit to submit these reports more frequently.)

**§ 62.14705a What information must I include in my annual report?**

The annual report required under § 62.14700a must include the items listed in paragraphs (a) through (p) of this section. If you have a deviation from the operating limits or the emission limitations in this subpart, you must also submit deviation reports as specified in §§ 62.14710a, 62.14715a, and 62.14720a.

(a) Company name and address;

(b) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report. If your report is submitted via the Compliance and Emissions Data Reporting Interface (CEDRI), the certifier's electronic signature during the submission process replaces this requirement;

(c) Date of report and beginning and ending dates of the reporting period. You are no longer required to provide the date of the report when the report is submitted via CEDRI;

(d) The values for the operating limits established pursuant to § 62.14605a or § 62.14610a;

(e) If no deviation from any emission limitation or operating limit that applies to you has been reported, a statement that there was no deviation from

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the emission limitations or operating limits during the reporting period;

(f) The highest recorded 3-hour average and the lowest recorded 3-hour average (30-day average for energy recovery units), as applicable, for each operating parameter recorded for the calendar year being reported;

(g) Information recorded under § 62.14675a(b)(6) and (c) through (e) for the calendar year being reported;

(h) For each performance test conducted during the reporting period, if any performance test is conducted, the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted. Submit, following the procedure specified in § 62.14730a(b)(1), the performance test report no later than the date that you submit the annual report;

(i) If you met the requirements of § 62.14655a, and did not conduct a performance test during the reporting period, you must state that you met the requirements of § 62.14655a, and, therefore, you were not required to conduct a performance test during the reporting period;

(j) The start date, start time, and duration (in hours) of periods when all qualified CISWI operators were unavailable for more than 8 hours, but less than 2 weeks;

(k) If you had a malfunction during the reporting period, the compliance report must include the start date, start time, duration (in hours), and a brief description for each malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 60.11(d) of this chapter, including actions taken to correct a malfunction;

(l) For each deviation from an emission or operating limitation that occurs for a CISWI for which you are not using a CMS to comply with the emission or operating limitations in this subpart, the annual report must contain the following information:

(1) The total operating time (in hours) of the CISWI at which the devi-

ation occurred during the reporting period; and

(2) Information on the start date, start time, duration (in hours), and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken;

(m) If there were periods during which the continuous monitoring system, including the CEMS, was out of control as specified in paragraph (o) of this section, the annual report must contain the following information for each deviation from an emission or operating limitation occurring for a CISWI for which you are using a continuous monitoring system to comply with the emission and operating limitations in this subpart:

(1) The date and time that each malfunction started and stopped;

(2) The start and end date and time and duration (in hours) that each CMS was inoperative, except for zero (low-level) and high-level checks;

(3) The start and end date and time and duration (in hours) that each continuous monitoring system was out-of-control, and descriptions of corrective actions taken;

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period;

(5) A summary of the total duration (in hours) of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period;

(6) A breakdown of the total duration (in hours) of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes;

(7) A summary of the total duration (in hours) of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the CISWI at which the continuous monitoring system downtime occurred during that reporting period;

(8) An identification of each parameter and pollutant that was monitored at the CISWI;

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- (9) A brief description of the CISWI;
- (10) A brief description of the continuous monitoring system;
- (11) The date of the latest continuous monitoring system certification or audit; and
- (12) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period;
- (n) If there were periods during which the continuous monitoring system, including the CEMS, was not out of control as specified in paragraph (o) of this section, a statement that there were not periods during which the continuous monitoring system was out of control during the reporting period;
- (o) A continuous monitoring system is out of control if any of the following occur:
  - (1) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard;
  - (2) The continuous monitoring system fails a performance test audit (*e.g.*, cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit; and
  - (3) The continuous opacity monitoring system calibration drift exceeds two times the limit in the applicable performance specification in the relevant standard; and
- (p) For energy recovery units, include the annual heat input and average annual heat input rate of all fuels being burned in the unit to verify which subcategory of energy recovery unit applies.

**§ 62.14710a What else must I report if I have a deviation from the operating limits or the emission limitations?**

- (a) You must submit a deviation report if any recorded 3-hour average (30-day average for energy recovery units or for PM CPMS) parameter level is above the maximum operating limit or below the minimum operating limit established under this subpart, if the bag leak detection system alarm sounds for more than 5 percent of the operating time for any 6-month reporting period, if a performance test was conducted that deviated from any emission limi-

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tation, or if a 30-day average measured using a CEMS deviated from any emission limitation.

(b) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).

**§ 62.14715a What must I include in the deviation report?**

In each report required under § 62.14710a, for any pollutant or parameter that deviated from the emission limitations or operating limits specified in this subpart, include the four items described in paragraphs (a) through (d) of this section.

(a) The calendar dates and times your unit deviated from the emission limitations or operating limit requirements;

(b) The averaged and recorded data for the dates in paragraph (a) of this section;

(c) Duration and causes of the following:

- (1) Each deviation from the emission limitations or operating limits and your corrective actions; and

- (2) Bypass events and your corrective actions. Include the calendar date and start time of the bypass event; and

- (d) A copy of the operating limit monitoring data during each deviation and, for any test report that documents the emission levels, the process unit(s) tested, the pollutant(s) tested and the date that the performance test was conducted. Submit, following the procedure specified in § 62.14730a(b)(1), the performance test report no later than the date that you submit the deviation report.

**§ 62.14720a What else must I report if I have a deviation from the requirement to have a qualified operator accessible?**

- (a) If all qualified operators are not accessible for two weeks or more, you must take the two actions in paragraphs (a)(1) and (2) of this section.

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(1) You must submit a notification of the deviation within 10 days that includes the three items in paragraphs (a)(1)(i) through (iii) of this section.

(i) A statement of what caused the deviation;

(ii) A description of what you are doing to ensure that a qualified operator is accessible; and

(iii) The date when you anticipate that a qualified operator will be available.

(2) Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (a)(2)(i) through (iii) of this section.

(i) A description of what you are doing to ensure that a qualified operator is accessible;

(ii) The date when you anticipate that a qualified operator will be accessible; and

(iii) Request approval from the Administrator to continue operation of the CISWI.

(b) If your unit was shut down by the Administrator, under the provisions of § 62.14595a(b)(2), due to a failure to provide an accessible qualified operator, you must notify the Administrator that you are resuming operation once a qualified operator is accessible.

**§ 62.14725a Are there any other notifications or reports that I must submit?**

(a) Yes. You must submit notifications as provided by § 60.7 of this chapter.

(b) If you cease combusting solid waste but continue to operate, you must provide 30 days prior notice of the effective date of the waste-to-fuel switch, consistent with § 62.14640a(a). The notification must identify:

(1) The name of the owner or operator of the CISWI, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(2) The currently applicable subcategory under this subpart, and any subpart and subcategory under 40 CFR part 63 that will be applicable after you cease combusting solid waste;

(3) The fuel(s), non-waste material(s), and solid waste(s) the CISWI is currently combusting and has combusted over the past 6 months, and the fuel(s)

or non-waste materials the unit will commence combusting;

(4) The date on which you became subject to the currently applicable emission limits; and

(5) The date upon which you will cease combusting solid waste, and the date (if different) that you intend for any new requirements to become applicable (*i.e.*, the effective date of the waste-to-fuel switch), consistent with paragraphs (b)(2) and (3) of this section.

**§ 62.14730a In what form can I submit my reports?**

(a) Submit initial, annual, and deviation reports electronically or in paper format, postmarked on or before the submittal due dates. Beginning on January 10, 2025, or once the reporting form has been available in CEDRI for 1 year, whichever is later, you must submit subsequent reports on or before the submittal dates to the EPA via the CEDRI, which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov>). Use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). When the date forms become available in CEDRI, they will be listed on the CEDRI website. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, submit the report to the Administrator at the appropriate address listed in § 60.4 of this chapter. Once the form has been available in CEDRI for 90 calendar days, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the report is submitted.

(b) Submit results of each performance test and CEMS performance evaluation required by this subpart as follows:

(1) Within 60 days after the date of completing each performance test (see § 60.8 of this chapter) required by this subpart, you must submit the results of

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the performance test following the procedure specified in either paragraph (b)(1)(i) or (ii) of this section:

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test, you must submit the results of the performance test to the EPA via the CEDRI. CEDRI can be accessed through the EPA's CDX (<https://cdx.epa.gov>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the XML schema listed on the EPA's ERT website. If you claim that some of the performance test information being submitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph (b)(1)(i); and

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 60.4 of this chapter.

(2) Within 60 days after the date of completing each CEMS performance evaluation you must submit the results of the performance evaluation following the procedure specified in either paragraph (b)(2)(i) or (ii) of this section. In the situation where performance evaluations cover multiple days, the results may be submitted together up to 60 days after all performance evaluations are completed.

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(i) For performance evaluations of continuous monitoring systems measuring RATA pollutants that are supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must submit the results of the performance evaluation to the EPA via the CEDRI. CEDRI can be accessed through the EPA's CDX. Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT or an alternate file format consistent with the XML schema listed on the EPA's ERT website. If you claim that some of the performance evaluation information being submitted is CBI, you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic storage media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph (b)(2)(i); and

(ii) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the evaluation, you must submit the results of the performance evaluation to the Administrator at the appropriate address listed in § 60.4 of this chapter.

(c) If you are required to electronically submit a report through the CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting

requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time, and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(d) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (e.g., hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (e.g., large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the

event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

**§ 62.14735a Can reporting dates be changed?**

If the Administrator agrees, you may change the semiannual or annual reporting dates. See § 60.19(c) of this chapter for procedures to seek approval to change your reporting date.

AIR CURTAIN INCINERATORS (ACIS)

**§ 62.14740a What is an air curtain incinerator?**

(a) An ACI operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.

(b) Air curtain incinerators that burn only the materials listed in paragraphs (b)(1) through (3) of this section are only required to meet the requirements under § 62.14770a, this section, and §§ 62.14745a through 62.14765a:

- (1) One hundred (100) percent wood waste;
- (2) One hundred (100) percent clean lumber; and
- (3) One hundred (100) percent mixture of only wood waste, clean lumber, and/or yard waste.

**§ 62.14745a****§ 62.14745a What must I do if I close my air curtain incinerator and then restart it?**

(a) If you close your incinerator but will reopen it prior to the final compliance date in this subpart, you must comply with the final standards in this subpart on January 10, 2025.

(b) If you close your incinerator but will restart it after January 10, 2025, you must complete emission control retrofits and meet the emission limitations under this subpart on the date your incinerator restarts operation.

**§ 62.14750a What must I do if I plan to permanently close my air curtain incinerator and not restart it?**

If you plan to permanently close your incinerator rather than comply with this subpart, submit a closure notification, including the date of closure, to the Administrator no later than six months prior to the date your operation will cease. The closure date cannot be later than January 10, 2025, for sources that will not operate on and after the compliance date under this subpart. In addition, while still in operation, your air curtain incinerator is subject to the same requirement to apply for and obtain an operating permit under title V of the Clean Air Act that applies to an air curtain incinerator that will not be permanently closing.

**§ 62.14755a What are the emission limitations for air curtain incinerators?**

After the date the initial test for opacity is required or completed (whichever is earlier), you must meet the limitations in paragraphs (a) and (b) of this section.

(a) Maintain opacity to less than or equal to 10 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values), except as described in paragraph (b) of this section.

(b) Maintain opacity to less than or equal to 35 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) during the startup period that is within the first 30 minutes of operation.

**40 CFR Ch. I (7-1-25 Edition)****§ 62.14760a How must I monitor opacity for air curtain incinerators?**

(a) Use Method 9 of 40 CFR part 60, appendix A-4, to determine compliance with the opacity limitation.

(b) Conduct an initial test for opacity as specified in § 60.8 of this chapter no later than 180 days after your final compliance date under this subpart.

(c) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of your previous test.

**§ 62.14765a What are the record-keeping and reporting requirements for air curtain incinerators?**

(a) Keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Administrator approves another format, for at least 5 years.

(b) Make all records available for submittal to the Administrator or for an inspector's onsite review.

(c) Submit an initial report no later than 60 days following the initial opacity test that includes the information specified in paragraphs (c)(1) and (2) of this section.

(1) The types of materials you plan to combust in your ACI; and

(2) The results (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) of the initial opacity tests.

(d) Submit annual opacity test results within 12 months following the previous report.

(e) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy onsite for a period of 5 years.

**TITLE V REQUIREMENTS****§ 62.14770a Am I required to apply for and obtain a title V operating permit for my unit?**

Yes. Each CISWI and ACI subject to standards under this subpart must operate pursuant to a permit issued under section 129(e) and title V of the Clean Air Act.

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## § 62.14780a

### DELEGATION OF AUTHORITY

#### § 62.14775a What authorities are withheld by the EPA Administrator?

The following authorities are withheld by the EPA Administrator and not transferred to the state or tribe:

(a) Approval of alternatives to the emission limitations in tables 4 through 7 to this subpart and operating limits established under § 62.14605a and table 1 to this subpart.

(b) Approval of petitions submitted pursuant to the requirements of § 62.14610a establishing operating parameters when using controls other than a wet scrubber, fabric filter, activated carbon injection, selective non-catalytic reduction, or a dry scrubber to comply with the emission limitations in tables 4 through 7 to this subpart.

(c) Approval of major alternatives to test methods established under § 62.14615a and tables 4 through 7 to this subpart.

(d) Approval of major alternatives to monitoring requirements established under §§ 62.14665a and 62.14575a and table 1 to this subpart.

(e) Approval of major alternatives to recordkeeping and reporting requirements of this subpart.

(f) Approval of an alternative to any electronic reporting to the EPA required by this subpart.

(g) Approval of requests submitted pursuant to the requirements in § 62.14595a(b)(2).

(h) Approval of alternative opacity emission limits in § 62.14600a under § 60.11(e)(6) through (8) of this chapter.

(i) Performance test and data reduction waivers under § 62.14615a(j) and § 60.8(b)(4) and (5) of this chapter.

(j) Determination of whether a qualifying small power production facility or cogeneration facility under § 62.14530a(d) or (e) is combusting homogeneous waste.

### DEFINITIONS

#### § 62.14780a What definitions must I know?

Terms used but not defined in this subpart are defined in the Clean Air Act, 40 CFR part 60, subparts A and B, and subpart A of this part.

*30-day rolling average* means the arithmetic mean of the previous 720 hours of valid operating data. Valid data excludes periods when this unit is not operating. The 720 hours should be consecutive, but not necessarily continuous if operations are intermittent.

*Administrator* means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.

*Agricultural waste* means vegetative agricultural materials such as nut and grain hulls and chaff (e.g., almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds, and other vegetative waste materials generated as a result of agricultural operations.

*Air curtain incinerator (ACI)* means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. Air curtain incinerators are different from conventional combustion devices which typically have enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.

*Annual heat input* means the heat input for the 12 months preceding the compliance demonstration.

*Auxiliary fuel* means natural gas, liquefied petroleum gas, fuel oil, or diesel fuel.

*Average annual heat input rate* means annual heat input divided by the hours of operation for the 12 months preceding the compliance demonstration.

*Bag leak detection system* means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (i.e., baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

*Burn-off oven* means any rack reclamation unit, part reclamation unit, or drum reclamation unit. A burn-off oven is not an incinerator, waste-burning kiln, an energy recovery unit or a

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small, remote incinerator under this subpart.

*Bypass stack* means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

*Calendar quarter* means 3 consecutive months (non-overlapping) beginning on: January 1, April 1, July 1, or October 1.

*Calendar year* means 365 consecutive days starting on January 1 and ending on December 31.

*CEMS data during startup and shutdown* means the following:

(1) For incinerators and small, remote incinerators: CEMS data collected during the first hours of operation of a CISWI startup from a cold start until waste is fed into the unit and the hours of operation following the cessation of waste material being fed to the CISWI during a unit shutdown. For each startup event, the length of time that CEMS data may be claimed as being CEMS data during startup must be 48 operating hours or less. For each shutdown event, the length of time that CEMS data may be claimed as being CEMS data during shutdown must be 24 operating hours or less;

(2) For energy recovery units: CEMS data collected during the startup or shutdown periods of operation. Startup begins with either the first-ever firing of fuel in a boiler or process heater for the purpose of supplying useful thermal energy (such as steam or heat) for heating, cooling, or process purposes, or producing electricity, or the firing of fuel in a boiler or process heater for any purpose after a shutdown event. Startup ends four hours after when the boiler or process heater makes useful thermal energy (such as heat or steam) for heating, cooling, or process purposes, or generates electricity, whichever is earlier. Shutdown begins when the boiler or process heater no longer makes useful thermal energy (such as heat or steam) for heating, cooling, or process purposes and/or generates electricity or when no fuel is being fed to the boiler or process heater, whichever is earlier. Shutdown ends when the boiler or process heater no longer makes useful thermal energy (such as steam or heat) for heating, cooling, or

process purposes and/or generates electricity, and no fuel is being combusted in the boiler or process heater; and

(3) For waste-burning kilns: CEMS data collected during the periods of kiln operation that do not include normal operations. *Startup* means the time from when a shutdown kiln first begins firing fuel until it begins producing clinker. Startup begins when a shutdown kiln turns on the induced draft fan and begins firing fuel in the main burner. Startup ends when feed is being continuously introduced into the kiln for at least 120 minutes or when the feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first. *Shutdown* means the cessation of kiln operation. Shutdown begins when feed to the kiln is halted and ends when continuous kiln rotation ceases.

*Chemical recovery unit* means 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. A chemical recovery unit is not an incinerator, a waste-burning kiln, an energy recovery unit, or a small, remote incinerator under this subpart. The following seven types of units 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/residue containing catalyst metals that 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; and

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(7) Units burning only photographic film to recover silver.

*Chemotherapeutic waste* means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

*Clean lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

*Commercial and industrial solid waste incineration unit (CISWI)* means any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined in 40 CFR part 241. If the operating unit burns materials other than traditional fuels as defined in § 241.2 of this chapter that have been discarded, and you do not keep and produce records as required by § 62.14675a(s), the operating unit is a CISWI. While not all CISWI will include all of the following components, a CISWI includes, but is not limited to, the solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The CISWI does not include air pollution control equipment or the stack. The CISWI boundary starts at the solid waste hopper (if applicable) and extends through two areas: The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and the combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The CISWI includes all ash handling systems connected to the bottom ash handling system.

*Contained gaseous material* means gases that are in a container when that container is combusted.

*Continuous emission monitoring system (CEMS)* means the total equipment that may be required to meet the data acquisition and availability requirements of this subpart, used to sample,

condition (if applicable), analyze, and provide a record of emissions.

*Continuous monitoring system (CMS)* means the total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters. A particulate matter continuous parameter monitoring system (PM CPMS) is a type of CMS.

*Cyclonic burn barrel* means a combustion device for waste materials that is attached to a 55 gallon, open-head drum. The device consists of a lid, which fits onto and encloses the drum, and a blower that forces combustion air into the drum in a cyclonic manner to enhance the mixing of waste material and air. A cyclonic burn barrel is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation, operating limit, or operator qualification and accessibility requirements; and

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

*Dioxins/furans* means tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

*Discard* means, for purposes of this subpart and 40 CFR part 60, subpart DDDD, only, burned in an incineration unit without energy recovery.

*Drum reclamation unit* means a unit that burns residues out of drums (e.g., 55 gallon drums) so that the drums can be reused.

*Dry scrubber* means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection

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systems in fluidized bed boilers and process heaters are included in this definition. A dry scrubber is a dry control system.

*Energy recovery* means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating.

*Energy recovery unit* means a combustion unit combusting solid waste (as defined by the Administrator in 40 CFR part 241) for energy recovery. Energy recovery units include units that would be considered boilers and process heaters if they did not combust solid waste.

*Energy recovery unit designed to burn biomass (biomass)* means an energy recovery unit that burns solid waste, biomass, and non-coal solid materials but less than 10 percent coal, on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

*Energy recovery unit designed to burn coal (coal)* means an energy recovery unit that burns solid waste and at least 10 percent coal on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

*Energy recovery unit designed to burn liquid waste materials and gas (liquid/gas)* means an energy recovery unit that burns a liquid waste with liquid or gaseous fuels not combined with any solid fuel or waste materials.

*Energy recovery unit designed to burn solid materials (solids)* includes energy recovery units designed to burn coal and energy recovery units designed to burn biomass.

*Fabric filter* means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

*Foundry sand thermal reclamation unit* means a type of part reclamation unit that removes coatings that are on foundry sand. A foundry sand thermal reclamation unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Incinerator* means any furnace used in the process of combusting solid waste (as defined by the Administrator in 40 CFR part 241) for the purpose of reducing the volume of the waste by remov-

ing combustible matter. Incinerator designs include single chamber and two-chamber.

*In-line coal mill* means those coal mills using kiln exhaust gases in their process. Coal mills with a heat source other than the kiln or coal mills using exhaust gases from the clinker cooler alone are not an in-line coal mill.

*In-line kiln/raw mill* means a system in a Portland Cement production process where a dry kiln system is integrated with the raw mill so that all or a portion of the kiln exhaust gases are used to perform the drying operation of the raw mill, with no auxiliary heat source used. In this system the kiln is capable of operating without the raw mill operating, but the raw mill cannot operate without the kiln gases, and consequently, the raw mill does not generate a separate exhaust gas stream.

*Kiln* means an oven or furnace, including any associated preheater or precalciner devices, in-line raw mills, in-line coal mills, or alkali bypasses used for processing a substance by burning, firing, or drying. Kilns include cement kilns that produce clinker by heating limestone and other materials for subsequent production of Portland Cement. Because the alkali bypass, in-line raw mill, and in-line coal mill are considered an integral part of the kiln, the kiln emissions limits also apply to the exhaust of the alkali bypass, in-line raw mill, and in-line coal mill.

*Laboratory analysis unit* means units that burn samples of materials for the purpose of chemical or physical analysis. A laboratory analysis unit is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Load fraction* means the actual heat input of an energy recovery unit divided by heat input during the performance test that established the minimum sorbent injection rate or minimum activated carbon injection rate, expressed as a fraction (e.g., for 50 percent load the load fraction is 0.5).

*Low-level radioactive waste* means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable Federal or state standards

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for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

*Minimum voltage or amperage* means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured during the most recent particulate matter or mercury performance test demonstrating compliance with the applicable emission limits.

*Modification or modified CISWI* means a CISWI you have changed later than August 7, 2013, and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the CISWI (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI used to calculate these costs, see the definition of CISWI; and

(2) Any physical change in the CISWI or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

*Municipal solid waste or municipal-type solid waste* means household, commercial/retail, or institutional waste. Household waste includes material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes materials discarded by schools, by hospitals (non-medical), by nonmanufacturing activities at prisons and government facilities, and other similar establishments

or facilities. Household, commercial/retail, and institutional waste does include yard waste and refuse-derived fuel. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which include railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

*Opacity* means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

*Operating day* means a 24-hour period between 12 midnight and the following midnight during which any amount of solid waste is combusted at any time in the CISWI.

*Oxygen analyzer system* means all equipment required to determine the oxygen content of a gas stream and used to monitor oxygen in the boiler or process heater flue gas, boiler/process heater, firebox, or other appropriate location. This definition includes oxygen trim systems and certified oxygen CEMS. The source owner or operator is responsible to install, calibrate, maintain, and operate the oxygen analyzer system in accordance with the manufacturer's recommendations.

*Oxygen trim system* means a system of monitors that is used to maintain excess air at the desired level in a combustion device over its operating range. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller or draft controller.

*Part reclamation unit* means a unit that burns coatings off parts (e.g., tools, equipment) so that the parts can be reconditioned and reused.

*Particulate matter* means total particulate matter emitted from CISWI as measured by Method 5 of 40 CFR part 60, appendix A-3, or Method 29 of 40 CFR part 60, appendix A-8.

*Pathological waste* means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

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*Performance evaluation* means the conduct of relative accuracy testing, calibration error testing, and other measurements used in validating the continuous monitoring system data.

*Performance test* means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

*Process change* means any of the following physical or operational changes:

(1) A physical change (maintenance activities excluded) to the CISWI which may increase the emission rate of any air pollutant to which a standard applies;

(2) An operational change to the CISWI where a new type of non-hazardous secondary material is being combusted;

(3) A physical change (maintenance activities excluded) to the air pollution control devices used to comply with the emission limits for the CISWI (e.g., replacing an electrostatic precipitator with a fabric filter); and

(4) An operational change to the air pollution control devices used to comply with the emission limits for the affected CISWI (e.g., change in the sorbent injection rate used for activated carbon injection).

*Rack reclamation unit* means a unit that burns the coatings off racks used to hold small items for application of a coating. The unit burns the coating overspray off the rack so the rack can be reused.

*Raw mill* means a ball or tube mill, vertical roller mill, or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

*Reconstruction* means rebuilding a CISWI and meeting two criteria:

(1) The reconstruction begins on or after August 7, 2013; and

(2) The cumulative cost of the construction over the life of the inciner-

ation unit exceeds 50 percent of the original cost of building and installing the CISWI (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI used to calculate these costs, see the definition of CISWI.

*Refuse-derived fuel* means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

(1) Low-density fluff refuse-derived fuel through densified refuse-derived fuel; and

(2) Pelletized refuse-derived fuel.

*Responsible official* means one of the following:

(1) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;

(2) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

(3) For a municipality, state, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this subpart, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(4) For affected facilities:

(i) The designated representative insofar as actions, standards, requirements, or prohibitions under title IV of

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the Clean Air Act or 40 CFR parts 72 through 78 are concerned; or

(ii) The designated representative for any other purposes under 40 CFR part 60.

*Shutdown* means, for incinerators and small, remote incinerators, the period of time after all waste has been combusted in the primary chamber.

*Small, remote incinerator* means an incinerator that combusts solid waste (as defined by the Administrator in 40 CFR part 241) and combusts 3 tons per day or less solid waste and is more than 25 miles driving distance to the nearest municipal solid waste landfill.

*Soil treatment unit* means a unit that thermally treats petroleum-contaminated soils for the sole purpose of site remediation. A soil treatment unit may be direct-fired or indirect fired. A soil treatment unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Solid waste* means the term solid waste as defined in § 241.2 of this chapter.

*Solid waste incineration unit* means a distinct operating unit of any facility which combusts any solid waste (as defined by the Administrator in 40 CFR part 241) material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). This definition does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term "solid waste incineration unit" does not include:

(1) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(2) Qualifying small power production facilities, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of

electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

(3) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

*Space heater* means a unit that meets the requirements of § 279.23 of this chapter. A space heater is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this subpart.

*Standard conditions*, when referring to units of measure, means a temperature of 68 °F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

*Startup period* means, for incinerators and small, remote incinerators, the period of time between the activation of the system and the first charge to the unit.

*Useful Thermal Energy* means energy (i.e., steam, hot water, or process heat) that meets the minimum operating temperature and/or pressure required by any energy use system that uses energy provided by the affected energy recovery unit.

*Waste-burning kiln* means a kiln that is heated, in whole or in part, by combusting solid waste (as defined by the Administrator in 40 CFR part 241). Secondary materials used in Portland cement kilns shall not be deemed to be combusted unless they are introduced into the flame zone in the hot end of the kiln or mixed with the precalciner fuel.

*Wet scrubber* means an add-on air pollution control device that utilizes an aqueous or alkaline scrubbing liquor to collect particulate matter (including non-volatile metals and condensed organics) and/or to absorb and neutralize acid gases.

*Wood waste* means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

(1) Grass, grass clippings, bushes, shrubs, and clippings from bushes and

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shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands;

- (2) Construction, renovation, or demolition wastes; or
- (3) Clean lumber.

**TABLE 1 TO SUBPART IIIA OF PART 62—OPERATING LIMITS FOR WET SCRUBBERS**

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording	Averaging time
Charge rate .....	Maximum charge rate.	Continuous .....	Every hour .....	1. Daily (batch units) 2. 3-hour rolling (continuous and intermittent units) <sup>1</sup> . 3-hour rolling <sup>1</sup> .
Pressure drop across the wet scrubber or amperage to wet scrubber.	Minimum pressure drop or amperage.	Continuous .....	Every 15 minutes.	
Scrubber liquor flow rate .....	Minimum flow rate	Continuous .....	Every 15 minutes.	3-hour rolling <sup>1</sup> .
Scrubber liquor pH .....	Minimum pH .....	Continuous .....	Every 15 minutes.	3-hour rolling <sup>1</sup> .

<sup>1</sup> Calculated each hour as the average of the previous 3 operating hours.

**TABLE 2 TO SUBPART IIIA OF PART 62—TOXIC EQUIVALENCY FACTORS**

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin .....	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin .....	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin .....	0.01
octachlorinated dibenzo-p-dioxin .....	0.001
2,3,7,8-tetrachlorinated dibenzofuran .....	0.1
2,3,4,7,8-pentachlorinated dibenzofuran .....	0.5
1,2,3,7,8-pentachlorinated dibenzofuran .....	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran .....	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran .....	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran .....	0.01
octachlorinated dibenzofuran .....	0.001

**TABLE 3 TO SUBPART IIIA OF PART 62—SUMMARY OF REPORTING REQUIREMENTS<sup>1</sup>**

Report	Due date	Contents	Reference
A. Waste Management Plan.	No later than January 10, 2025, or the date you commence burning solid waste, whichever is later.	Waste management plan .....	§ 62.14690a.
B. Initial Test Report	No later than 60 days following the initial performance test.	1. Complete test report for the initial performance test .... 2. The values for the site-specific operating limits. 3. Installation of bag leak detection systems for fabric filters.	§ 62.14695a.

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**TABLE 3 TO SUBPART IIIA OF PART 62—SUMMARY OF REPORTING REQUIREMENTS<sup>1</sup>—Continued**

Report	Due date	Contents	Reference
C. Annual report .....	No later than 12 months following the submission of the initial test report. Subsequent reports are to be submitted no more than 12 months following the previous report.	1. Name and address ..... 2. Statement and signature by responsible official. 3. Date of report. 4. Values for the operating limits. 5. Highest recorded 3-hour average and the lowest 3-hour average, as applicable, (or 30-day average, if applicable) for each operating parameter recorded for the calendar year being reported. 6. If a performance test was conducted during the reporting period, the results of the test. 7. If a performance test was not conducted during the reporting period, a statement that the requirements of § 62.14655a(a) were met. 8. Documentation of periods when all qualified CISWI operators were unavailable for more than 8 hours but less than 2 weeks. 9. If you are conducting performance tests once every 3 years consistent with § 62.14655a(a), the date of the last 2 performance tests, a comparison of the emission level you achieved in the last 2 performance tests to the 75 percent emission limit threshold required in § 62.14655a(a) and a statement as to whether there have been any operational changes since the last performance test that could increase emissions. 10. Any malfunction, deviation, or continuous monitoring system out of control periods information as specified in § 62.14705a(k) through (o). 11. Fuel input information for energy recovery unit sub-category verifications as specified in § 62.14705a(p).	§§ 62.14700a and 62.14705a. Subsequent reports are to be submitted no more than 12 months following the previous report.
D. Emission Limitation or Operating Limit Deviation Report.	By August 1 of that year for data collected during the first half of the calendar year. By February 1 of the following year for data collected during the second half of the calendar year.	1. Dates and times of deviations ..... 2. Averaged and recorded data for these dates. 3. Duration and causes for each deviation and the corrective actions taken. 4. Copy of operating limit monitoring data and any test reports. 5. Dates, times, and causes for monitor downtime incidents.	§§ 62.14710a and 62.14715a.
E. Qualified Operator Deviation Notification.	Within 10 days of deviation.	1. Statement of cause of deviation ..... 2. Description of efforts to have an accessible qualified operator. 3. The date a qualified operator will be accessible.	§ 62.14720a(a)(1)
F. Qualified Operator Deviation Status Report.	Every 4 weeks following deviation.	1. Description of efforts to have an accessible qualified operator. 2. The date a qualified operator will be accessible. 3. Request for approval to continue operation.	§ 62.14720a(a)(2).
G. Qualified Operator Deviation Notification of Resumed Operation.	Prior to resuming operation.	Notification that you are resuming operation .....	§ 62.14720a(b).

<sup>1</sup> This table is only a summary, see the referenced sections of this part for the complete requirements.

**TABLE 4 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO INCINERATORS ON AND AFTER JANUARY 10, 2025**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2</sup>
Cadmium .....	0.0026 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 2 dry standard cubic meters).	Performance test (Method 29 of appendix A-8 to 40 CFR part 60). Use inductively coupled plasma mass spectrometry (ICPMS) for the analytical finish.
Carbon monoxide ....	17 parts per million dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 10 of appendix A-4 to 40 CFR part 60).

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**TABLE 4 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO INCINERATORS ON AND AFTER JANUARY 10, 2025—Continued**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2</sup>
Dioxins/furans (total mass basis).	4.6 nanograms per dry standard cubic meter.	3-run average (collect a minimum volume of 2 dry standard cubic meters).	Performance test (Method 23 of appendix A-7 to 40 CFR part 60).
Dioxins/furans (toxic equivalency basis).	0.13 nanograms per dry standard cubic meter.	3-run average (collect a minimum volume of 2 dry standard cubic meters).	Performance test (Method 23 of appendix A-7 to 40 CFR part 60).
Hydrogen chloride .....	29 parts per million dry volume.	3-run average (for Method 26 of appendix A-8 to 40 CFR part 60, collect a minimum volume of 60 liters per run; for Method 26A of appendix A-8 to 40 CFR part 60, collect a minimum volume of 1 dry standard cubic meter per run).	Performance test (Method 26 or 26A of appendix A-8 to 40 CFR part 60).
Lead .....	0.015 milligrams per dry standard cubic meter <sup>2</sup> .	3-run average (collect a minimum volume of 2 dry standard cubic meters).	Performance test (Method 29 of appendix A-8 to 40 CFR part 60). Use ICPMS for the analytical finish.
Mercury .....	0.0048 milligrams per dry standard cubic meter.	3-run average (for Method 29 of appendix A-8 to 40 CFR part 60 an ASTM D6784-24, <sup>3</sup> collect a minimum volume of 2 dry standard cubic meters per run; for Method 30B of appendix A-8 to 40 CFR part 60, collect a minimum sample as specified in Method 30B).	Performance test (Method 29 or 30B of appendix A-8 to 40 CFR part 60) or ASTM D6784-24. <sup>3,4</sup>
Nitrogen oxides .....	53 parts per million dry volume.	3-run average (for Method 7E of appendix A-4 to 40 CFR part 60, 1 hour minimum sample time per run).	Performance test (Method 7 or 7E of appendix A-4 to 40 CFR part 60).
Particulate matter filterable.	34 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meter).	Performance test (Method 5 of appendix A-3 to 40 CFR part 60 or Method 29 of appendix A-8 to 40 CFR part 60).
Sulfur dioxide .....	11 parts per million dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 6 or 6c of appendix A-4 to 40 CFR part 60) or ANSI/ASME PTC-19.10-1981. <sup>3,5</sup>
Fugitive ash .....	Visible emissions for no more than 5% of the hourly observation period.	Three 1-hour observation periods .....	Visible emission test (Method 22 of appendix A-7 to 40 CFR part 60).

<sup>1</sup> All emission limitations are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

<sup>2</sup> In lieu of performance testing, you may use a CEMS or, for mercury, an integrated sorbent trap monitoring system, to demonstrate initial and continuing compliance with an emissions limit, as long as you comply with the CEMS or integrated sorbent trap monitoring system requirements applicable to the specific pollutant in §§ 62.14640a and 62.14665a. As prescribed in § 62.14640a(u), if you use a CEMS or integrated sorbent trap monitoring system to demonstrate compliance with an emissions limit, your averaging time is a 30-day rolling average of 1-hour arithmetic average emission concentrations.

<sup>3</sup> The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272-0167, <https://www.epa.gov>. You may inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <https://www.archives.gov/federal-register/cfr/lbr-locations.html>.

<sup>4</sup> ASTM D6784-24 Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved March 1, 2024]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; (Phone: 1-877-909-2786; website: <https://www.astm.org>).

<sup>5</sup> ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016-5990 (Phone: 1-800-843-2763; website: <https://www.asme.org>).

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**TABLE 5 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO ENERGY RECOVERY UNITS AFTER JANUARY 10, 2025**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2</sup>
	Liquid/gas	Solids	
Cadmium .....	0.023 milligrams per dry standard cubic meter.	Biomass—0.0014 milligrams per dry standard cubic meter. Coal—0.0017 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 2 dry standard cubic meters).
Carbon monoxide ...	35 parts per million dry volume.	Biomass—260 parts per million dry volume. Coal—95 parts per million dry volume.	3-run average (1 hour minimum sample time per run).
Dioxins/furans (total mass basis).	2.9 nanograms per dry standard cubic meter.	Biomass—0.52 nanograms per dry standard cubic meter. Coal—5.1 nanograms per dry standard cubic meter.	3-run average (collect a minimum volume of 4 dry standard cubic meter).
Dioxins/furans (toxic equivalence basis).	0.32 nanograms per dry standard cubic meter.	Biomass—0.12 nanograms per dry standard cubic meter. Coal—0.075 nanograms per dry standard cubic meter. <sup>2</sup>	3-run average (collect a minimum volume of 4 dry standard cubic meters).
Hydrogen chloride ...	14 parts per million dry volume.	Biomass—0.20 parts per million dry volume. Coal—58 parts per million dry volume.	3-run average (for Method 26 of appendix A-8 to 40 CFR part 60, collect a minimum of 120 liters; for Method 26A of appendix A-8 to 40 CFR part 60, collect a minimum volume of 1 dry standard cubic meter).
Lead .....	0.096 milligrams per dry standard cubic meter.	Biomass—0.014 milligrams per dry standard cubic meter. <sup>2</sup> Coal—0.057 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 2 dry standard cubic meters).
Mercury .....	0.0024 milligrams per dry standard cubic meter.	Biomass—0.0022 milligrams per dry standard cubic meter. Coal—0.013 milligrams per dry standard cubic meter.	3-run average (for Method 29 of appendix A-8 to 40 CFR part 60 and ASTM D6784-24, <sup>3</sup> collect a minimum volume of 2 dry standard cubic meters per run; for Method 30B of appendix A-8 to 40 CFR part 60, collect a minimum sample as specified in Method 30B).

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**TABLE 5 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO ENERGY RECOVERY UNITS AFTER JANUARY 10, 2025—Continued**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2</sup>
Nitrogen oxides .....	76 parts per million dry volume.	Biomass—290 parts per million dry volume. Coal—460 parts per million dry volume.	3-run average (for Method 7E of appendix A-4 to 40 CFR part 60, 1 hour minimum sample time per run).
Particulate matter filterable.	110 milligrams per dry standard cubic meter.	Biomass—11 milligrams per dry standard cubic meter. Coal—130 milligrams per dry standard cubic meter.	3-run average (collect a minimum cubic volume of 1 dry standard cubic meter) if the unit has an annual average heat input rate less than or equal to 250 MMbtu/hr; or PM CPMs (as specified in § 62.14670(x)) if the unit has an annual average heat input rate greater than 250 MMbtu/hr.
Sulfur dioxide .....	720 parts per million dry volume.	Biomass—7.3 parts per million dry volume. Coal—350 parts per million dry volume.	3-run average (1 hour minimum sample time per run).
Fugitive ash .....	Visible emissions for no more than 5 percent of the hourly observation period.	Visible emissions for no more than 5 percent of the hourly observation period.	Three 1-hour observation periods .... Visible emission test (Method 22 of appendix A-7 to 40 CFR part 60).

<sup>1</sup> All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

<sup>2</sup> In lieu of performance testing, you may use a CEMS or, for mercury, an integrated sorbent trap monitoring system, to demonstrate initial and continuing compliance with an emissions limit, as long as you comply with the CEMS or integrated sorbent trap monitoring system requirements applicable to the specific pollutant in §§ 62.14640a and 62.14665a. As prescribed in § 62.14640a(u), if you use a CEMS or integrated sorbent trap monitoring system to demonstrate compliance with an emissions limit, your averaging time is a 30-day rolling average of 1-hour arithmetic average emission concentrations.

<sup>3</sup> The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272-0167, <https://www.epa.gov>. You may inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

<sup>4</sup> ASTM D6784-24 Standard Test Method for Elemental Oxidized Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved March 1, 2024]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, (Phone: 1-877-909-2786; website: <https://www.astm.org/>).

<sup>5</sup> ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]. American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016–5990 (Phone: 1–800–843–2763; website: <https://www.asme.org>).

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**TABLE 6 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO WASTE-BURNING KILNS AFTER JANUARY 10, 2025**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2,3</sup>
Cadmium .....	0.0014 milligrams per dry standard cubic meter <sup>2</sup> .	3-run average (collect a minimum volume of 2 dry standard cubic meters).	Performance test (Method 29 of appendix A-8 to 40 CFR part 60).
Carbon monoxide ....	110 (long kilns)/790 (preheater/ precalciner) parts per million dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 10 of appendix A-4 to 40 CFR part 60).
Dioxins/furans (total mass basis).	1.3 nanograms per dry standard cubic meter.	3-run average (collect a minimum volume of 4 dry standard cubic meters).	Performance test (Method 23 of appendix A-7 to 40 CFR part 60).
Dioxins/furans (toxic equivalency basis).	0.075 nanograms per dry standard cubic meter <sup>2</sup> .	3-run average (collect a minimum volume of 4 dry standard cubic meters).	Performance test (Method 23 of appendix A-7 to 40 CFR part 60).
Hydrogen chloride ....	3.0 parts per million dry volume <sup>2</sup> .	3-run average (collect a minimum volume of 1 dry standard cubic meter) or 30-day rolling average if HCl CEMS is being used.	If a wet scrubber or dry scrubber is used, performance test (Method 321 of appendix A to 40 CFR part 63). If a wet scrubber or dry scrubber is not used, HCl CEMS as specified in § 62.14670(j).
Lead .....	0.014 milligrams per dry standard cubic meter <sup>2</sup> .	3-run average (collect a minimum volume of 2 dry standard cubic meters).	Performance test (Method 29 of appendix A-8 to 40 CFR part 60).
Mercury .....	0.011 milligrams per dry standard cubic meter. Or 58 pounds/million tons of clinker.	30-day rolling average .....	Mercury CEMS or integrated sorbent trap monitoring system (performance specification 12A or 12B, respectively, of appendix B to 40 CFR part 60 and procedure 5 of appendix F to 40 CFR part 60), as specified in § 62.14670(j).
Nitrogen oxides .....	630 parts per million dry volume.	3-run average (for Method 7E of appendix A-4 to 40 CFR part 60, 1 hour minimum sample time per run).	Performance test (Method 7 or 7E of appendix A-4 to 40 CFR part 60).
Particulate matter filterable.	13.5 milligrams per dry standard cubic meter.	30-day rolling average .....	PM CPMS (as specified in § 62.14670(x)).
Sulfur dioxide .....	600 parts per million dry volume.	3-run average (for Method 6 of appendix A-4 to 40 CFR part 60, collect a minimum of 20 liters; for Method 6C of appendix A-4 to 40 CFR part 60, 1 hour minimum sample time per run).	Performance test (Method 6 or 6C of appendix A-4 to 40 CFR part 60) or ANSI/ASME PTC-19.10-1981. <sup>4</sup>

<sup>1</sup> All emission limitations are measured at 7 percent oxygen (except for CEMS and integrated sorbent trap monitoring system data during startup and shutdown), dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

<sup>2</sup> In lieu of performance testing, you may use a CEMS or, for mercury, an integrated sorbent trap monitoring system, to demonstrate initial and continuing compliance with an emissions limit, as long as you comply with the CEMS or integrated sorbent trap monitoring system requirements applicable to the specific pollutant in §§ 62.14640a and 62.14665a. As prescribed in § 62.14640a(u), if you use a CEMS or integrated sorbent trap monitoring system to demonstrate compliance with an emissions limit, your averaging time is a 30-day rolling average of 1-hour arithmetic average emission concentrations.

<sup>3</sup> Alkali bypass and in-line coal mill stacks are subject to performance testing only, as specified in § 62.14640a(y)(3). They are not subject to the CEMS, integrated sorbent trap monitoring system, or CPMS requirements that otherwise may apply to the main kiln exhaust.

<sup>4</sup> ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus] is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the U.S. Environmental Protection Agency (EPA) and at the National Archives and Records Administration (NARA). Contact the EPA at: 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272-0167, <https://www.epa.gov>. For information on the availability of this material at NARA, visit <https://www.archives.gov/federal-register/cfr/ibr-locations> or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov). This material may be obtained from the American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016-5990; phone: 1-800-843-2763; website: <https://www.asme.org/>.

**TABLE 7 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO SMALL, REMOTE INCINERATORS AFTER JANUARY 10, 2025**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2</sup>
Cadmium .....	0.95 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 of appendix A-8 to 40 CFR part 60).
Carbon monoxide ....	64 parts per million dry volume.	3-run average (1 hour minimum sample time per run).	Performance test (Method 10 of appendix A-4 to 40 CFR part 60).

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**TABLE 7 TO SUBPART IIIA OF PART 62—MODEL RULE—EMISSION LIMITATIONS THAT APPLY TO SMALL, REMOTE INCINERATORS AFTER JANUARY 10, 2025—Continued**

For the air pollutant	You must meet this emission limitation <sup>1</sup>	Using this averaging time <sup>2</sup>	And determining compliance using this method <sup>2</sup>
Dioxins/furans (total mass basis).	4,400 nanograms per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 23 of appendix A-7 to 40 CFR part 60).
Dioxins/furans (toxic equivalency basis).	180 nanograms per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters).	Performance test (Method 23 of appendix A-7 to 40 CFR part 60).
Fugitive ash .....	Visible emissions for no more than 5 percent of the hourly observation period.	Three 1-hour observation periods .....	Visible emissions test (Method 22 of appendix A-7 to 40 CFR part 60).
Hydrogen chloride ...	300 parts per million dry volume.	3-run average (for Method 26 of appendix A-8 to 40 CFR part 60, collect a minimum volume of 120 liters per run; for Method 26A of appendix A-8 to 40 CFR part 60, collect a minimum volume of 1 dry standard cubic meter per run).	Performance test (Method 26 or 26A of appendix A-8 to 40 CFR part 60).
Lead .....	2.1 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters).	Performance test (Method 29 of appendix A-8 to 40 CFR part 60). Use ICPMS for the analytical finish.
Mercury .....	0.0053 milligrams per dry standard cubic meter.	3-run average (for Method 29 of appendix A-8 to 40 CFR part 60 and ASTM D6784-24, <sup>3</sup> collect a minimum volume of 2 dry standard cubic meters per run; for Method 30B of appendix A-8 to 40 CFR part 60, collect a minimum sample as specified in Method 30B).	Performance test (Method 29 or 30B of appendix A-8 to 40 CFR part 60) or ASTM D6784-24. <sup>4</sup>
Nitrogen oxides .....	190 parts per million dry volume.	3-run average (for Method 7E of appendix A-4 to 40 CFR part 60, 1 hour minimum sample time per run).	Performance test (Method 7 or 7E of appendix A-4 to 40 CFR part 60).
Particulate matter (filterable).	270 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters).	Performance test (Method 5 of appendix A-3 to 40 CFR part 60 or Method 29 of appendix A-8 to 40 CFR part 60).
Sulfur dioxide .....	150 parts per million dry volume.	3-run average (for Method 6 of appendix A-4 to 40 CFR part 60, collect a minimum of 20 liters per run; for Method 6C of appendix A-4 to 40 CFR part 60, 1 hour minimum sample time per run).	Performance test (Method 6 or 6C of appendix A-4 to 40 CFR part 60); or ANSI/ASME PTC-19.10-1981. <sup>5</sup>

<sup>1</sup> All emission limitations (except for opacity) are measured at 7 percent oxygen, dry basis at standard conditions. For dioxins/furans, you must meet either the total mass basis limit or the toxic equivalency basis limit.

<sup>2</sup> In lieu of performance testing, you may use a CEMS or, for mercury, an integrated sorbent trap monitoring system, to demonstrate initial and continuing compliance with an emissions limit, as long as you comply with the CEMS or integrated sorbent trap monitoring system requirements applicable to the specific pollutant in §§ 62.14640a and 62.14665a. As prescribed in § 62.14640a(u), if you use a CEMS or integrated sorbent trap monitoring system to demonstrate compliance with an emissions limit, your averaging time is a 30-day rolling average of 1-hour arithmetic average emission concentrations.

<sup>3</sup> The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 272-0167, <https://www.epa.gov>. You may inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <https://www.archives.gov/federal-register/cfr/lbr-locations.html>.

<sup>4</sup> ASTM D6784-24 Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved March 1, 2024]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; (Phone: 1-877-909-2786; website: <https://www.astm.org>).

<sup>5</sup> ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus]. American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016-5990 (Phone: 1-800-843-2763; website: <https://www.asme.org>).

## § 62.15000

### **Subpart JJJ—Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999**

SOURCE: 68 FR 5158, Jan. 31, 2003, unless otherwise noted.

#### INTRODUCTION

##### **§ 62.15000 What is the purpose of this subpart?**

(a) This subpart establishes emission requirements and compliance schedules for the control of emissions from existing small municipal waste combustion units that are not covered by an EPA approved and effective State plan. The pollutants addressed by these emission requirements are listed in tables 2, 3, 4, and 5 of this subpart. These emission requirements are developed in accordance with sections 111(d) and 129 of the Clean Air Act and subpart B of 40 CFR part 60.

(b) In this subpart, “you” means the owner or operator of a small municipal waste combustion unit.

##### **§ 62.15005 What are the principal components of this subpart?**

This subpart contains five major components:

- (a) Increments of progress toward compliance.
- (b) Good combustion practices:

  - (1) Operator training.
  - (2) Operator certification.
  - (3) Operating requirements.

- (c) Emission limits.
- (d) Monitoring and stack testing.
- (e) Recordkeeping and reporting.

#### APPLICABILITY OF THIS SUBPART

##### **§ 62.15010 Is my municipal waste combustion unit covered by this subpart?**

(a) This subpart applies to your small municipal waste combustion unit if the unit meets the criteria in paragraphs (a)(1) and (a)(2) and the criteria in either paragraph (a)(3) or (a)(4) of this section:

(1) Your municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste or refuse-derived fuel but no

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more than 250 tons per day of municipal solid waste or refuse-derived fuel.

(2) Your municipal waste combustion unit commenced construction on or before August 30, 1999.

(3) Your municipal waste combustion unit is not regulated by an EPA approved and effective State or Tribal plan.

(4) Your municipal waste combustion unit is located in any State whose approved State plan is subsequently vacated in whole or in part, or the municipal waste combustion unit is located in Indian country if the approved tribal plan for that area is subsequently vacated in whole or in part.

(b) If you make a change to your municipal waste combustion unit that meets the definition of modification or reconstruction after June 6, 2001, your municipal waste combustion unit becomes subject to subpart AAAA of 40 CFR part 60 (New Source Performance Standards for Small Municipal Waste Combustion Units) and this subpart no longer applies to your unit.

(c) If you make physical or operational changes to your existing municipal waste combustion unit primarily to comply with this subpart, then subpart AAAA of 40 CFR part 60 (New Source Performance Standards for Small Municipal Waste Combustion Units) does not apply to your unit. Such changes do not constitute modifications or reconstructions under subpart AAAA of 40 CFR part 60.

(d) Upon approval of the State or tribal plan, this subpart will no longer apply, except for the provisions of this subpart that may have been incorporated by reference under the State or Tribal plan, or delegated to the State by the Administrator.

##### **§ 62.15015 Can my small municipal waste combustion unit be covered by both a State plan and this subpart?**

(a) If your municipal waste combustion unit is located in a State that has a State plan that has not been approved by the EPA or has not become effective, then this subpart applies and the State plan would not apply to your municipal waste combustion unit. However, the State could enforce the requirements of a State regulation

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while your municipal waste combustion unit is still subject to this subpart.

(b) After the State plan is approved by the EPA and becomes effective, your municipal waste combustion unit is no longer subject to this subpart and will only be subject to the approved and effective State plan.

### **§ 62.15020 Can my small municipal waste combustion unit be exempt from this subpart?**

(a) *Small municipal waste combustion units that combust less than 11 tons per day.* Your unit is exempt from this subpart if four requirements are met:

(1) Your municipal waste combustion unit is subject to a federally enforceable permit limiting municipal solid waste combustion to less than 11 tons per day.

(2) You notify the Administrator that the unit qualifies for this exemption.

(3) You submit to the Administrator a copy of the federally enforceable permit.

(4) You keep daily records of the amount of municipal solid waste combusted.

(b) *Small power production units.* Your unit is exempt from this subpart if four requirements are met:

(1) Your 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) Your unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.

(3) You notify the Administrator that the unit qualifies for this exemption.

(4) You submit to the Administrator documentation that the unit qualifies for this exemption.

(c) *Cogeneration units.* Your unit is exempt from this subpart if four requirements are met:

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

(2) Your unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

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(3) You notify the Administrator that the unit qualifies for this exemption.

(4) You submit to the Administrator documentation that the unit qualifies for this exemption.

(d) *Municipal waste combustion units that combust only tires.* Your unit is exempt from this subpart if three requirements are met:

(1) Your municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can cofire coal, fuel oil, natural gas, or other nonmunicipal solid waste).

(2) You notify the Administrator that the unit qualifies for this exemption.

(3) You provide the Administrator documentation that the unit qualifies for this exemption.

(e) *Hazardous waste combustion units.* Your unit is exempt from this subpart if the unit has received a permit under section 3005 of the Solid Waste Disposal Act.

(f) *Materials recovery units.* Your unit is exempt from this subpart if the unit combusts waste mainly to recover metals. Primary and secondary smelters may qualify for this exemption.

(g) *Cofired units.* Your unit is exempt from this subpart if four requirements are met:

(1) Your unit has a federally enforceable permit limiting municipal solid waste combustion to 30 percent of the total fuel input by weight.

(2) You notify the Administrator that the unit qualifies for this exemption.

(3) You provide the Administrator with a copy of the federally enforceable permit.

(4) You record the weights, each quarter, of municipal solid waste and of all other fuels combusted.

(h) *Plastics/rubber recycling units.* Your unit is exempt from this subpart if four requirements are met:

(1) Your pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined under "Definitions" (§ 62.15410).

(2) You record the weight, each quarter, of plastics, rubber, and rubber tires processed.

(3) You record the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.

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(4) You keep the name and address of the purchaser of the feed stocks.

(i) *Units that combust fuels made from products of plastics/rubber recycling plants.* Your unit is exempt from this subpart if two requirements are met:

(1) Your unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquified petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feed stocks produced by plastics/rubber recycling units.

(2) Your unit does not combust any other municipal solid waste.

(j) *Cement kilns.* Your unit is exempt from this subpart if your cement kiln combusts municipal solid waste.

(k) *Air curtain incinerators.* If your air curtain incinerator (see § 62.15410 for definition) combusts 100 percent yard waste, then you must meet only the requirements under "Air Curtain Incinerators That Burn 100 Percent Yard Waste" (§§ 62.15365 through 62.15385) and the title V operating permit requirements of this subpart. However, if your air curtain incinerator combusts municipal solid waste other than yard waste, it is subject to all provisions of this subpart.

### § 62.15025 How do I determine if my small municipal waste combustion unit is covered by an approved and effective State or Tribal Plan?

This part (40 CFR part 62) contains a list of all States and tribal areas with approved Clean Air Act section 111(d) and section 129 plans in effect. However, this part is only updated once per year. Thus, 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 approval has occurred since publication of the most recent version of this part.

### § 62.15030 What are my obligations under this subpart if I reduce my small municipal waste combustion unit's combustion capacity to less than 35 tons per day?

If you reduce your small municipal waste combustion unit's combustion capacity to less than 35 tons per day by the final compliance date, you must

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comply only with the following requirements:

(a) You must submit a final control plan according to the schedule in table 1 of this subpart and comply with § 62.15065(b).

(b) The final control plan must, at a minimum, include two items:

(1) A description of the physical changes that will be made to accomplish the reduction in combustion capacity. A permit restriction or a change in the method of operation does not qualify as a reduction in combustion capacity.

(2) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified under § 62.15390(d) and (e) to calculate the combustion capacity of a municipal waste combustion unit.

(c) You must complete the physical changes to accomplish the reduction in combustion capacity by the final compliance date specified in table 1 of this subpart.

(d) If you comply with all of the requirements specified in paragraphs (a), (b), and (c) of this section, you are no longer subject to this subpart.

(e) You must comply with the requirements specified in § 62.15395 and § 62.15400 regarding title V permitting. If you comply with all of the requirements specified in paragraphs (a), (b), and (c) of this section, you are no longer subject to title V permitting requirements as a result of this subpart. You will remain subject to title V permitting requirements, however, if you are subject as a result of one or more of the applicability criteria in 40 CFR 70.3(a) and (b) or 71.3(a) and (b).

### § 62.15035 Is my small municipal waste combustion unit subject to different requirements based on plant capacity?

This subpart specifies different requirements for two different subcategories of municipal waste combustion units. These two subcategories are based on aggregate capacity of the municipal waste combustion plant as defined in paragraphs (a) and (b) of this section.

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(a) *Class I units.* These are small municipal waste combustion units that are located at municipal waste combustion plants with aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. (See the definition of municipal waste combustion plant capacity in § 62.15410 for specification of which units at a plant are included in the aggregate capacity calculation.)

(b) *Class II units.* These are small municipal waste combustion units that are located at municipal waste combustion plants with aggregate plant combustion capacity of no more than 250 tons per day of municipal solid waste. (See the definition of municipal waste combustion plant capacity in § 62.15410 for specification of which units at a plant are included in the aggregate capacity calculation.)

### COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS

#### § 62.15040 What are the requirements for meeting increments of progress and achieving final compliance?

(a) *Class I units.* If you plan to achieve compliance more than 1 year following the effective date of this subpart and a permit modification is not required, or more than 1 year following the date of issuance of a revised construction or operation permit if a permit modification is required, you must meet five increments of progress:

- (1) Submit a final control plan.
- (2) Submit a notification of retrofit contract award.
- (3) Initiate onsite construction.
- (4) Complete onsite construction.
- (5) Achieve final compliance.

(b) *Class II units.* If you plan to achieve compliance more than 1 year following the effective date of this subpart and a permit modification is not required, or more than 1 year following the date of issuance of a revised construction or operation permit if a permit modification is required, you must meet two increments of progress:

- (1) Submit a final control plan.
- (2) Achieve final compliance.

#### § 62.15045 When must I complete each increment of progress?

(a) You must complete each increment of progress according to the com-

pliance schedule in table 1 of this subpart for Class I and II units. If your Class I or Class II unit is listed in table 9 of this subpart, then you must complete each increment of progress according to the schedule in table 9 of this subpart. (See § 62.15410 for definitions of classes.)

(b) For Class I units (see definition in § 62.15410) that must meet the five increments of progress, you must submit dioxins/furans stack test results for at least one test conducted during or after 1990. The stack tests must have been conducted according to the procedures specified under § 62.15245 and you must submit the stack test results when the final control plan is due for your Class I MWC unit according to the schedule in table 1 or table 9 of this subpart.

#### § 62.15050 What must I include in the notifications of achievement of my increments of progress?

Your notification of achievement of increments of progress must include three items:

(a) Notification that the increment of progress has been achieved.

(b) Any items required to be submitted with the increment of progress (§§ 62.15065 through 62.15085).

(c) The notification must be signed by the owner or operator of the municipal waste combustion unit.

#### § 62.15055 When must I submit the notifications of achievement of increments of progress?

Notifications of the achievement of increments of progress must be postmarked no later than 10 days after the compliance date for the increment.

#### § 62.15060 What if I do not meet an increment of progress?

If you fail to meet an increment of progress, you must submit a notification to the Administrator postmarked within 10 business days after the specified date in table 1 of this subpart for achieving that increment of progress. This notification must inform the Administrator that you did not meet the increment. You must include in the notification an explanation of why the increment of progress was not met and your plan for meeting the increment as expeditiously as possible. You must

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continue to submit reports each subsequent month until the increment of progress is met.

**§ 62.15065 How do I comply with the increment of progress for submittal of a final control plan?**

For your final control plan increment of progress, you must complete two items:

(a) Submit the final control plan describing the devices for air pollution control and process changes that you will use to comply with the emission limits and other requirements of this subpart. If you plan to reduce your small municipal waste combustion unit's combustion capacity to less than 35 tons per day by the final compliance date, see § 62.15030.

(b) You must maintain an onsite copy of the final control plan.

**§ 62.15070 How do I comply with the increment of progress for awarding contracts?**

You must submit a signed copy of the contracts awarded to initiate onsite construction, initiate onsite installation of emission control equipment, and incorporate process changes. Submit the copy of the contracts with the notification that this increment of progress has been achieved. You do not need to include documents incorporated by reference or the attachments to the contracts.

**§ 62.15075 How do I comply with the increment of progress for initiating onsite construction?**

You must initiate onsite construction and installation of emission control equipment and initiate the process changes outlined in the final control plan.

**§ 62.15080 How do I comply with the increment of progress for completing onsite construction?**

You must complete onsite construction and installation of emission control equipment and complete process changes outlined in the final control plan.

**§ 62.15085 How do I comply with the increment of progress for achieving final compliance?**

For the final compliance increment of progress, you must complete two items:

(a) Complete all process changes and complete retrofit construction as specified in the final control plan.

(b) Connect the air pollution control equipment with the municipal waste combustion unit identified in the final control plan and complete process changes to the municipal waste combustion unit so that if the affected municipal waste combustion unit is brought online, all necessary process changes and air pollution control equipment are operating as designed.

**§ 62.15090 What must I do if I close my municipal waste combustion unit and then restart my municipal waste combustion unit?**

(a) If you close your municipal waste combustion unit but will reopen it prior to the applicable final compliance date in table 1 of this subpart, you must meet the increments of progress specified in § 62.15040.

(b) If you close your municipal waste combustion unit but restart it after the applicable final compliance date in table 1 of this subpart, you must complete the emission control retrofit and meet the emission limits and good combustion practices on the date your municipal waste combustion unit restarts operation.

**§ 62.15095 What must I do if I plan to permanently close my municipal waste combustion unit and not restart it?**

(a) If you plan to close your municipal waste combustion unit rather than comply with this subpart, you must submit a closure notification, including the date of closure, to the Administrator by the date your final control plan is due.

(b) If the closure date is later than 1 year after the effective date of this subpart, you must enter into a legally binding closure agreement with the Administrator by the date your final control plan is due. The agreement must include two items:

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(1) The date by which operation will cease. The closure date can be no later than the applicable final compliance date in table 1 of this subpart.

(2) For Class I units only, dioxins/furans stack test results for at least one test conducted during or after 1990. The stack tests must have been conducted according to the procedures specified under § 62.15245.

### **GOOD COMBUSTION PRACTICES: OPERATOR TRAINING**

#### **§ 62.15100 What types of training must I do?**

There are two types of required training:

(a) Training of operators of municipal waste combustion units using the EPA or a State-approved training course.

(b) Training of plant personnel using a plant-specific training course.

#### **§ 62.15105 Who must complete the operator training course? By when?**

(a) Three types of employees must complete the EPA operator training course:

- (1) Chief facility operators.
- (2) Shift supervisors.
- (3) Control room operators.

(b) These employees must complete the operator training course by the later of three dates:

(1) One year after the effective date of this subpart.

(2) Six months after your municipal waste combustion unit starts up.

(3) The date before an employee assumes responsibilities that affect operation of the municipal waste combustion unit.

(c) The requirement in paragraph (a) of this section does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the effective date of this subpart.

(d) You may request that the EPA Administrator waive the requirement in paragraph (a) of this section for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechan-

ical Engineers on or before the effective date of this subpart.

#### **§ 62.15110 Who must complete the plant-specific training course?**

All employees with responsibilities that affect how a municipal waste combustion unit operates must complete the plant-specific training course. Include at least six types of employees:

- (a) Chief facility operators.
- (b) Shift supervisors.
- (c) Control room operators.
- (d) Ash handlers.
- (e) Maintenance personnel.
- (f) Crane or load handlers.

#### **§ 62.15115 What plant-specific training must I provide?**

For plant-specific training, you must do four things:

(a) For training at a particular plant, develop a specific operating manual for that plant by the later of two dates:

(1) Six months after your municipal waste combustion unit starts up.

(2) One year after the effective date of this subpart.

(b) Establish a program to review the plant-specific operating manual with people whose responsibilities affect the operation of your municipal waste combustion unit. Complete the initial review by the later of three dates:

(1) One year after the effective date of this subpart.

(2) Six months after your municipal waste combustion unit starts up.

(3) The date before an employee assumes responsibilities that affect operation of the municipal waste combustion unit.

(c) Update your manual annually.

(d) Review your manual with staff annually.

#### **§ 62.15120 What information must I include in the plant-specific operating manual?**

You must include 11 items in the operating manual for your plant:

(a) A summary of all applicable standards in this subpart.

(b) A description of the basic combustion principles that apply to municipal waste combustion units.

(c) Procedures for receiving, handling, and feeding municipal solid waste.

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- (d) Procedures to be followed during periods of startup, shutdown, and malfunction of the municipal waste combustion unit.
- (e) Procedures for maintaining a proper level of combustion air supply.
- (f) Procedures for operating the municipal waste combustion unit within the standards contained in this subpart.
- (g) Procedures for responding to periodic upset or off-specification conditions.
- (h) Procedures for minimizing carryover of particulate matter.
- (i) Procedures for handling ash.
- (j) Procedures for monitoring emissions from the municipal waste combustion unit.
- (k) Procedures for recordkeeping and reporting.

**§ 62.15125 Where must I keep the plant-specific operating manual?**

You must keep your operating manual in an easily accessible location at your plant. It must be available for review or inspection by all employees who must review it and by the Administrator.

**GOOD COMBUSTION PRACTICES:  
OPERATOR CERTIFICATION****§ 62.15130 What types of operator certification must the chief facility operator and shift supervisor obtain and by when must they obtain it?**

(a) Each chief facility operator and shift supervisor must obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers QRO-1-1994 or a State certification program in Connecticut and Maryland (if the affected facility is located in either of the respective States). If ASME certification is chosen, proceed in accordance with ASME QRO-1-1994. Standard for the Qualification and Certification of Resource Recovery Facility Operators. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C.552(a) and 1 CFR part 51. You may obtain a copy from the American Society of Mechanical Engineers, Service Center, 22 Law Drive, Post Office Box 2900, Fairfield, NJ 07007. You may inspect a copy at the Office of Air

Quality Planning and Standards Air Docket, EPA, 109 T.W. Alexander Drive, Room C521C, RTP, NC 27709 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) Each chief facility operator and shift supervisor must obtain a provisional certification by the later of three dates:

(1) For Class I units, 12 months after the effective date of this subpart. For Class II units, 18 months after the effective date of this subpart.

(2) Six months after the municipal waste combustion unit starts up.

(3) Six months after they transfer to the municipal waste combustion unit or 6 months after they are hired to work at the municipal waste combustion unit.

(c) Each chief facility operator and shift supervisor must take one of two actions:

(1) Obtain a full certification from the American Society of Mechanical Engineers.

(2) Schedule a full certification exam with the American Society of Mechanical Engineers (QRO-1-1994 (incorporated by reference in § 60.17 of subpart A of 40 CFR part 60)).

(d) The chief facility operator and shift supervisor must obtain the full certification or be scheduled to take the certification exam by the later of the following dates:

(1) For Class I units, 12 months after the effective date of this subpart. For Class II units, 18 months after the effective date of this subpart.

(2) Six months after the municipal waste combustion unit starts up.

(3) Six months after they transfer to the municipal waste combustion unit or 6 months after they are hired to work at the municipal waste combustion unit.

[68 FR 5158, Jan. 31, 2003, as amended at 69 FR 18803, Apr. 9, 2004]

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### § 62.15135 After the required date for operator certification, who may operate the municipal waste combustion unit?

After the required date for full or provisional certification, you must not operate your municipal waste combustion unit unless one of four employees is on duty:

- (a) A fully certified chief facility operator.
- (b) A provisionally certified chief facility operator who is scheduled to take the full certification exam.
- (c) A fully certified shift supervisor.
- (d) A provisionally certified shift supervisor who is scheduled to take the full certification exam.

### § 62.15140 What if all the certified operators must be temporarily offsite?

If the certified chief facility operator and certified shift supervisor both are unavailable, a provisionally certified control room operator at the municipal waste combustion unit may fulfill the certified operator requirement. Depending on the length of time that a certified chief facility operator and certified shift supervisor is away, you must meet one of three criteria:

(a) When the certified chief facility operator and certified shift supervisor are both offsite for 12 hours or less and no other certified operator is onsite, the provisionally certified control room operator may perform those duties without notice to, or approval by, the Administrator.

(b) When the certified chief facility operator and certified shift supervisor are offsite for more than 12 hours, but for 2 weeks or less, and no other certified operator is onsite, the provisionally certified control room operator may perform those duties without notice to, or approval by, the Administrator. However, you must record the periods when the certified chief facility operator and certified shift supervisor are offsite and include this information in the annual report as specified under § 62.15340(l).

(c) When the certified chief facility operator and certified shift supervisor are offsite for more than 2 weeks and no other certified operator is onsite, the provisionally certified control room operator may perform those du-

ties without notice to, or approval by, the Administrator. However, you must take two actions:

- (1) Notify the Administrator in writing. In the notice, state what caused the absence and what you are doing to ensure that a certified chief facility operator or certified shift supervisor is onsite.
- (2) Submit a status report and corrective action summary to the Administrator every 4 weeks following the initial notification. If the Administrator notifies you that your status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Administrator withdraws the disapproval, municipal waste combustion unit operation may continue.

### GOOD COMBUSTION PRACTICES: OPERATING REQUIREMENTS

### § 62.15145 What are the operating practice requirements for my municipal waste combustion unit?

(a) You must not operate your municipal waste combustion unit at loads greater than 110 percent of the maximum demonstrated load of the municipal waste combustion unit (4-hour block average), as specified under "Definitions" (§ 62.15410).

(b) You must not operate your municipal waste combustion unit so that the temperature at the inlet of the particulate matter control device exceeds 17 °C above the maximum demonstrated temperature of the particulate matter control device (4-hour block average), as specified under "Definitions" (§ 62.15410).

(c) If your municipal waste combustion unit uses activated carbon to control dioxins/furans or mercury emissions, you must maintain an 8-hour block average carbon feed rate at or above the highest average level established during the most recent dioxins/furans or mercury test.

(d) If your municipal waste combustion unit uses activated carbon to control dioxins/furans or mercury emissions, you must evaluate total carbon usage for each calendar quarter. The total amount of carbon purchased and

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delivered to your municipal waste combustion plant must be at or above the required quarterly usage of carbon. At your option, you may choose to evaluate required quarterly carbon usage on a municipal waste combustion unit basis for each individual municipal waste combustion unit at your plant. Calculate the required quarterly usage of carbon using the appropriate equation in § 62.15390.

(e) Your municipal waste combustion unit is exempt from limits on load level, temperature at the inlet of the particulate matter control device, and carbon feed rate during any of five situations:

- (1) During your annual tests for dioxins/furans.
- (2) During your annual mercury tests (for carbon feed rate requirements only).
- (3) During the 2 weeks preceding your annual tests for dioxins/furans.
- (4) During the 2 weeks preceding your annual mercury tests (for carbon feed rate requirements only).
- (5) Whenever the Administrator permits you to do any of five activities:
  - (i) Evaluate system performance.
  - (ii) Test new technology or control technologies.
  - (iii) Perform diagnostic testing.
  - (iv) Perform other activities to improve the performance of your municipal waste combustion unit.
  - (v) Perform other activities to advance the state of the art for emission controls for your municipal waste combustion unit.

### § 62.15150 What happens to the operating requirements during periods of startup, shutdown, and malfunction?

(a) The operating requirements of this subpart apply at all times except during periods of municipal waste combustion unit startup, shutdown, or malfunction.

(b) Each startup, shutdown, or malfunction must not last for longer than 3 hours.

#### EMISSION LIMITS

### § 62.15155 What pollutants are regulated by this subpart?

Eleven pollutants, in four groupings, are regulated:

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- (a) *Organics.* Dioxins/furans.
- (b) *Metals.* (1) Cadmium.
- (2) Lead.
- (3) Mercury.
- (4) Opacity.
- (5) Particulate matter.
- (c) *Acid gases.* (1) Hydrogen chloride.
- (2) Nitrogen oxides.
- (3) Sulfur dioxide.
- (d) *Other.* (1) Carbon monoxide.
- (2) Fugitive ash.

### § 62.15160 What emission limits must I meet?

(a) After the date the initial stack test and continuous emission monitoring system evaluation are required or completed (whichever is earlier), you must meet the applicable emission limits specified in the four tables of this section:

(1) For Class I units, see tables 2 and 3 of this subpart.

(2) For Class II units, see table 4 of this subpart.

(3) For carbon monoxide emission limits for both classes of units, see table 5 of this subpart.

(b) If your Class I municipal waste combustion unit began construction, reconstruction, or modification after June 26, 1987, then you must comply with the dioxins/furans and mercury emission limits specified in table 2 of this subpart as applicable by the later of the following two dates:

(1) One year after the effective date of this subpart.

(2) One year after the issuance of a revised construction or operating permit, if a permit modification is required. Final compliance with the dioxins/furans limits must be achieved no later than November 6, 2005, even if the date one year after the issuance of a revised construction or operating permit is later than November 6, 2005.

### § 62.15165 What happens to the emission limits during periods of startup, shutdown, and malfunction?

(a) The emission limits of this subpart apply at all times except during periods of municipal waste combustion unit startup, shutdown, or malfunction.

(b) Each startup, shutdown, or malfunction must not last for longer than 3 hours.

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(c) A maximum of 3 hours of test data can be dismissed from compliance calculations during periods of startup, shutdown, or malfunction.

(d) During startup, shutdown, or malfunction periods longer than 3 hours, emissions data cannot be discarded from compliance calculations and all provisions under § 60.11(d) of subpart A of 40 CFR part 60 apply.

### CONTINUOUS EMISSION MONITORING

#### § 62.15170 What types of continuous emission monitoring must I perform?

To continuously monitor emissions, you must perform four tasks:

(a) Install continuous emission monitoring systems for certain gaseous pollutants.

(b) Make sure your continuous emission monitoring systems are operating correctly.

(c) Make sure you obtain the minimum amount of monitoring data.

(d) Install a continuous opacity monitoring system.

#### § 62.15175 What continuous emission monitoring systems must I install for gaseous pollutants?

(a) You must install, calibrate, maintain, and operate continuous emission monitoring systems for oxygen (or carbon dioxide), sulfur dioxide, and carbon monoxide. If you operate a Class I municipal waste combustion unit, also install, calibrate, maintain, and operate a continuous emission monitoring system for nitrogen oxides. Install the continuous emission monitoring system for sulfur dioxide, nitrogen oxides, and oxygen (or carbon dioxide) at the outlet of the air pollution control device.

(b) You must install, evaluate, and operate each continuous emission monitoring system according to the "Monitoring Requirements" in § 60.13 of subpart A of 40 CFR part 60.

(c) You must monitor the oxygen (or carbon dioxide) concentration at each location where you monitor sulfur dioxide and carbon monoxide. Additionally, if you operate a Class I municipal waste combustion unit, you must also monitor the oxygen (or carbon dioxide) concentration at the location where you monitor nitrogen oxides.

(d) You may choose to monitor carbon dioxide instead of oxygen as a diluent gas. If you choose to monitor carbon dioxide, then an oxygen monitor is not required and you must follow the requirements in § 62.15200.

(e) If you choose to demonstrate compliance by monitoring the percent reduction of sulfur dioxide, you must also install a continuous emission monitoring system for sulfur dioxide and oxygen (or carbon dioxide) at the inlet of the air pollution control device.

(f) If you prefer to use an alternative sulfur dioxide monitoring method, such as parametric monitoring, or cannot monitor emissions at the inlet of the air pollution control device to determine percent reduction, you can apply to the Administrator for approval to use an alternative monitoring method under § 60.13(i) of subpart A of 40 CFR part 60.

#### § 62.15180 How are the data from the continuous emission monitoring systems used?

You must use data from the continuous emission monitoring systems for sulfur dioxide, nitrogen oxides, and carbon monoxide to demonstrate continuous compliance with the applicable emission limits specified in tables 2, 3, 4, and 5 of this subpart. To demonstrate compliance for dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash, see § 62.15235.

#### § 62.15185 How do I make sure my continuous emission monitoring systems are operating correctly?

(a) Conduct initial, daily, quarterly, and annual evaluations of your continuous emission monitoring systems that measure oxygen (or carbon dioxide), sulfur dioxide, nitrogen oxides (Class I municipal waste combustion units only), and carbon monoxide.

(b) Complete your initial evaluation of the continuous emission monitoring systems within 180 days after your final compliance date.

(c) For initial and annual evaluations, collect data concurrently (or within 30 to 60 minutes) using your oxygen (or carbon dioxide) continuous

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emission monitoring system, your sulfur dioxide, nitrogen oxides, or carbon monoxide continuous emission monitoring systems, as appropriate, and the appropriate test methods specified in table 6 of this subpart. Collect these data during each initial and annual evaluation of your continuous emission monitoring systems following the applicable performance specifications in appendix B of 40 CFR part 60. Table 7 of this subpart shows the performance specifications that apply to each continuous emission monitoring system.

(d) Follow the quality assurance procedures in Procedure 1 of appendix F of 40 CFR part 60 for each continuous emission monitoring system. These procedures include daily calibration drift and quarterly accuracy determinations.

### § 62.15190 Am I exempt from any 40 CFR part 60 appendix B or appendix F requirements to evaluate continuous emission monitoring systems?

Yes, the accuracy tests for your sulfur dioxide continuous emission monitoring system require you to also evaluate your oxygen (or carbon dioxide) continuous emission monitoring system. Therefore, your oxygen (or carbon dioxide) continuous emission monitoring system is exempt from two requirements:

(a) Section 2.3 of Performance Specification 3 in appendix B of 40 CFR part 60 (relative accuracy requirement).

(b) Section 5.1.1 of appendix F of 40 CFR part 60 (relative accuracy test audit).

### § 62.15195 What is my schedule for evaluating continuous emission monitoring systems?

(a) Conduct annual evaluations of your continuous emission monitoring systems no more than 13 months after the previous evaluation was conducted.

(b) Evaluate your continuous emission monitoring systems daily and quarterly as specified in appendix F of 40 CFR part 60.

### § 62.15200 What must I do if I choose to monitor carbon dioxide instead of oxygen as a diluent gas?

You must establish the relationship between oxygen and carbon dioxide

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during the initial evaluation of your continuous emission monitoring system. You may reestablish the relationship during annual evaluations. To establish the relationship use three procedures:

(a) Use EPA Reference Method 3A or 3B in appendix A of 40 CFR part 60 to determine oxygen concentration at the location of your carbon dioxide monitor.

(b) Conduct at least three test runs for oxygen. Make sure each test run represents a 1-hour average and that sampling continues for at least 30 minutes in each hour.

(c) Use the fuel-factor equation in EPA Reference Method 3B to determine the relationship between oxygen and carbon dioxide.

### § 62.15205 What minimum amount of monitoring data must I collect with my continuous emission monitoring systems and is this requirement enforceable?

(a) Where continuous emission monitoring systems are required, obtain 1-hour arithmetic averages. Make sure the averages for sulfur dioxide, nitrogen oxides (Class I municipal waste combustion units only), and carbon monoxide are in parts per million by dry volume at 7 percent oxygen (or the equivalent carbon dioxide level). Use the 1-hour averages of oxygen (or carbon dioxide) data from your continuous emission monitoring system to determine the actual oxygen (or carbon dioxide) level and to calculate emissions at 7 percent oxygen (or the equivalent carbon dioxide level).

(b) Obtain at least two data points per hour in order to calculate a valid 1-hour arithmetic average. Section 60.13(e)(2) of subpart A of 40 CFR part 60 requires your continuous emission monitoring systems to complete at least one cycle of operation (sampling, analyzing, and data recording) for each 15-minute period.

(c) Obtain valid 1-hour averages for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter. An operating day is any day the unit combusts any municipal solid waste or refuse-derived fuel.

(d) If you do not obtain the minimum data required in paragraphs (a) through (c) of this section, you are in violation

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of this data collection requirement regardless of the emission level monitored, and you must notify the Administrator according to § 62.15340(e).

(e) If you do not obtain the minimum data required in paragraphs (a) through (c) of this section, you must still use all valid data from the continuous emission monitoring systems in calculating emission concentrations and percent reductions in accordance with § 62.15210.

**§ 62.15210 How do I convert my 1-hour arithmetic averages into appropriate averaging times and units?**

(a) Use the equation in § 62.15390(a) to calculate emissions at 7 percent oxygen.

(b) Use EPA Reference Method 19 in appendix A of 40 CFR part 60, section 4.3, to calculate the daily geometric average concentrations of sulfur dioxide emissions. If you are monitoring the percent reduction of sulfur dioxide, use EPA Reference Method 19, section 5.4, to determine the daily geometric average percent reduction of potential sulfur dioxide emissions.

(c) If you operate a Class I municipal waste combustion unit, use EPA Reference Method 19, section 4.1, to calculate the daily arithmetic average for concentrations of nitrogen oxides.

(d) Use EPA Reference Method 19, section 4.1, to calculate the 4-hour or 24-hour daily block averages (as applicable) for concentrations of carbon monoxide.

**§ 62.15215 What is required for my continuous opacity monitoring system and how are the data used?**

(a) Install, calibrate, maintain, and operate a continuous opacity monitoring system.

(b) Install, evaluate, and operate each continuous opacity monitoring system according to § 60.13 of subpart A 40 CFR part 60.

(c) Complete an initial evaluation of your continuous opacity monitoring system according to Performance Specification 1 in appendix B of 40 CFR part 60. Complete this evaluation by 180 days after your final compliance date.

(d) Complete each annual evaluation of your continuous opacity monitoring

system no more than 13 months after the previous evaluation.

(e) Use tests conducted according to EPA Reference Method 9, as specified in § 62.15245, to determine compliance with the applicable opacity limit in tables 2 or 4 of this subpart. The data obtained from your continuous opacity monitoring system are not used to determine compliance with the opacity limit.

**§ 62.15220 What additional requirements must I meet for the operation of my continuous emission monitoring systems and continuous opacity monitoring system?**

Use the required span values and applicable performance specifications in table 8 of this subpart.

**§ 62.15225 What must I do if my continuous emission monitoring system is temporarily unavailable to meet the data collection requirements?**

Refer to table 8 of this subpart. It shows alternate methods for collecting data when these systems malfunction or when repairs, calibration checks, or zero and span checks keep you from collecting the minimum amount of data.

**STACK TESTING****§ 62.15230 What types of stack tests must I conduct?**

Conduct initial and annual stack tests to measure the emission levels of dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash.

**§ 62.15235 How are the stack test data used?**

You must use results of stack tests for dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash to demonstrate compliance with the applicable emission limits in tables 2 and 4 of this subpart. To demonstrate compliance for carbon monoxide, nitrogen oxides, and sulfur dioxide, see § 62.15180.

**§ 62.15240 What schedule must I follow for the stack testing?**

(a) Conduct initial stack tests for the pollutants listed in § 62.15230 by 180 days after your final compliance date.

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(b) Conduct annual stack tests for these pollutants after the initial stack test. Conduct each annual stack test no later than 13 months after the previous stack test.

**§ 62.15245 What test methods must I use to stack test?**

(a) Follow table 8 of this subpart to establish the sampling location and to determine pollutant concentrations, number of traverse points, individual test methods, and other specific testing requirements for the different pollutants.

(b) Make sure that stack tests for all these pollutants consist of at least three test runs, as specified in § 60.8 (Performance Tests) of subpart A of 40 CFR part 60. Use the average of the pollutant emission concentrations from the three test runs to determine compliance with the applicable emission limits in tables 2 and 4 of this subpart.

(c) Obtain an oxygen (or carbon dioxide) measurement at the same time as your pollutant measurements to determine diluent gas levels, as specified in § 62.15175.

(d) Use the equations in § 62.15390(a) to calculate emission levels at 7 percent oxygen (or an equivalent carbon dioxide basis), the percent reduction in potential hydrogen chloride emissions, and the reduction efficiency for mercury emissions. See the individual test methods in table 6 of this subpart for other required equations.

(e) You can apply to the Administrator for approval under § 60.8(b) of subpart A of 40 CFR part 60 to

(1) Use a reference method with minor changes in methodology;

(2) Use an equivalent method;

(3) Use an alternative method the results of which the Administrator has determined are adequate for demonstrating compliance;

(4) Waive the requirement for a performance test because you have demonstrated by other means that you are in compliance; or

(5) Use a shorter sampling time or smaller sampling volume.

**§ 62.15250 May I conduct stack testing less often?**

(a) You may test less often if you own or operate a Class II municipal waste combustion unit and if all stack tests for a given pollutant over 3 consecutive years show you comply with the emission limit. In this case, you are not required to conduct a stack test for that pollutant for the next 2 years. However, you must conduct another stack test within 36 months of the anniversary date of the third consecutive stack test that shows you comply with the emission limit. Thereafter, you must perform stack tests every third year but no later than 36 months following the previous stack tests. If a stack test shows noncompliance with an emission limit, you must conduct annual stack tests for that pollutant until all stack tests over 3 consecutive years show compliance with the emission limit for that pollutant. This provision applies to all pollutants subject to stack testing requirements: dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash.

(b) You can test less often for dioxins/furans emissions if you own or operate a municipal waste combustion plant that meets two conditions. First, you have multiple municipal waste combustion units onsite that are subject to this subpart. Second, all these municipal waste combustion units have demonstrated levels of dioxins/furans emissions less than or equal to 15 nanograms per dry standard cubic meter (total mass) for Class I units, or 30 nanograms per dry standard cubic meter (total mass) for Class II units, for 2 consecutive years. In this case, you may choose to conduct annual stack tests on only one municipal waste combustion unit per year at your plant. This provision only applies to stack testing for dioxins/furans emissions.

(1) Conduct the stack test no more than 13 months following a stack test on any municipal waste combustion unit subject to this subpart at your plant. Each year, test a different municipal waste combustion unit subject to this subpart and test all municipal waste combustion units subject to this

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subpart in a sequence that you determine. Once you determine a testing sequence, it must not be changed without approval by the Administrator.

(2) If each annual stack test shows levels of dioxins/furans emissions less than or equal to 15 nanograms per dry standard cubic meter (total mass) for Class I units, or 30 nanograms per dry standard cubic meter (total mass) for Class II units, you may continue stack tests on only one municipal waste combustion unit subject to this subpart per year.

(3) If any annual stack test indicates levels of dioxins/furans emissions greater than 15 nanograms per dry standard cubic meter (total mass) for Class I units, or 30 nanograms per dry standard cubic meter (total mass) for Class II units, conduct subsequent annual stack tests on all municipal waste combustion units subject to this subpart at your plant. You may return to testing one municipal waste combustion unit subject to this subpart per year if you can demonstrate dioxins/furans emission levels less than or equal to 15 nanograms per dry standard cubic meter (total mass) for Class I units, or 30 nanograms per dry standard cubic meter (total mass) for Class II units, for all municipal waste combustion units at your plant subject to this subpart for 2 consecutive years.

### § 62.15255 May I deviate from the 13-month testing schedule if unforeseen circumstances arise?

You may not deviate from the 13-month testing schedules specified in §§ 62.15240(b) and 62.15250(b)(1) unless you apply to the Administrator for an alternative schedule, and the Administrator approves your request for alternate scheduling prior to the date on which you would otherwise have been required to conduct the next stack test.

### OTHER MONITORING REQUIREMENTS

### § 62.15260 What other requirements must I meet for continuous monitoring?

You must also monitor three operating parameters:

(a) Load level of each municipal waste combustion unit.

(b) Temperature of flue gases at the inlet of your particulate matter air pollution control device.

(c) Carbon feed rate if activated carbon is used to control dioxins/furans or mercury emissions.

### § 62.15265 How do I monitor the load of my municipal waste combustion unit?

(a) If your municipal waste combustion unit generates steam, you must install, calibrate, maintain, and operate a steam flowmeter or a feed water flowmeter and meet five requirements:

(1) Continuously measure and record the measurements of steam (or feed water) in kilograms per hour (or pounds per hour).

(2) Calculate your steam (or feed water) flow in 4-hour block averages.

(3) Calculate the steam (or feed water) flow rate using the method in "American Society of Mechanical Engineers (ASME PTC 4.1—1964): Test Code for Steam Generating Units, Power Test Code 4.1—1964 (Reaffirmed 1991)," section 4. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the American Society of Mechanical Engineers, Service Center, 22 Law Drive, Post Office Box 2900, Fairfield, NJ 07007. You may inspect a copy at the Office of Air Quality Planning and Standards Air Docket, EPA, 109 T.W. Alexander Drive, Room C521C, RTP, NC 27709 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(4) Design, construct, install, calibrate, and use nozzles or orifices for flow rate measurements, using the recommendations in "American Society of Mechanical Engineers Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters", 6th Edition (1971), chapter 4. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy

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from the American Society of Mechanical Engineers, Service Center, 22 Law Drive, Post Office Box 2900, Fairfield, NJ 07007. You may inspect a copy at the Office of Air Quality Planning and Standards Air Docket, EPA, 109 T.W. Alexander Drive, Room C521C, RTP, NC 27709 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(5) Before each dioxins/furans stack test, or at least once a year, calibrate all signal conversion elements associated with steam (or feed water) flow measurements according to the manufacturer instructions.

(b) If your municipal waste combustion unit does not generate steam, or, if your municipal waste combustion units have shared steam systems and steam load cannot be estimated per unit, you must determine, to the satisfaction of the Administrator, one or more operating parameters that can be used to continuously estimate load level (for example, the feed rate of municipal solid waste or refuse-derived fuel). You must continuously monitor the selected parameters.

[68 FR 5158, Jan. 31, 2003, as amended at 69 FR 18803, Apr. 9, 2004]

### § 62.15270 How do I monitor the temperature of flue gases at the inlet of my particulate matter control device?

You must install, calibrate, maintain, and operate a device to continuously measure the temperature of the flue gas stream at the inlet of each particulate matter control device.

### § 62.15275 How do I monitor the injection rate of activated carbon?

If your municipal waste combustion unit uses activated carbon to control dioxins/furans or mercury emissions, you must meet three requirements:

(a) Select a carbon injection system operating parameter that can be used to calculate carbon feed rate (for example, screw feeder speed).

(b) During each dioxins/furans and mercury stack test, determine the average carbon feed rate in kilograms (or

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pounds) per hour. Also, determine the average operating parameter level that correlates to the carbon feed rate. Establish a relationship between the operating parameter and the carbon feed rate in order to calculate the carbon feed rate based on the operating parameter level.

(c) Continuously monitor the selected operating parameter during all periods when the municipal waste combustion unit is operating and combusting waste and calculate the 8-hour block average carbon feed rate in kilograms (or pounds) per hour, based on the selected operating parameter. When calculating the 8-hour block average, do two things:

(1) Exclude hours when the municipal waste combustion unit is not operating.

(2) Include hours when the municipal waste combustion unit is operating but the carbon feed system is not working correctly.

### § 62.15280 What minimum amount of monitoring data must I collect with my continuous parameter monitoring systems and is this requirement enforceable?

(a) Where continuous parameter monitoring systems are used, obtain 1-hour arithmetic averages for three parameters:

(1) Load level of the municipal waste combustion unit.

(2) Temperature of the flue gases at the inlet of your particulate matter control device.

(3) Carbon feed rate if activated carbon is used to control dioxins/furans or mercury emissions.

(b) Obtain at least two data points per hour in order to calculate a valid 1-hour arithmetic average.

(c) Obtain valid 1-hour averages for at least 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter. An operating day is any day the unit combusts any municipal solid waste or refuse-derived fuel.

(d) If you do not obtain the minimum data required in paragraphs (a) through (c) of this section, you are in violation of this data collection requirement and you must notify the Administrator according to § 62.15340(e).

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### RECORDKEEPING

#### § 62.15285 What records must I keep?

You must keep four types of records:

- (a) Operator training and certification.
- (b) Stack tests.
- (c) Continuously monitored pollutants and parameters.
- (d) Carbon feed rate.

#### § 62.15290 Where must I keep my records and for how long?

(a) Keep all records onsite in paper copy or electronic format unless the Administrator approves another format.

(b) Keep all records on each municipal waste combustion unit for at least 5 years.

(c) Make all records available for submittal to the Administrator, or for onsite review by an inspector.

#### § 62.15295 What records must I keep for operator training and certification?

You must keep records of six items:

(a) *Records of provisional certifications.* Include three items:

(1) For your municipal waste combustion plant, names of the chief facility operator, shift supervisors, and control room operators who are provisionally certified by the American Society of Mechanical Engineers.

(2) Dates of the initial provisional certifications.

(3) Documentation showing current provisional certifications.

(b) *Records of full certifications.* Include three items:

(1) For your municipal waste combustion plant, names of the chief facility operator, shift supervisors, and control room operators who are fully certified by the American Society of Mechanical Engineers or an equivalent State-approved certification program.

(2) Dates of initial and renewal full certifications.

(3) Documentation showing current full certifications.

(c) *Records showing completion of the operator training course.* Include three items:

(1) For your municipal waste combustion plant, names of the chief facility operator, shift supervisors, and control

room operators who have completed the EPA or State municipal waste combustion operator training course.

(2) Dates of completion of the operator training course.

(3) Documentation showing completion of operator training course.

(d) *Records of reviews for plant-specific operating manuals.* Include three items:

(1) Names of persons who have reviewed the operating manual.

(2) Date of the initial review.

(3) Dates of subsequent annual reviews.

(e) *Records of when a certified operator is temporarily offsite.* Include two main items:

(1) If the certified chief facility operator and certified shift supervisor are offsite for more than 12 hours but for 2 weeks or less and no other certified operator is onsite, record the dates that the certified chief facility operator and certified shift supervisor were offsite.

(2) When all certified chief facility operators and certified shift supervisors are offsite for more than 2 weeks and no other certified operator is onsite, keep records of four items:

(i) Your notice that all certified persons are offsite.

(ii) The conditions that cause these people to be offsite.

(iii) The corrective actions you are taking to ensure a certified chief facility operator or certified shift supervisor is onsite.

(iv) Copies of the written reports submitted every 4 weeks that summarize the actions taken to ensure that a certified chief facility operator or certified shift supervisor will be onsite.

(f) *Records of calendar dates.* Include the calendar date on each record.

#### § 62.15300 What records must I keep for stack tests?

For stack tests required under § 62.15230, you must keep records of four items:

(a) The results of the stack tests for eight pollutants or parameters recorded in the appropriate units of measure specified in tables 2 or 4 of this subpart:

(1) Dioxins/furans.

(2) Cadmium.

(3) Lead.

(4) Mercury.

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- (5) Opacity.
- (6) Particulate matter.
- (7) Hydrogen chloride.
- (8) Fugitive ash.
- (b) Test reports including supporting calculations that document the results of all stack tests.
- (c) The maximum demonstrated load of your municipal waste combustion units and maximum temperature at the inlet of your particulate matter control device during all stack tests for dioxins/furans emissions.
- (d) The calendar date of each record.

### § 62.15305 What records must I keep for continuously monitored pollutants or parameters?

You must keep records of eight items.

(a) *Records of monitoring data.* Document six parameters measured using continuous monitoring systems:

- (1) All 6-minute average levels of opacity.
- (2) All 1-hour average concentrations of sulfur dioxide emissions.
- (3) For Class I municipal waste combustion units only, all 1-hour average concentrations of nitrogen oxides emissions.
- (4) All 1-hour average concentrations of carbon monoxide emissions.
- (5) All 1-hour average load levels of your municipal waste combustion unit.
- (6) All 1-hour average flue gas temperatures at the inlet of the particulate matter control device.

(b) *Records of average concentrations and percent reductions.* Document five parameters:

- (1) All 24-hour daily block geometric average concentrations of sulfur dioxide emissions or average percent reductions of sulfur dioxide emissions.
- (2) For Class I municipal waste combustion units only, all 24-hour daily arithmetic average concentrations of nitrogen oxides emissions.
- (3) All 4-hour block or 24-hour daily block arithmetic average concentrations of carbon monoxide emissions.
- (4) All 4-hour block arithmetic average load levels of your municipal waste combustion unit.
- (5) All 4-hour block arithmetic average flue gas temperatures at the inlet of the particulate matter control device.

(c) *Records of exceedances.* Document three items:

- (1) Calendar dates whenever any of the five pollutants or parameter levels recorded in paragraph (b) of this section or the opacity level recorded in paragraph (a)(1) of this section did not meet the emission limits or operating levels specified in this subpart.

- (2) Reasons you exceeded the applicable emission limits or operating levels.

- (3) Corrective actions you took, or are taking, to meet the emission limits or operating levels.

(d) *Records of minimum data.* Document three items:

- (1) Calendar dates for which you did not collect the minimum amount of data required under §§ 62.15205 and 62.15280. Record these dates for five types of pollutants and parameters:

- (i) Sulfur dioxide emissions.

- (ii) For Class I municipal waste combustion units only, nitrogen oxides emissions.

- (iii) Carbon monoxide emissions.

- (iv) Load levels of your municipal waste combustion unit.

- (v) Temperatures of the flue gases at the inlet of the particulate matter control device.

- (2) Reasons you did not collect the minimum data.

- (3) Corrective actions you took or are taking to obtain the required amount of data.

(e) *Records of exclusions.* Document each time you have excluded data from your calculation of averages for any of the following five pollutants or parameters and the reasons the data were excluded:

- (1) Sulfur dioxide emissions.

- (2) For Class I municipal waste combustion units only, nitrogen oxides emissions.

- (3) Carbon monoxide emissions.

- (4) Load levels of your municipal waste combustion unit.

- (5) Temperatures of the flue gases at the inlet of the particulate matter control device.

(f) *Records of drift and accuracy.* Document the results of your daily drift tests and quarterly accuracy determinations according to Procedure 1 of appendix F of 40 CFR part 60. Keep these records for the sulfur dioxide, nitrogen oxides (Class I municipal waste

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combustion units only), and carbon monoxide continuous emissions monitoring systems.

(g) *Records of the relationship between oxygen and carbon dioxide.* If you choose to monitor carbon dioxide instead of oxygen as a diluent gas, document the relationship between oxygen and carbon dioxide, as specified in § 62.15200.

(h) *Records of calendar dates.* Include the calendar date on each record.

### § 62.15310 What records must I keep for municipal waste combustion units that use activated carbon?

For municipal waste combustion units that use activated carbon to control dioxins/furans or mercury emissions, you must keep records of five items:

(a) *Records of average carbon feed rate.* Document five items:

(1) Average carbon feed rate (in kilograms or pounds per hour) during all stack tests for dioxins/furans and mercury emissions. Include supporting calculations in the records.

(2) For the operating parameter chosen to monitor carbon feed rate, average operating level during all stack tests for dioxins/furans and mercury emissions. Include supporting data that document the relationship between the operating parameter and the carbon feed rate.

(3) All 8-hour block average carbon feed rates in kilograms (pounds) per hour calculated from the monitored operating parameter.

(4) Total carbon purchased and delivered to the municipal waste combustion plant for each calendar quarter. If you choose to evaluate total carbon purchased and delivered on a municipal waste combustion unit basis, record the total carbon purchased and delivered for each individual municipal waste combustion unit at your plant. Include supporting documentation.

(5) Required quarterly usage of carbon for the municipal waste combustion plant, calculated using the appropriate equation in § 62.15390(f). If you choose to evaluate required quarterly usage for carbon on a municipal waste combustion unit basis, record the required quarterly usage for each municipal waste combustion unit at your plant. Include supporting calculations.

(b) *Records of low carbon feed rates.* Document three items:

(1) The calendar dates when the average carbon feed rate over an 8-hour block was less than the average carbon feed rates determined during the most recent stack test for dioxins/furans or mercury emissions (whichever has a higher feed rate).

(2) Reasons for the low carbon feed rates.

(3) Corrective actions you took or are taking to meet the 8-hour average carbon feed rate requirement.

(c) *Records of minimum carbon feed rate data.* Document three items:

(1) Calendar dates for which you did not collect the minimum amount of carbon feed rate data required under § 62.15280.

(2) Reasons you did not collect the minimum data.

(3) Corrective actions you took or are taking to get the required amount of data.

(d) *Records of exclusions.* Document each time you have excluded data from your calculation of average carbon feed rates and the reasons the data were excluded.

(e) *Records of calendar dates.* Include the calendar date on each record.

## REPORTING

### § 62.15315 What reports must I submit and in what form?

(a) Submit an initial report and annual reports, plus semiannual reports for any emission or parameter level that does not meet the limits specified in this subpart.

(b) Submit all reports on paper, postmarked on or before the submittal dates in §§ 62.15325, 62.15335, and 62.15350. If the Administrator agrees, you may submit electronic reports.

(c) Keep a copy of all reports required by §§ 62.15330, 62.15340, and 62.15355 on-site for 5 years.

### § 62.15320 What are the appropriate units of measurement for reporting my data?

See tables 2, 3, 4, and 5 of this subpart for appropriate units of measurement.

**§ 62.15325****40 CFR Ch. I (7-1-25 Edition)****§ 62.15325 When must I submit the initial report?**

As specified in § 60.7(c) of subpart A of 40 CFR part 60, submit your initial report within 180 days after your final compliance date.

**§ 62.15330 What must I include in the initial report?**

You must include seven items:

(a) The emission levels measured on the date of the initial evaluation of your continuous emission monitoring systems for all of the following five pollutants or parameters as recorded in accordance with § 62.15305(b).

(1) The 24-hour daily geometric average concentration of sulfur dioxide emissions or the 24-hour daily geometric percent reduction of sulfur dioxide emissions.

(2) For Class I municipal waste combustion units only, the 24-hour daily arithmetic average concentration of nitrogen oxides emissions.

(3) The 4-hour block or 24-hour daily arithmetic average concentration of carbon monoxide emissions.

(4) The 4-hour block arithmetic average load level of your municipal waste combustion unit.

(5) The 4-hour block arithmetic average flue gas temperature at the inlet of the particulate matter control device.

(b) The results of the initial stack tests for eight pollutants or parameters (use appropriate units as specified in tables 2 or 4 of this subpart):

- (1) Dioxins/furans.
- (2) Cadmium.
- (3) Lead.
- (4) Mercury.
- (5) Opacity.
- (6) Particulate matter.
- (7) Hydrogen chloride.
- (8) Fugitive ash.

(c) The test report that documents the initial stack tests including supporting calculations.

(d) The initial performance evaluation of your continuous emissions monitoring systems. Use the applicable performance specifications in appendix B of 40 CFR part 60 in conducting the evaluation.

(e) The maximum demonstrated load of your municipal waste combustion unit and the maximum demonstrated temperature of the flue gases at the

inlet of the particulate matter control device. Use values established during your initial stack test for dioxins/furans emissions and include supporting calculations.

(f) If your municipal waste combustion unit uses activated carbon to control dioxins/furans or mercury emissions, the average carbon feed rates that you recorded during the initial stack tests for dioxins/furans and mercury emissions. Include supporting calculations as specified in § 62.15310(a)(1) and (2).

(g) If you choose to monitor carbon dioxide instead of oxygen as a diluent gas, documentation of the relationship between oxygen and carbon dioxide, as specified in § 62.15200.

**§ 62.15335 When must I submit the annual report?**

Submit the annual report no later than February 1 of each year that follows the calendar year in which you collected the data. (As with all other requirements in this subpart, the requirement to submit an annual report does not modify or replace the operating permits requirements of 40 CFR parts 70 and 71.)

**§ 62.15340 What must I include in the annual report?**

Summarize data collected for all pollutants and parameters regulated under this subpart. Your summary must include 12 items:

(a) The results of the annual stack test, using appropriate units, for eight pollutants, as recorded under § 62.15300(a):

- (1) Dioxins/furans.
- (2) Cadmium.
- (3) Lead.
- (4) Mercury.
- (5) Opacity.
- (6) Particulate matter.
- (7) Hydrogen chloride.
- (8) Fugitive ash.

(b) A list of the highest average emission levels recorded, in the appropriate units. List these values for five pollutants or parameters:

- (1) Sulfur dioxide emissions.
- (2) For Class I municipal waste combustion units only, nitrogen oxides emissions.
- (3) Carbon monoxide emissions.

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(4) Load level of the municipal waste combustion unit.

(5) Temperature of the flue gases at the inlet of the particulate matter air pollution control device (4-hour block average).

(c) The highest 6-minute opacity level measured. Base this value on all 6-minute average opacity levels recorded by your continuous opacity monitoring system (§ 62.15305(a)(1)).

(d) For municipal waste combustion units that use activated carbon for controlling dioxins/furans or mercury emissions, include four records:

(1) The average carbon feed rates recorded during the most recent dioxins/furans and mercury stack tests.

(2) The lowest 8-hour block average carbon feed rate recorded during the year.

(3) The total carbon purchased and delivered to the municipal waste combustion plant for each calendar quarter. If you choose to evaluate total carbon purchased and delivered on a municipal waste combustion unit basis, record the total carbon purchased and delivered for each individual municipal waste combustion unit at your plant.

(4) The required quarterly carbon usage of your municipal waste combustion plant calculated using the appropriate equation in § 62.15390(f). If you choose to evaluate required quarterly usage for carbon on a municipal waste combustion unit basis, record the required quarterly usage for each municipal waste combustion unit at your plant.

(e) The total number of days that you did not obtain the minimum number of hours of data for six pollutants or parameters. Include the reasons you did not obtain the data and corrective actions that you have taken to obtain the data in the future. Include data on:

(1) Sulfur dioxide emissions.

(2) For Class I municipal waste combustion units only, nitrogen oxides emissions.

(3) Carbon monoxide emissions.

(4) Load level of the municipal waste combustion unit.

(5) Temperature of the flue gases at the inlet of the particulate matter air pollution control device.

(6) Carbon feed rate.

(f) The number of hours you have excluded data from the calculation of average levels (include the reasons for excluding it). Include data for six pollutants or parameters:

(1) Sulfur dioxide emissions.

(2) For Class I municipal waste combustion units only, nitrogen oxides emissions.

(3) Carbon monoxide emissions.

(4) Load level of the municipal waste combustion unit.

(5) Temperature of the flue gases at the inlet of the particulate matter air pollution control device.

(6) Carbon feed rate.

(g) A notice of your intent to begin a reduced stack testing schedule for dioxins/furans emissions during the following calendar year if you are eligible for alternative scheduling (§ 62.15250(a) or (b)).

(h) A notice of your intent to begin a reduced stack testing schedule for other pollutants during the following calendar year if you are eligible for alternative scheduling (§ 62.15250(a)).

(i) A summary of any emission or parameter level that did not meet the limits specified in this subpart.

(j) A summary of the data in paragraphs (a) through (d) of this section from the year preceding the reporting year. This summary gives the Administrator a summary of the performance of the municipal waste combustion unit over a 2-year period.

(k) If you choose to monitor carbon dioxide instead of oxygen as a diluent gas, documentation of the relationship between oxygen and carbon dioxide, as specified in § 62.15200.

(l) Documentation of periods when all certified chief facility operators and certified shift supervisors are offsite for more than 12 hours.

**§ 62.15345 What must I do if I am out of compliance with these standards?**

You must submit a semiannual report on any recorded emission or parameter level that does not meet the requirements specified in this subpart.

**§ 62.15350 If a semiannual report is required, when must I submit it?**

(a) For data collected during the first half of a calendar year, submit your

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semiannual report by August 1 of that year.

(b) For data you collected during the second half of the calendar year, submit your semiannual report by February 1 of the following year.

**§ 62.15355 What must I include in the semiannual out-of-compliance reports?**

You must include three items in the semiannual report:

(a) For any of the following six pollutants or parameters that exceeded the limits specified in this subpart, include the calendar date they exceeded the limits, the averaged and recorded data for that date, the reasons for exceeding the limits, and your corrective actions:

(1) Concentration or percent reduction of sulfur dioxide emissions.

(2) For Class I municipal waste combustion units only, concentration of nitrogen oxides emissions.

(3) Concentration of carbon monoxide emissions.

(4) Load level of your municipal waste combustion unit.

(5) Temperature of the flue gases at the inlet of your particulate matter air pollution control device.

(6) Average 6-minute opacity level. The data obtained from your continuous opacity monitoring system are not used to determine compliance with the limit on opacity emissions.

(b) If the results of your annual stack tests (as recorded in § 62.15300(a)) show emissions above the limits specified in table 2 or 4 of this subpart as applicable for dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash, include a copy of the test report that documents the emission levels and your corrective actions.

(c) For municipal waste combustion units that apply activated carbon to control dioxins/furans or mercury emissions, include two items:

(1) Documentation of all dates when the 8-hour block average carbon feed rate (calculated from the carbon injection system operating parameter) is less than the highest carbon feed rate established during the most recent mercury and dioxins/furans stack test

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(as specified in § 62.15310(a)(1)). Include four items:

(i) Eight-hour average carbon feed rate.

(ii) Reasons for these occurrences of low carbon feed rates.

(iii) The corrective actions you have taken to meet the carbon feed rate requirement.

(iv) The calendar date.

(2) Documentation of each quarter when total carbon purchased and delivered to the municipal waste combustion plant is less than the total required quarterly usage of carbon. If you choose to evaluate total carbon purchased and delivered on a municipal waste combustion unit basis, record the total carbon purchased and delivered for each individual municipal waste combustion unit at your plant. Include five items:

(i) Amount of carbon purchased and delivered to the plant.

(ii) Required quarterly usage of carbon.

(iii) Reasons for not meeting the required quarterly usage of carbon.

(iv) The corrective actions you have taken to meet the required quarterly usage of carbon.

(v) The calendar date.

**§ 62.15360 Can reporting dates be changed?**

(a) If the Administrator agrees, you may change the semiannual or annual reporting dates.

(b) See § 60.19(c) in subpart A of 40 CFR part 60 for procedures to seek approval to change your reporting date.

**AIR CURTAIN INCINERATORS THAT BURN 100 PERCENT YARD WASTE****§ 62.15365 What is an air curtain incinerator?**

An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor.

**§ 62.15370 What is yard waste?**

Yard waste is grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. They come from

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residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include two items:

- (a) Construction, renovation, and demolition wastes that are exempt from the definition of "municipal solid waste" in § 62.15410.
- (b) Clean wood that is exempt from the definition of "municipal solid waste" in § 62.15410 of this subpart.

**§ 62.15375 What are the emission limits for air curtain incinerators that burn 100 percent yard waste?**

If your air curtain incinerator combusts 100 percent yard waste, you must meet only the emission limits in this section.

(a) Within 180 days after your final compliance date, you must meet two limits:

- (1) The opacity limit is 10 percent (6-minute average) for air curtain incinerators that can combust at least 35 tons per day of yard waste and no more than 250 tons per day of yard waste.

- (2) The opacity limit is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

- (b) Except during malfunctions, the requirements of this subpart apply at all times. Each malfunction must not exceed 3 hours.

**§ 62.15380 How must I monitor opacity for air curtain incinerators that burn 100 percent yard waste?**

(a) Use EPA Reference Method 9 in appendix A of 40 CFR part 60 to determine compliance with the opacity limit.

(b) Conduct an initial test for opacity as specified in § 60.8 of subpart A of 40 CFR part 60.

(c) After the initial test for opacity, conduct annual tests no more than 13

calendar months following the date of your previous test.

**§ 62.15385 What are the recordkeeping and reporting requirements for air curtain incinerators that burn 100 percent yard waste?**

(a) Provide a notice of construction that includes four items:

- (1) Your intent to construct the air curtain incinerator.
- (2) Your planned initial startup date.
- (3) Types of fuels you plan to combust in your air curtain incinerator.

- (4) The capacity of your incinerator, including supporting capacity calculations, as specified in § 62.15390 (d) and (e).

(b) Keep records of results of all opacity tests onsite in either paper copy or electronic format unless the Administrator approves another format.

(c) Keep all records for each incinerator for at least 5 years.

(d) Make all records available for submittal to the Administrator or for onsite review by an inspector.

(e) Submit the results (each 6-minute average) of the opacity tests by February 1 of the year following the year of the opacity emission test.

(f) Submit reports as a paper copy on or before the applicable submittal date. If the Administrator agrees, you may submit reports on electronic media.

(g) If the Administrator agrees, you may change the annual reporting dates (see § 60.19(c) in subpart A of 40 CFR part 60).

(h) Keep a copy of all reports onsite for a period of 5 years.

**EQUATIONS****§ 62.15390 What equations must I use?**

(a) *Concentration correction to 7 percent oxygen.* Correct any pollutant concentration to 7 percent oxygen using equation 1 of this section:

$$C_{7\%} = C_{unc} * (13.9) * \left( \frac{1}{(20.9 - CO_2)} \right) \quad (\text{Eq. 1})$$

Where:

$C_{7\%}$  = concentration corrected to 7 percent oxygen.

$C_{unc}$  = uncorrected pollutant concentration.

$CO_2$  = concentration of oxygen (%).

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(b) *Percent reduction in potential mercury emissions.* Calculate the percent re-

duction in potential mercury emissions ( $\%P_{Hg}$ ) using equation 2 of this section:

$$\%P_{Hg} = (E_i - E_o) * (100 / E_i) \quad (\text{Eq. 2})$$

Where:

$\%P_{Hg}$  = percent reduction of potential mercury emissions

$E_i$  = mercury emission concentration as measured at the air pollution control device inlet, corrected to 7 percent oxygen, dry basis

$E_o$  = mercury emission concentration as measured at the air pollution control de-

vice outlet, corrected to 7 percent oxygen, dry basis

(c) *Percent reduction in potential hydrogen chloride emissions.* Calculate the percent reduction in potential hydrogen chloride emissions ( $\%P_{HCl}$ ) using equation 3 of this section:

$$\%P_{HCl} = (E_i - E_o) * (100 / E_i) \quad (\text{Eq. 3})$$

Where:

$\%P_{HCl}$  = percent reduction of the potential hydrogen chloride emissions

$E_i$  = hydrogen chloride emission concentration as measured at the air pollution control device inlet, corrected to 7 percent oxygen, dry basis

$E_o$  = hydrogen chloride emission concentration as measured at the air pollution control device outlet, corrected to 7 percent oxygen, dry basis

(d) *Capacity of a municipal waste combustion unit.* For a municipal waste combustion unit that can operate continuously for 24-hour periods, calculate the capacity of the municipal waste combustion unit based on 24 hours of operation at the maximum charge rate. To determine the maximum charge rate, use one of two methods:

(1) For municipal waste combustion units with a design based on heat input capacity, calculate the maximum charging rate based on this maximum heat input capacity and one of two heating values:

(i) If your municipal waste combustion unit combusts refuse-derived fuel, use a heating value of 12,800 kilojoules per kilogram (5,500 British thermal units per pound).

(ii) If your municipal waste combustion unit combusts municipal solid waste, use a heating value of 10,500 kilojoules per kilogram (4,500 British thermal units per pound).

(2) For municipal waste combustion units with a design not based on heat input capacity, use the maximum designed charging rate.

(e) *Capacity of a batch municipal waste combustion unit.* Calculate the capacity of a batch municipal waste combustion unit as the maximum design amount of municipal solid waste they can charge per batch multiplied by the maximum number of batches they can process in 24 hours. Calculate this maximum number of batches by dividing 24 by the number of hours needed to process one batch. Retain fractional batches in the calculation. For example, if one batch requires 16 hours, the municipal waste combustion unit can combust 24/16, or 1.5 batches, in 24 hours.

(f) *Quarterly carbon usage.* If you use activated carbon to comply with the dioxins/furans or mercury limits, calculate the required quarterly usage of carbon using equation 4 or 5 of this section for plant basis or unit basis:

(1) Plant basis.

$$C = \sum_{i=1}^n f_i * h_i \quad (\text{Eq. 4})$$

Where:

$C$  = required quarterly carbon usage for the plant in kilograms (or pounds).

$f_i$  = required carbon feed rate for the municipal waste combustion unit in kilograms (or pounds) per hour. This is the average carbon feed rate during the most recent

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mercury or dioxins/furans stack tests (whichever has a higher feed rate).  
h = number of hours the municipal waste combustion unit was in operation during the calendar quarter (hours).  
n = number of municipal waste combustion units, i, located at your plant.

(2) Unit basis.

$$C = f * h \quad (\text{Eq. 5})$$

Where:

C = required quarterly carbon usage for the unit in kilograms (or pounds).  
f = required carbon feed rate for the municipal waste combustion unit in kilograms (or pounds) per hour. This is the average carbon feed rate during the most recent mercury or dioxins/furans stack tests (whichever has a higher feed rate).  
h = number of hours the municipal waste combustion unit was in operation during the calendar quarter (hours).

### TITLE V REQUIREMENTS

#### § 62.15395 Does this subpart require me to obtain an operating permit under title V of the Clean Air Act?

Yes. If you are subject to this subpart on the effective date of this subpart or any time thereafter, you are required to apply for and obtain a title V operating permit.

#### § 62.15400 When must I submit a title V permit application for my existing small municipal waste combustion unit?

(a) You must submit a complete title V permit application within 12 months of when your source first becomes subject to a title V permitting program. *See 40 CFR 70.3(a) and (b), 70.5(a)(1), 71.3(a) and (b), and 71.5(a)(1).* As provided in section 503(c) of the Clean Air Act, permitting authorities may establish permit application deadlines earlier than the 12-month deadline.

(b) If your existing small MWC unit is not subject to an earlier permit application deadline, a complete title V permit application must be submitted not later than the date 36 months after promulgation of 40 CFR part 60, subpart BBBB (December 6, 2003), or by the effective date of the applicable State, tribal, or Federal operating permits program, whichever is later. For any existing small MWC unit not subject to an earlier application deadline, this final application deadline applies re-

gardless of when this Federal plan is effective, or when the relevant State or Tribal section 111(d)/129 plan is approved by EPA and becomes effective. *See sections 129(e), 503(c), 503(d), and 502(a) of the Clean Air Act.*

(c) A "complete" title V permit application is one that has been determined or deemed complete by the relevant permitting authority under section 503(d) of the Clear Air Act and 40 CFR 70.5(a)(2) or 71.5(a)(2). You must submit a complete permit application by the relevant application deadline in order to operate after this date in compliance with Federal law. *See sections 503(d) and 502(a); 40 CFR 70.7(b) and 71.7(b).*

### DELEGATION OF AUTHORITY

#### § 62.15405 What authorities are retained by the Administrator?

These authorities are retained by the EPA Administrator and not transferred to the State upon delegation of authority to the State to implement and enforce this subpart.

- (a) Approval of alternative non-opacity emission standard;
- (b) Approval of alternative opacity standard;
- (c) Approval of major alternatives to test methods;
- (d) Approval of major alternatives to monitoring;
- (e) Waiver of recordkeeping; and
- (f) Approval of exemption to operating practice requirements in § 62.15145(e)(5).

### DEFINITIONS

#### § 62.15410 What definitions must I know?

Terms used but not defined in this section are defined in the Clean Air Act and in subparts A and B of 40 CFR part 60.

*Administrator* means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or the Administrator of a State Air Pollution Control Agency.

*Air curtain incinerator* means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below

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ground and with or without refractory walls and floor.

*Batch municipal waste combustion unit* means a municipal waste combustion unit designed so it cannot combust municipal solid waste continuously 24 hours per day because the design does not allow waste to be fed to the unit or ash to be removed during combustion.

*Calendar quarter* means three consecutive months (nonoverlapping) beginning on: January 1, April 1, July 1, or October 1.

*Calendar year* means 365 consecutive days (or 366 consecutive days in leap years) starting on January 1 and ending on December 31.

*Chief facility operator* means the person in direct charge and control of the operation of a municipal waste combustion unit. This person is responsible for daily onsite supervision, technical direction, management, and overall performance of the municipal waste combustion unit.

*Class I units* mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" for specification of which units at a plant site are included in the aggregate capacity calculation.

*Class II units* mean small municipal combustion units subject to this subpart that are located at municipal waste combustion plants with aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" for specification of which units at a plant site are included in the aggregate capacity calculation.

*Clean wood* means untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped). Clean wood does not include two items:

(1) "Yard waste", which is defined in this section.

(2) Construction, renovation, or demolition wastes (for example, railroad ties and telephone poles) that are ex-

empt from the definition of municipal solid waste in this section.

*Cofired combustion unit* means a unit that combusts municipal solid waste with nonmunicipal solid waste fuel (for example, coal, industrial process waste). To be considered a cofired combustion unit, the unit must be subject to a federally enforceable permit that limits it to combusting a fuel feed stream which is 30 percent or less (by weight) municipal solid waste as measured each calendar quarter.

*Continuous burning* means the continuous, semicontinuous, or batch feeding of municipal solid waste to dispose of the waste, produce energy, or provide heat to the combustion system in preparation for waste disposal or energy production. Continuous burning does not mean the use of municipal solid waste solely to thermally protect the grate or hearth during the startup period when municipal solid waste is not fed to the grate or hearth.

*Continuous emission monitoring system* means a monitoring system that continuously measures the emissions of a pollutant from a municipal waste combustion unit.

*Contract* means a legally binding agreement or obligation that cannot be canceled or modified without substantial financial loss.

*De-rate* means to make a permanent physical change to the municipal waste combustor unit that reduces the maximum combustion capacity of the unit to less than or equal to 35 tons per day of municipal solid waste. A permit restriction or a change in the method of operation does not qualify as de-rating.

*Dioxins/furans* mean tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

*Effective date of State plan approval* means the effective date that the EPA approves the State plan. The FEDERAL REGISTER specifies this date in the notice that announces EPA's approval of the State plan.

*Eight-hour block average* means the average of all hourly emission concentrations or parameter levels when the municipal waste combustion unit operates and combusts municipal solid waste measured over any of three 8-hour periods of time:

(1) 12 midnight to 8 a.m.

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(2) 8 a.m. to 4 p.m.

(3) 4 p.m. to 12 midnight.

*EPA-approved State plan* means a State plan that EPA has reviewed and approved based on the requirements in 40 CFR part 60 subpart B to implement and enforce 40 CFR part 60, subpart BBBB. An approved State plan becomes effective on the date specified in the notice published in the FEDERAL REGISTER announcing EPA's approval.

*Federally enforceable* means all limits and conditions the Administrator can enforce (including the requirements of 40 CFR parts 60, 61, and 63), requirements in a State's implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 40 CFR 51.24.

*First calendar half* means the period that starts on January 1 and ends on June 30 in any year.

*Fluidized bed combustion unit* means a unit where municipal waste is combusted in a fluidized bed of material. The fluidized bed material may remain in the primary combustion zone or may be carried out of the primary combustion zone and returned through a recirculation loop.

*Four-hour block average* or *4-hour block average* means the average of all hourly emission concentrations or parameter levels when the municipal waste combustion unit operates and combusts municipal solid waste measured over any of six 4-hour periods:

(1) 12 midnight to 4 a.m.

(2) 4 a.m. to 8 a.m.

(3) 8 a.m. to 12 noon.

(4) 12 noon to 4 p.m.

(5) 4 p.m. to 8 p.m.

(6) 8 p.m. to 12 midnight.

*Mass burn refractory municipal waste combustion unit* means a field-erected municipal waste combustion unit that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, this includes municipal waste combustion units with a cylindrical rotary refractory wall furnace.

*Mass burn rotary waterwall municipal waste combustion unit* means a field-erected municipal waste combustion unit that combusts municipal solid waste in a cylindrical rotary waterwall furnace.

*Mass burn waterwall municipal waste combustion unit* means a field-erected

municipal waste combustion unit that combusts municipal solid waste in a waterwall furnace.

*Maximum demonstrated load of a municipal waste combustion unit* means the highest 4-hour block arithmetic average municipal waste combustion unit load achieved during 4 consecutive hours in the course of the most recent dioxins/furans stack test that demonstrates compliance with the applicable emission limit for dioxins/furans specified in this subpart.

*Maximum demonstrated temperature of the particulate matter control device* means the highest 4-hour block arithmetic average flue gas temperature measured at the inlet of the particulate matter control device during 4 consecutive hours in the course of the most recent stack test for dioxins/furans emissions that demonstrates compliance with the limits specified in this subpart.

*Medical/infectious waste* means any waste meeting the definition of medical/infectious waste contained in 40 CFR 60.51c of subpart Ec.

*Mixed fuel-fired (pulverized coal/refuse-derived fuel) combustion unit* means a combustion unit that combusts coal and refuse-derived fuel simultaneously, in which pulverized coal is introduced into an air stream that carries the coal to the combustion chamber of the unit where it is combusted in suspension. This includes both conventional pulverized coal and micropulverized coal.

*Modification or modified municipal waste combustion unit* means a municipal waste combustion unit you have changed later than June 6, 2001, and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the unit (not including the cost of land) updated to current costs.

(2) Any physical change in the municipal waste combustion unit or change in the method of operating it that increases the emission level of any air pollutant for which standards have been established under section 129 or section 111 of the Clean Air Act. Increases in the emission level of any air pollutant are determined when the municipal waste combustion unit operates

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at 100 percent of its physical load capability and are measured downstream of all air pollution control devices. Load restrictions based on permits or other nonphysical operational restrictions cannot be considered in this determination.

*Modular excess-air municipal waste combustion unit* means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers, all of which are designed to operate at conditions with combustion air amounts in excess of theoretical air requirements.

*Modular starved-air municipal waste combustion unit* means a municipal waste combustion unit that combusts municipal solid waste, is not field-erected, and has multiple combustion chambers in which the primary combustion chamber is designed to operate at substoichiometric conditions.

*Municipal solid waste or municipal-type solid waste* means household, commercial/retail, or institutional waste. Household waste includes material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes materials discarded by schools, by hospitals (non-medical), by nonmanufacturing activities at prisons and government facilities, and other similar establishments or facilities. Household, commercial/retail, and institutional waste does not include yard waste and refuse-derived fuel. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which include railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

*Municipal waste combustion plant* means one or more municipal waste combustion units at the same location as specified under "Applicability of State Plans" (§ 62.15010(a)).

*Municipal waste combustion plant capacity* means the aggregate municipal waste combustion capacity of all municipal waste combustion units at the plant that are not subject to subparts Ea, Eb, or AAAA of 40 CFR part 60.

*Municipal waste combustion unit* means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved-air or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define these municipal waste combustion units:

(1) Municipal waste combustion units do not include pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under § 62.15020(h) and (i). Municipal waste combustion units do not include cement kilns that combust municipal solid waste as specified under § 62.15020(j). Municipal waste combustion units also do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

(2) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:

(i) The combustion unit flue gas system, which ends immediately after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.

(ii) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that

transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(iii) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.

*Particulate matter* means total particulate matter emitted from municipal waste combustion units as measured by EPA Reference Method 5 in appendix A of 40 CFR part 60 and the procedures specified in § 62.15245.

*Plastics or rubber recycling unit* means an integrated processing unit for which plastics, rubber, or rubber tires are the only feed materials (incidental contaminants may be in the feed materials). These materials are processed and marketed to become input feed stock for chemical plants or petroleum refineries. The following three criteria further define a plastics or rubber recycling unit:

(1) Each calendar quarter, the combined weight of the feed stock that a plastics or rubber recycling unit produces must be more than 70 percent of the combined weight of the plastics, rubber, and rubber tires that recycling unit processes.

(2) The plastics, rubber, or rubber tires fed to the recycling unit may originate from separating or diverting plastics, rubber, or rubber tires from municipal or industrial solid waste. These feed materials may include manufacturing scraps, trimmings, and off-specification plastics, rubber, and rubber tire discards.

(3) The plastics, rubber, and rubber tires fed to the recycling unit may contain incidental contaminants (for example, paper labels on plastic bottles or metal rings on plastic bottle caps).

*Potential hydrogen chloride emissions* means the level of emissions from a municipal waste combustion unit that would occur from combusting municipal solid waste without emission controls for acid gases.

*Potential mercury emissions* means the level of emissions from a municipal waste combustion unit that would occur from combusting municipal solid waste without controls for mercury emissions.

*Potential sulfur dioxide emissions* means the level of emissions from a municipal waste combustion unit that would occur from combusting municipal solid waste without emission controls for acid gases.

*Protectorate* means American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands.

*Pyrolysis/combustion unit* means a unit that produces gases, liquids, or solids by heating municipal solid waste. The gases, liquids, or solids produced are combusted and the emissions vented to the atmosphere.

*Reconstruction* means rebuilding a municipal waste combustion unit and meeting two criteria:

(1) The reconstruction begins on or after June 6, 2001.

(2) The cumulative cost of the construction over the life of the unit exceeds 50 percent of the original cost of building and installing the municipal waste combustion unit (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the municipal waste combustion unit used to calculate these costs, see the definition of "municipal waste combustion unit" in this section.

*Refractory unit or refractory wall furnace* means a municipal waste combustion unit that has no energy recovery (such as through a waterwall) in the furnace of the municipal waste combustion unit.

*Refuse-derived fuel* means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

(1) Low-density fluff refuse-derived fuel through densified refuse-derived fuel.

(2) Pelletized refuse-derived fuel.

*Same location* means the same or contiguous properties under common ownership or control, including those separated only by a street, road, highway, or other public right-of-way. Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity,

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subsidiary, subdivision, or any combination thereof. Entities may include a municipality, other governmental unit, or any quasi-governmental authority (for example, a public utility district or regional authority for waste disposal).

*Second calendar half* means the period that starts on July 1 and ends on December 31 in any year.

*Shift supervisor* means the person who is in direct charge and control of operating a municipal waste combustion unit and who is responsible for onsite supervision, technical direction, management, and overall performance of the municipal waste combustion unit during an assigned shift.

*Spreader stoker, mixed fuel-fired (coal/refuse-derived fuel) combustion unit* means a municipal waste combustion unit that combusts coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a grate from above. Combustion takes place both in suspension and on the grate.

*Standard conditions* when referring to units of measure mean a temperature of 20 °C and a pressure of 101.3 kilopascals.

*Startup period* means the period when a municipal waste combustion unit begins the continuous combustion of municipal solid waste. It does not include any warmup period during which the municipal waste combustion unit combusts fossil fuel or other solid waste fuel but receives no municipal solid waste.

*State* means any of the 50 United States and the protectorates of the United States.

*State plan* means a plan submitted pursuant to section 111(d) and section 129(b)(2) of the Clean Air Act and 40 CFR part 60, subpart B, that implements and enforces 40 CFR part 60, subpart BBBB.

*Stoker (refuse-derived fuel) combustion unit* means a steam generating unit that combusts refuse-derived fuel in a

semisuspension combusting mode, using air-fed distributors.

*Total mass dioxins/furans or total mass* means the total mass of tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans as determined using EPA Reference Method 23 in appendix A of 40 CFR part 60 and the procedures specified in § 62.15245.

*Tribal plan* means a plan submitted by a tribal authority pursuant to 40 CFR parts 9, 35, 49, 50, and 81 that implements and enforces 40 CFR part 60 subpart BBBB.

*Twenty-four hour daily average or 24-hour daily average* means either the arithmetic mean or geometric mean (as specified) of all hourly emission concentrations when the municipal waste combustion unit operates and combusts municipal solid waste measured during the 24 hours between 12:00 midnight and the following midnight.

*Untreated lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Untreated lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

*Waterwall furnace* means a municipal waste combustion unit that has energy (heat) recovery in the furnace (for example, radiant heat transfer section) of the combustion unit.

*Yard waste* means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs. They come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include two items:

(1) Construction, renovation, and demolition wastes that are exempt from the definition of "municipal solid waste" in this section.

(2) Clean wood that is exempt from the definition of "municipal solid waste" in this section.

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**Pt. 62, Subpt. JJJ, Table 1**

TABLE 1 TO SUBPART JJJ OF PART 62—GENERIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS

Affected units	Increment 1 (Submit final control plan)	Increment 2 (Award contracts)	Increment 3 (Begin onsite construction)	Increment 4 (Complete onsite construction)	Increment 5 (Final compliance)
<b>1. Class I units<sup>a,b</sup></b>	August 6, 2003	April 6, 2004	October 6, 2004	October 6, 2005	November 6, 2005
<b>2. Class II units<sup>c</sup></b>	September 6, 2003	Not applicable	Not applicable	Not applicable	May 6, 2005

<sup>a</sup> Class I units mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> For Class I units that began construction, reconstruction, or modification after June 26, 1987, comply with the dioxins/furans and mercury limits by the later of two dates:

1. One year after the effective date of this subpart.
2. One year after the issuance of a revised construction or operation permit, if a permit modification is required. Final compliance with the dioxins/furans limits must be achieved no later than the Class I final compliance date, even if the date one year after the issuance of a revised construction or operation permit exceeds the Class I final compliance date.

<sup>c</sup> Class II units mean all small municipal combustion units subject to this subpart that are located at municipal waste combustion plants with aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See §62.15410 for definitions.

TABLE 2 TO SUBPART JJJ OF PART 62—CLASS I EMISSION LIMITS FOR EXISTING  
SMALL MUNICIPAL WASTE COMBUSTION LIMITS

For these pollutants	You must meet these emission limits <sup>b</sup>	Using these averaging times	And determine compliance by these methods
<b>1. Organics</b>			
<b>Dioxins/furans (total mass basis)</b>	30 nanograms per dry standard cubic meter for municipal waste combustion units that do not employ an electrostatic precipitator-based emission control system -or- 60 nanograms per dry standard cubic meter for municipal waste combustion units that employ an electrostatic precipitator-based emission control system	3-run average (minimum run duration is 4 hours)	Stack test
<b>2. Metals</b>			
<b>Cadmium</b>	0.040 milligrams per dry standard cubic meter	3-run average (run duration specified in test method)	Stack test
<b>Lead</b>	0.490 milligrams per dry standard cubic meter	3-run average (run duration specified in test method)	Stack test
<b>Mercury</b>	0.080 milligrams per dry standard cubic meter -or- 85 percent reduction of potential mercury emissions	3-run average (run duration specified in test method)	Stack test
<b>Opacity</b>	10 percent	Thirty 6-minute averages	Stack test
<b>Particulate Matter</b>	27 milligrams per dry standard cubic meter	3-run average (run duration specified in test method)	Stack test

<sup>a</sup> Class I units mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> All emission limits (except for opacity) are measured at 7 percent oxygen.

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**Pt. 62, Subpt. JJJ, Table 3**

For these pollutants	You must meet these emission limits <sup>b</sup>	Using these averaging times	And determine compliance by these methods
<b>3. Acid gases</b>			
<b>Hydrogen Chloride</b>	31 parts per million by dry volume -or- 95 percent reduction of potential hydrogen chloride emissions	3-run average (minimum run duration is 1 hour)	Stack test
<b>Sulfur Dioxide</b>	31 parts per million by dry volume -or - 75 percent reduction of potential sulfur dioxide emissions	24-hour daily block geometric average concentration -or- percent reduction	Continuous emission monitoring system
<b>4. Other</b>			
<b>Fugitive Ash</b>	Visible emissions for no more than 5 percent of hourly observation period	Three 1-hour observation periods	Visible emission test

<sup>a</sup> Class I units mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> All emission limits (except for opacity) are measured at 7 percent oxygen.

**TABLE 3 TO SUBPART JJJ OF PART 62—CLASS I NITROGEN OXIDES EMISSION LIMITS FOR EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS<sup>a</sup> <sup>b</sup> <sup>c</sup>**

Municipal Waste Combustion Technology	Limits for Class I Municipal Waste Combustion Units
1. Mass burn waterwall	200 parts per million by dry volume
2. Mass burn rotary waterwall	170 parts per million by dry volume
3. Refuse-derived fuel	250 parts per million by dry volume
4. Fluidized bed	220 parts per million by dry volume
5. Mass burn refractory	350 parts per million by dry volume
6. Modular excess air	190 parts per million by dry volume
7. Modular starved air	380 parts per million by dry volume

<sup>a</sup> Class I units mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> Nitrogen oxides limits are corrected to 7 percent oxygen, dry basis.

<sup>c</sup> All limits are 24-hour daily block arithmetic average concentration. Compliance is determined for Class I units by continuous emission monitoring systems.

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TABLE 4 TO SUBPART JJJ OF PART 62—CLASS II EMISSION LIMITS FOR EXISTING  
SMALL MUNICIPAL WASTE COMBUSTION UNITS<sup>a</sup>

For these pollutants	You must meet these emission limits <sup>b</sup>	Using these averaging times	And determine compliance by these methods
<b>1. Organics</b>			
<b>Dioxins/furans (total mass basis)</b>	125 nanograms per dry standard cubic meter	3-run average (minimum run duration is 4 hours)	Stack test
<b>2. Metals</b>			
<b>Cadmium</b>	0.10 milligrams per dry standard cubic meter	3-run average (run duration specified in test method)	Stack test
<b>Lead</b>	1.6 milligrams per dry standard cubic meter	3-run average (run duration specified in test method)	Stack test
<b>Mercury</b>	0.080 milligrams per dry standard cubic meter -or- 85 percent reduction of potential mercury emissions	3-run average (run duration specified in test method)	Stack test
<b>Opacity</b>	10 percent	Thirty 6-minute averages	Stack test
<b>Particulate Matter</b>	70 milligrams per dry standard cubic meter	3-run average (run duration specified in test method)	Stack test
<b>3. Acid gases</b>			
<b>Hydrogen Chloride</b>	250 parts per million by volume -or- 50 percent reduction of potential hydrogen chloride emissions	3-run average (minimum run duration is 1 hour)	Stack test

<sup>a</sup> Class II units mean all small municipal combustion units subject to this subpart that are located at municipal waste combustion plants with aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> All emission limits (except for opacity) measured at 7 percent oxygen.

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For these pollutants	You must meet these emission limits <sup>b</sup>	Using these averaging times	And determine compliance by these methods
<b>3. Acid gases</b>			
<b>Nitrogen Oxides</b>	500 parts per million by dry volume	See footnote c	See footnote c
<b>Sulfur Dioxide</b>	77 parts per million by dry volume -or- 50 percent reduction of potential sulfur dioxides emissions	24-hour daily block geometric average concentration -or- percent reduction	Continuous emission monitoring system
<b>4. Other</b>			
<b>Fugitive Ash</b>	Visible emissions for no more than 5 percent of hourly observation period	Three 1-hour observation periods	Visible emission test

<sup>a</sup> Class II units mean all small municipal combustion units subject to this subpart that are located at municipal waste combustion plants with aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> All emission limits (except for opacity) are measured at 7 percent oxygen.

<sup>c</sup> No monitoring, testing, recordkeeping or reporting is required to demonstrate compliance with the nitrogen oxides limit for Class II units.

**Pt. 62, Subpt. JJJ, Table 5****40 CFR Ch. I (7-1-25 Edition)**

TABLE 5 TO SUBPART JJJ OF PART 62—CARBON MONOXIDE EMISSION LIMITS FOR EXISTING SMALL MUNICIPAL WASTE COMBUSTION UNITS

For these municipal waste combustion units	You must meet the carbon monoxide limits <sup>a</sup>	Using these averaging times <sup>b</sup>
1. Fluidized bed	100 parts per million by dry volume	4-hour
2. Fluidized bed, mixed fuel, (wood/refuse-derived fuel)	200 parts per million by dry volume	24-hour <sup>c</sup>
3. Mass burn rotary refractory	100 parts per million by dry volume	4-hour
4. Mass burn rotary waterwall	250 parts per million by dry volume	24-hour
5. Mass burn waterwall and refractory	100 parts per million by dry volume	4-hour
6. Mixed fuel-fired, (pulverized coal/refuse-derived fuel)	150 parts per million by dry volume	4-hour
7. Modular starved-air and excess air	50 parts per million by dry volume	4-hour
8. Spreader stoker, mixed fuel-fired (coal/refuse-derived fuel)	200 parts per million by dry volume	24-hour daily
9. Stoker, refuse-derived fuel	200 parts per million by dry volume	24-hour daily

<sup>a</sup> All emission limits (except for opacity) are measured at 7 percent oxygen. Compliance is determined by continuous emission monitoring systems.

<sup>b</sup> Block averages, arithmetic mean. See §62.15410 for definitions.

<sup>c</sup> 24-hour block average, geometric mean.

**Environmental Protection Agency****Pt. 62, Subpt. JJJ, Table 6**

TABLE 6 TO SUBPART JJJ OF PART 62—REQUIREMENTS FOR VALIDATING CONTINUOUS EMISSION MONITORING SYSTEMS (CEMS)

For these continuous monitoring systems	Use these methods to validate pollutant concentration levels <sup>a</sup>	Use these methods to measure oxygen (or carbon dioxide) <sup>a</sup>
1. Nitrogen oxides (Class I units only) <sup>b</sup>	Method 7, 7A, 7B, 7C, 7D, or 7E	Method 3 or 3A
2. Sulfur dioxide	Method 6 or 6C	Method 3 or 3A
3. Carbon monoxide	Method 10, 10A, or 10B	Method 3 or 3A

<sup>a</sup> Methods are in Appendix A of 40 CFR part 60.

<sup>b</sup> Class I units mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See §62.15410 for definitions.

**Pt. 62, Subpt. JJJ, Table 7**

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TABLE 7 TO SUBPART JJJ OF PART 62—REQUIREMENTS FOR CONTINUOUS EMISSION MONITORING SYSTEMS (CEMS)<sup>A</sup>

For these pollutants	Use these span values for your CEMS	Use these performance specifications for your CEMS (from appendix B in 40 CFR part 60)	If needed to meet minimum data requirements, use these alternate methods to collect data
1. Opacity	100 percent opacity	P.S. 1	Method 9
2. Nitrogen oxides (Class I units only)	<b>Control device outlet:</b> 125 percent of the maximum expected hourly potential nitrogen oxides emissions of the municipal waste combustion unit	P.S. 2	Method 7E
3. Sulfur dioxide	<b>Inlet to control device:</b> 125 percent of the maximum expected hourly potential sulfur dioxide emissions of the municipal waste combustion unit <b>Control device outlet:</b> 50 percent of the maximum expected hourly potential sulfur dioxide emissions of the municipal waste combustion unit	P.S. 2	Method 6C
4. Carbon monoxide	125 percent of the maximum expected hourly potential carbon monoxide emissions of the municipal waste combustion unit	P.S. 4A	Method 10 with alternative interference trap
5. Oxygen or carbon dioxide	25 percent oxygen or 25 percent carbon dioxide	P.S. 3	Method 3A or 3B

<sup>a</sup> Methods are in Appendix A of 40 CFR part 60.

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**Pt. 62, Subpt. JJJ, Table 8**
**TABLE 8 TO SUBPART JJJ OF PART 62—REQUIREMENTS FOR STACK TESTS**

To measure these pollutants	Use these methods to determine the sampling location <sup>a</sup>	Use these methods to measure pollutant concentration <sup>a</sup>	Also note the following additional information
<b>1. Organics</b>			
Dioxins/furans	Method 1	Method 23 <sup>b</sup>	The minimum sampling time must be 4 hours per test run while the municipal waste combustion unit is operating at full load.
<b>2. Metals</b>			
Cadmium	Method 1	Method 29 <sup>b</sup>	Compliance testing must be performed while the municipal waste combustion unit is operating at full load.
Lead	Method 1	Method 29 <sup>b</sup>	Compliance testing must be performed while the municipal waste combustion unit is operating at full load.
Mercury	Method 1	Method 29 <sup>b</sup>	Compliance testing must be performed while the municipal waste combustion unit is operating at full load.
Opacity	Method 9	Method 9	Use Method 9 to determine compliance with opacity limits. 3-hour observation period (thirty 6-minute averages).
Particulate matter	Method 1	Method 5 or 29 <sup>b</sup>	The minimum sample volume must be 1.0 cubic meters. The probe and filter holder heating systems in the sample train must be set to provide a gas temperature no greater than $160 \pm 14$ °C. The minimum sampling time is 1 hour.

<sup>a</sup> Methods are in Appendix A of 40 CFR part 60.

<sup>b</sup> Must simultaneously measure oxygen (or carbon dioxide) using Method 3A or 3B.

<sup>c</sup> Use CEMS to test sulfur dioxide, nitrogen oxide, and carbon monoxide. Stack tests are not required except for Appendix F quality assurance requirements.

To measure these pollutants	Use these methods to determine the sampling location <sup>a</sup>	Use these methods to measure pollutant concentration <sup>a</sup>	Also note the following additional information
<b>3. Acid gases<sup>c</sup></b>			
Hydrogen chloride	Method 1	Method 26 or 26A <sup>b</sup>	Test runs must be at least 1 hour long while the municipal waste combustion unit is operating at full load.
<b>4. Other<sup>c</sup></b>			
Fugitive ash	Not applicable	Method 22 (visible emissions)	The three 1-hour observation period must include periods when the facility transfers fugitive ash from the municipal waste combustion unit to the area where the fugitive ash is stored or loaded into containers or trucks.

<sup>a</sup> Must simultaneously measure oxygen (or carbon dioxide) using Method 3A or 3B.

<sup>b</sup> Use CEMS to test sulfur dioxide, nitrogen oxide, and carbon monoxide. Stack tests are not required except for Appendix F quality assurance requirements.

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TABLE 9 TO SUBPART JJJ OF PART 62—SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS

Class I <sup>a,b</sup> units	State	Units that will Cease Operation	Increment 1 (Submit final control plan)	Increment 2 (Award contracts)	Increment 3 (Begin onsite construction)	Increment 4 (Complete onsite construction)	Increment 5 (Final compliance)
Dutchess County Resource Recovery Facility	NY	Not Applicable	August 6, 2003	February 6, 2004	August 6, 2004	October 6, 2005	December 6, 2005
Islip- MacArthur Resource Recovery Facility	NY	Not Applicable	August 6, 2003	February 6, 2004	August 6, 2004	October 6, 2005	December 6, 2005
Harrisburg Materials, Energy, Recycling and Recovery Facility	PA	June 18, 2003	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

<sup>a</sup> Class I units mean small municipal waste combustion units subject to this subpart that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See §62.15410 for definitions.

<sup>b</sup> For Class I units that began construction, reconstruction, or modification after June 26, 1987, comply with the dioxins/furans and mercury limits by the later of two dates:

1. One year after the effective date of this subpart.
2. One year after the issuance of a revised construction or operation permit, if a permit modification is required. Final compliance with the dioxins/furans limits must be achieved no later than the Class I final compliance date, even if the date one year after the issuance of a revised construction or operation permit exceeds the Class I final compliance date.

### Subpart KKK [Reserved]

### Subpart LLL—Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010

SOURCE: 81 FR 26063, Apr. 29, 2016, unless otherwise noted.

#### APPLICABILITY

#### § 62.15855 Am I subject to this subpart?

(a) You are subject to this subpart if your SSI unit meets all three criteria described in paragraphs (a)(1) through (3) of this section.

(1) You own or operate an SSI unit(s) that commenced construction on or before October 14, 2010.

(2) You own or operate an SSI unit(s) that meet the definition of an SSI unit as defined in § 62.16045.

(3) You own or operate an SSI unit(s) not exempt under § 62.15860.

(b) If you own or operator an SSI unit(s) and make changes that meet the definition of modification after September 21, 2011, the SSI unit becomes subject to 40 CFR part 60, subpart LLLL, and the federal plan no longer applies to that unit.

(c) If you own or operate an SSI unit(s) and make physical or operational changes to the SSI unit(s) for which construction commenced on or before September 21, 2011 primarily to comply with the federal plan, 40 CFR part 60, subpart LLLL, does not apply to the unit(s). Such changes do not qualify as modifications under 40 CFR part 60, subpart LLLL.

## § 62.15860

### § 62.15860 What SSI units are exempt from the federal 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 III of this part). If you own or operate such a combustion unit, you must notify the Administrator of an exemption claim under this section.

### § 62.15865 How do I determine if my SSI unit is covered by an approved and effective state or tribal plan?

This part contains a list of all states and tribal areas with approved Clean Air Act (CAA) section 111(d)/129 plans in effect. However, this part is only updated once a year. Thus, 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 approval occurred since publication of the most recent version of this part. A state may also meet its CAA 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 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), (2), and (7) of this chapter.

(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 who sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of

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authority. Additional guidance and information is given in the EPA's "Delegations Manual, Item 7-139, Implementation and Enforcement of 111(d)(2) and 111(d)(2)/129(b)(3) federal plans."

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

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

### § 62.15870 If my SSI unit is not listed on the federal plan inventory, am I exempt from this subpart?

Not necessarily. Sources subject to this subpart include, but are not limited to, the inventory of sources listed in Docket ID Number EPA-HQ-OAR-2012-0319 for the federal plan. Review the applicability of § 62.15855 to determine if you are subject to this subpart.

## COMPLIANCE SCHEDULES

### § 62.15875 What is my final compliance date?

Except as provided in paragraph (b) of this section, you must submit a final control plan and achieve final compliance specified by the date in paragraph (a) of this section:

(a) March 21, 2016, as specified in Table 1 of this subpart.

(b) March 21, 2017, for East Bank Wastewater Treatment Plant, 6501 Florida Avenue, New Orleans, Louisiana 70117, and for the Bayshore Regional Wastewater Treatment Plant, 100 Oak Street, Union Beach, New Jersey 07735.

### § 62.15880 [Reserved]

### § 62.15885 What must I include in the notifications of achievement of compliance?

Your notification of achievement of compliance must include the three items specified in paragraphs (a) through (c) of this section:

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- (a) Notification that the final control plan has been submitted and final compliance has been achieved;
- (b) Any items required to be submitted with the final control plan and final compliance; and
- (c) Signature of the owner or operator of the SSI unit.

### **§ 62.15890 When must I submit the notifications of achievement of compliance?**

Notifications for achieving compliance must be postmarked no later than 10 business days after the compliance date.

### **§ 62.15895 What if I do not meet the compliance date?**

If you fail to submit a final control plan and achieve final compliance, you must submit a notification to the Administrator postmarked within 10 business days after the compliance date in Table 1 to this subpart. You must inform the Administrator that you did not achieve compliance, and you must continue to submit reports each subsequent calendar month until a final control plan is submitted and final compliance is met. An SSI unit that operates out of compliance after the final compliance date would be in violation of the federal plan and subject to enforcement action.

### **§ 62.15900 How do I comply with the requirement for submittal of a control plan?**

For your control plan, you must satisfy the two requirements specified in paragraphs (a) and (b) of this section.

(a) Submit the final control plan to your EPA regional office and permitting authority or delegated authority that includes the four items described in paragraphs (a)(1) through (4) of this section:

(1) A description of the devices for air pollution control and process changes that you will use to comply with the emission limits and standards and other requirements of this subpart;

(2) The type(s) of waste to be burned, if waste other than sewage sludge is burned in the unit;

(3) The maximum design sewage sludge burning capacity; and

(4) If applicable, the petition for site-specific operating limits under § 62.15965.

(b) Maintain an onsite copy of the final control plan.

### **§ 62.15905 How do I achieve final compliance?**

For achieving final compliance, you must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected SSI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

### **§ 62.15910 What must I do if I close my SSI unit and then restart it?**

(a) If you close your SSI unit but will restart it prior to the final compliance, you must submit a final control plan and achieve final compliance as specified in § 62.15875.

(b) If you close your SSI unit but will restart it after the final compliance date, you must complete emission control retrofits and meet the emission limits, emission standards, and operating limits on the date your unit restarts operation.

### **§ 62.15915 What must I do if I plan to permanently close my SSI unit and not restart it?**

If you plan to close your SSI unit rather than comply with the federal plan, submit a closure notification, including the date of closure, to the Administrator by the date your final control plan is due.

## **OPERATOR TRAINING AND QUALIFICATION**

### **§ 62.15920 What are the operator training and qualification requirements?**

(a) An SSI unit cannot be operated unless a fully trained and qualified SSI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified SSI unit operator may operate the SSI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified SSI unit operators are temporarily not accessible, you must follow the procedures in § 62.15945.

(b) Operator training and qualification must be obtained through a state-

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approved program or by completing the requirements included in paragraph (c) of this section.

(c) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (c)(1) through (3) of this section:

(1) Training on the 10 subjects listed in paragraphs (c)(1)(i) through (x) of this section:

(i) Environmental concerns, including types of emissions;

(ii) Basic combustion principles, including products of combustion;

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, sewage sludge feeding and shutdown procedures;

(iv) Combustion controls and monitoring;

(v) Operation of air pollution control equipment and factors affecting performance (if applicable);

(vi) Inspection and maintenance of the incinerator and air pollution control devices;

(vii) Actions to prevent malfunctions or to prevent conditions that may lead to malfunctions;

(viii) Bottom and fly ash characteristics and handling procedures;

(ix) Applicable federal, state and local regulations, including Occupational Safety and Health Administration workplace standards; and

(x) Pollution prevention.

(2) An examination designed and administered by the state-approved program or instructor administering the subjects in paragraph (c)(1) of this section.

(3) Written material covering the training course topics that may serve as reference material following completion of the course.

**§ 62.15925 When must the operator training course be completed?**

The operator training course must be completed by the later of the three dates specified in paragraphs (a) through (c) of this section:

(a) The final compliance date;

(b) Six months after your SSI unit startup; and

(c) Six months after an employee assumes responsibility for operating the

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SSI unit or assumes responsibility for supervising the operation of the SSI unit.

**§ 62.15930 How do I obtain my operator qualification?**

(a) You must obtain operator qualification by completing a training course that satisfies the criteria under § 62.15920(b).

(b) Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under § 62.15920(c)(2).

**§ 62.15935 How do I maintain my operator qualification?**

To maintain qualification, you must complete an annual review or refresher course covering, at a minimum, the five topics described in paragraphs (a) through (e) of this section:

(a) Update of regulations;

(b) Incinerator operation, including startup and shutdown procedures, sewage sludge feeding and ash handling;

(c) Inspection and maintenance;

(d) Prevention of malfunctions or conditions that may lead to malfunction; and

(e) Discussion of operating problems encountered by attendees.

**§ 62.15940 How do I renew my lapsed operator qualification?**

You must renew a lapsed operator qualification before you begin operation of an SSI unit by one of the two methods specified in paragraphs (a) and (b) of this section:

(a) For a lapse of less than 3 years, you must complete a standard annual refresher course described in § 62.15935; and

(b) For a lapse of 3 years or more, you must repeat the initial qualification requirements in § 62.15920.

**§ 62.15945 What if all the qualified operators are temporarily not accessible?**

If a qualified operator is not at the facility and cannot be at the facility within 1 hour, you must meet the criteria specified in either paragraph (a) or (b) of this section, depending on the length of time that a qualified operator is not accessible:

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(a) When a qualified operator is not accessible for more than 8 hours, the SSI unit may be operated for less than 2 weeks by other plant personnel who are familiar with the operation of the SSI unit and who have completed a review of the information specified in § 62.15950 within the past 12 months. However, you must record the period when a qualified operator was not accessible and include this deviation in the annual report as specified under § 62.16030(c).

(b) When a qualified operator is not accessible for 2 weeks or more, you must take the two actions that are described in paragraphs (b)(1) and (2) of this section:

(1) Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible; and

(2) Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the SSI unit. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (b)(1) of this section:

(i) If the Administrator notifies you that your request to continue operation of the SSI unit is disapproved, the SSI unit may continue operation for 30 days and then must cease operation; and

(ii) Operation of the unit may resume if a qualified operator is accessible as required under § 62.15920(a). You must notify the Administrator within 5 days of having resumed operations and of having a qualified operator accessible.

**§ 62.15950 What site-specific documentation is required and how often must it be reviewed by qualified operators and plant personnel?**

(a) You must maintain at the facility the documentation of the operator training procedures specified under § 62.15920(c)(1) and make the docu-

mentation readily accessible to all SSI unit operators.

(b) You must establish a program for reviewing the information listed in § 62.15920(c)(1) with each qualified incinerator operator and other plant personnel who may operate the unit according to the provisions of § 62.15945(a), according to the following schedule:

(1) The initial review of the information listed in § 62.15920(c)(1) must be conducted by November 30, 2016, or prior to an employee's assumption of responsibilities for operation of the SSI unit, whichever date is later; and

(2) Subsequent annual reviews of the information listed in § 62.15920(c)(1) must be conducted no later than 12 months following the previous review.

**EMISSION LIMITS, EMISSION STANDARDS AND OPERATING LIMITS AND REQUIREMENTS****§ 62.15955 What emission limits and standards must I meet and by when?**

You must meet the emission limits and standards specified in Table 2 or 3 to this subpart by the final compliance date specified in § 62.15875. The emission limits and standards apply at all times the unit is operating and during periods of malfunction. The emission limits and standards apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time).

**§ 62.15960 What operating limits and requirements must I meet and by when?**

You must meet, as applicable, the operating limits and requirements specified in paragraphs (a) through (d) and (h) of this section, according to the schedule specified in paragraph (e) of this section. The operating parameters for which you will establish operating limits for a wet scrubber, fabric filter, electrostatic precipitator or activated carbon injection are listed in Table 4 to this subpart. You must comply with

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the operating requirements in paragraph (f) of this section and the requirements in paragraph (g) of this section for meeting any new operating limits, re-established in § 62.16005. The operating limits apply at all times that sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time):

(a) You must meet a site-specific operating limit for minimum operating temperature of the combustion chamber (or afterburner combustion chamber) that you establish in § 62.15985;

(b) If you use a wet scrubber, electrostatic precipitator, activated carbon injection or afterburner to comply with an emission limit, you must meet the site-specific operating limits that you establish in § 62.15985 for each operating parameter associated with each air pollution control device;

(c) If you use a fabric filter to comply with the emission limits, you must install the bag leak detection system specified in §§ 62.15995(b) and 62.16020(b)(3)(i) and operate the bag leak detection system such that the alarm does not sound more than 5-percent of the operating time during a 6-month period. You must calculate the alarm time as specified in § 62.16005(a)(2)(i);

(d) You must meet the operating requirements in your site-specific fugitive emission monitoring plan, submitted as specified in § 62.15995(d) to ensure that your ash handling system will meet the emission standard for fugitive emissions from ash handling;

(e) You must meet the operating limits and requirements specified in paragraphs (a) through (d) of this section by the final compliance date specified in § 62.15875;

(f) You must monitor the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, as specified in paragraphs (f)(1) and (2) of this section:

(1) Continuously monitor the sewage sludge feed rate and calculate a daily average for all hours of operation during each 24-hour period. Keep a record of the daily average feed rate, as specified in § 62.16025(f)(3)(ii); and

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(2) Take at least one grab sample per day of the sewage sludge fed to the sewage sludge incinerator. If you take more than one grab sample in a day, calculate the daily average for the grab samples. Keep a record of the daily average moisture content, as specified in § 62.16025(f)(3)(ii).

(g) For the operating limits and requirements specified in paragraphs (a) through (d) and (h) of this section, you must meet any new operating limits and requirements, re-established according to § 62.16005(d)); and

(h) If you use an air pollution control device other than a wet scrubber, fabric filter, electrostatic precipitator or activated carbon injection to comply with the emission limits in Table 2 or 3 to this subpart, you must meet any site-specific operating limits or requirements that you establish as required in § 62.15965.

### § 62.15965 How do I establish operating limits if I do not use a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or if I limit emissions in some other manner, to comply with the emission limits?

If you use an air pollution control device other than a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or limit emissions in some other manner (*e.g.*, materials balance) to comply with the emission limits in § 62.15955, you must meet the requirements in paragraphs (a) and (b) of this section:

(a) Meet the applicable operating limits and requirements in § 60.4850 of this chapter, and establish applicable operating limits according to § 62.15985; and

(b) Petition the Administrator for specific operating parameters, operating limits, and averaging periods to be established during the initial performance test and to be monitored continuously thereafter.

(1) You are responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. You must not conduct the initial performance test until after the petition has been approved by the Administrator, and you must comply with the operating limits

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as written, pending approval by the Administrator. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves you of the responsibility to comply with any provision of this subpart;

(2) Your petition must include the five items listed in paragraphs (b)(2)(i) through (v) of this section:

(i) Identification of the specific parameters you propose to monitor;

(ii) A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters, and how limits on these parameters will serve to limit emissions of regulated pollutants;

(iii) A discussion of how you will establish the upper and/or lower values for these parameters that will establish the operating limits on these parameters, including a discussion of the averaging periods associated with those parameters for determining compliance;

(iv) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

**§ 62.15970 Do the emission limits, emission standards, and operating limits apply during periods of startup, shutdown, and malfunction?**

The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time). For determining compliance with the CO concentration limit using CO CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured CO concentration without correcting for oxygen concentration in averaging with other CO

concentrations (corrected to 7-percent O<sub>2</sub>) to determine the 24-hour average value.

**§ 62.15975 [Reserved]****INITIAL COMPLIANCE REQUIREMENTS****§ 62.15980 How and when do I demonstrate initial compliance with the emission limits and standards?**

To demonstrate initial compliance with the emission limits and standards in Table 2 or 3 to this subpart, use the procedures specified in paragraph (a) of this section. In lieu of using the procedures specified in paragraph (a) of this section, you have the option to demonstrate initial compliance using the procedures specified in paragraph (b) of this section for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and fugitive emissions from ash handling. You must meet the requirements of paragraphs (a) and (b) of this section, as applicable, and paragraphs (c) through (e) of this section, according to the performance testing, monitoring, and calibration requirements in § 62.16015(a) and (b).

(a) Demonstrate initial compliance using the performance test required in § 60.8 of this chapter. You must demonstrate that your SSI unit meets the emission limits and standards specified in Table 2 or 3 to this subpart for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and fugitive emissions from ash handling using the performance test. The initial performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 2 or 3 to this subpart and according to the testing, monitoring, and calibration requirements specified in § 62.16015(a).

(1) Except as provided in paragraph (e) of this section, you must demonstrate that your SSI unit meets the emission limits and standards specified in Table 2 or 3 to this subpart by the final compliance date (see Table 1 to this subpart).

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(2) You may use the results from a performance test conducted within the 2 previous years that was conducted under the same conditions and demonstrated compliance with the emission limits and standards in Table 2 or 3 to this subpart, provided no process changes have been made since you conducted that performance test. However, you must continue to meet the operating limits established during the most recent performance test that demonstrated compliance with the emission limits and standards in Table 2 or 3 to this subpart. The performance test must have used the test methods specified in Table 2 or 3 to this subpart.

(b) Demonstrate initial compliance using a continuous emissions monitoring system or continuous automated sampling system. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium or lead is published in the *FEDERAL REGISTER*. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the *FEDERAL REGISTER*. Collect data as specified in § 62.16015(b)(6) and use the following procedures:

(1) To demonstrate initial compliance with the emission limits specified in Table 2 or 3 to this subpart for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium and lead, you may substitute the use of a continuous monitoring system in lieu of conducting the initial performance test required in paragraph (a) of this section, as follows:

(i) You may substitute the use of a continuous emissions monitoring system for any pollutant specified in paragraph (b)(1) of this section in lieu of conducting the initial performance test for that pollutant in paragraph (a) of this section. For determining compliance with the carbon monoxide concentration limit using carbon mon-

oxide CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7-percent oxygen) to determine the 24-hour average value.

(ii) You may substitute the use of a continuous automated sampling system for mercury or dioxins/furans in lieu of conducting the annual mercury or dioxin/furan performance test in paragraph (a) of this section.

(2) If you use a continuous emissions monitoring system to demonstrate compliance with an applicable emission limit in Table 2 or 3 to this subpart, as described in paragraph (b)(1) of this section, you must use the continuous emissions monitoring system and follow the requirements specified in § 62.16015(b). You must measure emissions according to § 60.13 of this chapter to calculate 1-hour arithmetic averages, corrected to 7-percent oxygen (or carbon dioxide). You must demonstrate initial compliance using a 24-hour block average of these 1-hour arithmetic average emission concentrations, calculated using Equation 19-19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A-7.

(3) If you use a continuous automated sampling system to demonstrate compliance with an applicable emission limit in Table 2 or 3 to this subpart, as described in paragraph (b)(1) of this section, you must:

(i) Use the continuous automated sampling system specified in § 60.58b(p) and (q) of this chapter, and measure and calculate average emissions corrected to 7-percent oxygen (or carbon dioxide) according to § 60.58b(p) and your monitoring plan.

(A) Use the procedures specified in § 60.58b(p) of this chapter to calculate 24-hour block averages to determine compliance with the mercury emission limit in Table 2 or 3 to this subpart.

(B) Use the procedures specified in § 60.58b(p) of this chapter to calculate 2-week block averages to determine compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limit in Table 2 or 3 to this subpart.

(ii) Comply with the provisions in § 60.58b(q) of this chapter to develop a monitoring plan. For mercury continuous automated sampling systems, you must use Performance Specification 12B of appendix B of part 75 of this chapter and Procedure 5 of appendix F of part 60 of this chapter.

(4) Except as provided in paragraph (e) of this section, you must complete your initial performance evaluations required under your monitoring plan for any continuous emissions monitoring systems and continuous automated sampling systems by the final compliance date (see Table 1 to this subpart). Your performance evaluation must be conducted using the procedures and acceptance criteria specified in § 62.15995(a)(3).

(c) To demonstrate initial compliance with the dioxins/furans toxic equivalency emission limit in Table 2 or 3 to this subpart, determine dioxins/furans toxic equivalency as follows:

(1) Measure the concentration of each dioxin/furan (tetra- through octachlorinated-isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A-7.

(2) Multiply the concentration of each dioxin/furan (tetra- through octachlorinated) isomer by its corresponding toxic equivalency factor specified in Table 5 to this subpart.

(3) Sum the products calculated in accordance with paragraph (c)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(d) Submit an initial compliance report, as specified in § 62.16030(b).

(e) If you demonstrate initial compliance using the performance test specified in paragraph (a) of this section, then the provisions of this paragraph (e) apply. If a force majeure is about to occur, occurs or has occurred for which you intend to assert a claim of force majeure, you must notify the Administrator in writing as specified in § 62.16030(f). You must conduct the initial performance test as soon as practicable after the force majeure occurs. The Administrator will determine whether or not to grant the extension to the initial performance test deadline and will notify you in writing of approval or disapproval of the request for

an extension as soon as practicable. Until an extension of the performance test deadline has been approved by the Administrator, you remain strictly subject to the requirements of this subpart.

**§ 62.15985 How do I establish my operating limits?**

(a) You must establish the site-specific operating limits specified in paragraphs (b) through (h) of this section or established in § 62.15965, as applicable, during your initial performance tests required in § 62.15980. You must meet the requirements in § 62.16005(d) to confirm these operating limits or re-establish new operating limits using operating data recorded during any performance tests or performance evaluations required in § 62.16000. You must follow the data measurement and recording frequencies and data averaging times specified in Table 4 to this subpart or as established in § 62.15965, and you must follow the testing, monitoring and calibration requirements specified in §§ 62.16015 and 62.16020 or established in § 62.15965. You are not required to establish operating limits for the operating parameters listed in Table 4 to this subpart for a control device if you use a continuous monitoring system to demonstrate compliance with the emission limits in Table 2 or 3 to this subpart for the applicable pollutants, as follows:

(1) For a scrubber designed to control emissions of hydrogen chloride or sulfur dioxide, you are not required to establish an operating limit and monitor scrubber liquid flow rate or scrubber liquid pH if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for hydrogen chloride or sulfur dioxide.

(2) For a scrubber designed to control emissions of particulate matter, cadmium and lead, you are not required to establish an operating limit and monitor pressure drop across the scrubber or scrubber liquid flow rate if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for particulate matter, cadmium and lead.

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(3) For an electrostatic precipitator designed to control emissions of particulate matter, cadmium and lead, you are not required to establish an operating limit and monitor secondary voltage of the collection plates, secondary amperage of the collection plates or effluent water flow rate at the outlet of the electrostatic precipitator if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for particulate matter, lead and cadmium.

(4) For an activated carbon injection system designed to control emissions of mercury, you are not required to establish an operating limit and monitor sorbent injection rate and carrier gas flow rate (or carrier gas pressure drop) if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for mercury.

(5) For an activated carbon injection system designed to control emissions of dioxins/furans, you are not required to establish an operating limit and monitor sorbent injection rate and carrier gas flow rate (or carrier gas pressure drop) if you use the continuous monitoring system specified in §§ 60.4865(b) and 60.4885(b) of this chapter to demonstrate compliance with the emission limit for dioxins/furans (total mass basis or toxic equivalency basis).

(b) Minimum pressure drop across each wet scrubber used to meet the particulate matter, lead and cadmium emission limits in Table 2 or 3 to this subpart, equal to the lowest 4-hour average pressure drop across each such wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter, lead and cadmium emission limits.

(c) Minimum scrubber liquid flow rate (measured at the inlet to each wet scrubber), equal to the lowest 4-hour average liquid flow rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(d) Minimum scrubber liquid pH for each wet scrubber used to meet the sulfur dioxide or hydrogen chloride emission limits in Table 2 or 3 to this subpart, equal to the lowest 1-hour average scrubber liquid pH measured during the most recent performance test demonstrating compliance with the sulfur dioxide and hydrogen chloride emission limits.

sion limits in Table 2 or 3 to this subpart, equal to the lowest 1-hour average scrubber liquid pH measured during the most recent performance test demonstrating compliance with the sulfur dioxide and hydrogen chloride emission limits.

(e) Minimum combustion chamber operating temperature (or minimum afterburner temperature), equal to the lowest 4-hour average combustion chamber operating temperature (or afterburner temperature) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(f) Minimum power input to the electrostatic precipitator collection plates, equal to the lowest 4-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter, lead and cadmium emission limits. Power input must be calculated as the product of the secondary voltage and secondary amperage to the electrostatic precipitator collection plates. Both the secondary voltage and secondary amperage must be recorded during the performance test.

(g) Minimum effluent water flow rate at the outlet of the electrostatic precipitator, equal to the lowest 4-hour average effluent water flow rate at the outlet of the electrostatic precipitator measured during the most recent performance test demonstrating compliance with the particulate matter, lead and cadmium emission limits.

(h) For activated carbon injection, establish the site-specific operating limits specified in paragraphs (h)(1) through (3) of this section.

(1) Minimum mercury sorbent injection rate, equal to the lowest 4-hour average mercury sorbent injection rate measured during the most recent performance test demonstrating compliance with the mercury emission limit.

(2) Minimum dioxin/furan sorbent injection rate, equal to the lowest 4-hour average dioxin/furan sorbent injection rate measured during the most recent performance test demonstrating compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limit.

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(3) Minimum carrier gas flow rate or minimum carrier gas pressure drop, as follows:

(i) Minimum carrier gas flow rate, equal to the lowest 4-hour average carrier gas flow rate measured during the most recent performance test demonstrating compliance with the applicable emission limit.

(ii) Minimum carrier gas pressure drop, equal to the lowest 4-hour average carrier gas flow rate measured during the most recent performance test demonstrating compliance with the applicable emission limit.

**§ 62.15990 By what date must I conduct the initial air pollution control device inspection and make any necessary repairs?**

(a) You must conduct an air pollution control device inspection according to § 62.16015(c) by the final compliance date as specified in § 62.15875. For air pollution control devices installed after the final compliance date, you must conduct the air pollution control device inspection within 60 days after installation of the control device.

(b) Within 10 operating days following the air pollution control device inspection under paragraph (a) of this section, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the SSI unit must be completed.

**§ 62.15995 How do I develop a site-specific monitoring plan for my continuous monitoring, bag leak detection, and ash handling systems, and by what date must I conduct an initial performance evaluation?**

You must develop and submit to the Administrator for approval a site-specific monitoring plan for each continuous monitoring system required under this subpart, according to the requirements in paragraphs (a) through (c) of this section. This requirement also applies to you if you petition the Administrator for alternative monitoring parameters under § 60.13(i) of this chapter and paragraph (e) of this section. If you use a continuous automated sampling system to comply with the mercury or dioxin/furan (total mass basis or toxic equivalency basis) emission limits, you

must develop your monitoring plan as specified in § 60.58b(q) of this chapter, and you are not required to meet the requirements in paragraphs (a) and (b) of this section. You must also submit a site-specific monitoring plan for your ash handling system, as specified in paragraph (d) of this section. You must submit and update your monitoring plans as specified in paragraphs (f) through (h) of this section.

(a) For each continuous monitoring system, your monitoring plan must address the elements and requirements specified in paragraphs (a)(1) through (8) of this section. You must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(1) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (e.g., on or downstream of the last control device).

(2) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.

(3) Performance evaluation procedures and acceptance criteria (e.g., calibrations).

(i) For continuous emissions monitoring systems, your performance evaluation and acceptance criteria must include, but is not limited to, the following:

(A) The applicable requirements for continuous emissions monitoring systems specified in § 60.13 of this chapter.

(B) The applicable performance specifications (e.g., relative accuracy tests) in appendix B of part 60 of this chapter.

(C) The applicable procedures (e.g., quarterly accuracy determinations and daily calibration drift tests) in appendix F of part 60 of this chapter.

(D) A discussion of how the occurrence and duration of out-of-control periods will affect the suitability of CEMS data, where out-of-control has the meaning given in paragraph (a)(7)(i) of this section.

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(ii) For continuous parameter monitoring systems, your performance evaluation and acceptance criteria must include, but is not limited to, the following:

(A) If you have an operating limit that requires the use of a flow monitoring system, you must meet the requirements in paragraphs (a)(3)(ii)(A)(1) through (4) of this section.

(1) Install the flow sensor and other necessary equipment in a position that provides a representative flow.

(2) Use a flow sensor with a measurement sensitivity of no greater than 2-percent of the expected process flow rate.

(3) Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

(4) Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(B) If you have an operating limit that requires the use of a pressure monitoring system, you must meet the requirements in paragraphs (a)(3)(ii)(B)(1) through (6) of this section.

(1) Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (e.g., particulate matter scrubber pressure drop).

(2) Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

(3) Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1-percent of the pressure monitoring system operating range, whichever is less.

(4) Perform checks at least once each process operating day to ensure pressure measurements are not obstructed (e.g., check for pressure tap pluggage daily).

(5) Conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(6) If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure

range, conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in your monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(C) If you have an operating limit that requires a pH monitoring system, you must meet the requirements in paragraphs (a)(3)(ii)(C)(1) through (4) of this section.

(1) Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH.

(2) Ensure the sample is properly mixed and representative of the fluid to be measured.

(3) Conduct a performance evaluation of the pH monitoring system in accordance with your monitoring plan at least once each process operating day.

(4) Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the operating limit pH level) of the pH monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than quarterly.

(D) If you have an operating limit that requires the use of a temperature measurement device, you must meet the requirements in paragraphs (a)(3)(ii)(D)(1) through (4) of this section.

(1) Install the temperature sensor and other necessary equipment in a position that provides a representative temperature.

(2) Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 1.0-percent of the temperature value, whichever is larger, for a noncryogenic temperature range.

(3) Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 2.5-percent of the temperature value, whichever is larger, for a cryogenic temperature range.

(4) Conduct a temperature measurement device performance evaluation at the time of each performance test but no less frequently than annually.

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(E) If you have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, you must meet the requirements in paragraphs (a)(3)(ii)(E)(1) and (2) of this section.

(1) Install sensors to measure (secondary) voltage and current to the electrostatic precipitator collection plates.

(2) Conduct a performance evaluation of the electric power monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(F) If you have an operating limit that requires the use of a monitoring system to measure sorbent injection rate (e.g., weigh belt, weigh hopper or hopper flow measurement device), you must meet the requirements in paragraphs (a)(3)(ii)(F)(1) and (2) of this section.

(1) Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.

(2) Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(4) Ongoing operation and maintenance procedures in accordance with the general requirements of § 60.11(d) of this chapter.

(5) Ongoing data quality assurance procedures in accordance with the general requirements of § 60.13 of this chapter.

(6) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of § 60.7(b), (c) introductory text, (c)(1), (c)(4), (d), (e), (f), and (g) of this chapter.

(7) Provisions for periods when the continuous monitoring system is out of control, as follows:

(i) A continuous monitoring system is out of control if the conditions of paragraph (a)(7)(i)(A) or (B) of this section are met.

(A) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the

applicable performance specification or in the relevant standard.

(B) The continuous monitoring system fails a performance test audit (e.g., cylinder gas audit), relative accuracy audit, relative accuracy test audit or linearity test audit.

(ii) When the continuous monitoring system is out of control as specified in paragraph (a)(7)(i) of this section, you must take the necessary corrective action and must repeat all necessary tests that indicate that the system is out of control. You must take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the hour you conduct a performance check (e.g., calibration drift) that indicates an exceedance of the performance requirements established under this part. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits.

(8) Schedule for conducting initial and periodic performance evaluations of your continuous monitoring systems.

(b) If a bag leak detection system is used, your monitoring plan must include a description of the following items:

(1) Installation of the bag leak detection system in accordance with paragraphs (b)(1)(i) and (ii) of this section.

(i) Install the bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent or compartment (e.g., for a positive pressure fabric filter) of the fabric filter.

(ii) Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

(2) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established. Use a bag leak detection system equipped with a system that will sound an alarm when the system detects an increase in relative particulate matter emissions over a preset level. The alarm must be located where

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it is observed readily and any alert is detected and recognized easily by plant operating personnel.

(3) Evaluations of the performance of the bag leak detection system, performed in accordance with your monitoring plan and consistent with the guidance provided in OAQPS Fabric Filter Bag Leak Detection Guidance, EPA-454/R-98-015, September 1997. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272-0167, <http://www.epa.gov>. You may inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(4) Operation of the bag leak detection system, including quality assurance procedures.

(5) Maintenance of the bag leak detection system, including a routine maintenance schedule and spare parts inventory list.

(6) Recordkeeping (including record retention) of the bag leak detection system data. Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.

(c) You must conduct an initial performance evaluation of each continuous monitoring system and bag leak detection system, as applicable, in accordance with your monitoring plan and to § 60.13(c) of this chapter. For the purpose of this subpart, the provisions of § 60.13(c) also apply to the bag leak detection system. You must conduct the initial performance evaluation of each continuous monitoring system within 60 days of installation of the monitoring system.

(d) You must submit a monitoring plan specifying the ash handling system operating procedures that you will follow to ensure that you meet the fugitive emissions limit specified in Table 2 or 3 to this subpart.

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(e) You may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the standards of this subpart, subject to the provisions of paragraphs (e)(1) through (6) of this section.

(1) The Administrator will not approve averaging periods other than those specified in this section, unless you document, using data or information, that the longer averaging period will ensure that emissions do not exceed levels achieved over the duration of three performance test runs.

(2) If the application to use an alternate monitoring requirement is approved, you must continue to use the original monitoring requirement until approval is received to use another monitoring requirement.

(3) You must submit the application for approval of alternate monitoring requirements no later than the notification of performance test. The application must contain the information specified in paragraphs (e)(3)(i) through (iii) of this section:

(i) Data or information justifying the request, such as the technical or economic infeasibility, or the impracticality of using the required approach.

(ii) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach and technique, the averaging period for the limit, and how the limit is to be calculated.

(iii) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard.

(4) The Administrator will notify you of the approval or denial of the application within 90 calendar days after receipt of the original request, or within 60 calendar days of the receipt of any supplementary information, whichever is later. The Administrator will not approve an alternate monitoring application unless it would provide equivalent or better assurance of compliance with the relevant emission standard. Before disapproving any alternate monitoring application, the Administrator will provide the following:

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(i) Notice of the information and findings upon which the intended disapproval is based.

(ii) Notice of opportunity for you to present additional supporting information before final action is taken on the application. This notice will specify how much additional time is allowed for you to provide additional supporting information.

(5) You are responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves you of the responsibility to comply with any provision of this subpart.

(6) The Administrator may decide at any time, on a case-by-case basis, that additional or alternative operating limits, or alternative approaches to establishing operating limits, are necessary to demonstrate compliance with the emission standards of this subpart.

(f) You must submit your monitoring plans required in paragraphs (a) and (b) of this section at least 60 days before your initial performance evaluation of your continuous monitoring system(s).

(g) You must submit your monitoring plan for your ash handling system, as required in paragraph (d) of this section, at least 60 days before your initial compliance test date.

(h) You must update and resubmit your monitoring plan if there are any changes or potential changes in your monitoring procedures or if there is a process change, as defined in § 62.16045.

### CONTINUOUS COMPLIANCE REQUIREMENTS

#### § 62.16000 How and when do I demonstrate continuous compliance with the emission limits and standards?

To demonstrate continuous compliance with the emission limits and standards specified in Table 2 or 3 to this subpart, use the procedures specified in paragraph (a) of this section. In lieu of using the procedures specified in paragraph (a) of this section, you have the option to demonstrate initial compliance using the procedures specified in paragraph (b) of this section for particulate matter, hydrogen chloride,

carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead and fugitive emissions from ash handling. You must meet the requirements of paragraphs (a) and (b) of this section, as applicable, and paragraphs (c) through (e) of this section, according to the performance testing, monitoring, and calibration requirements in § 62.16015(a) and (b). You may also petition the Administrator for alternative monitoring parameters as specified in paragraph (f) of this section.

(a) Demonstrate continuous compliance using a performance test. Except as provided in paragraphs (a)(3) and (e) of this section, following the date that the initial performance test for each pollutant in Table 2 or 3 to this subpart is completed, you must conduct a performance test for each such pollutant on an annual basis (between 11 and 13 calendar months following the previous performance test). The performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 2 or 3 to this subpart and according to the testing, monitoring and calibration requirements specified in § 62.16015(a).

(1) You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward. The Administrator may request a repeat performance test at any time.

(2) You must repeat the performance test within 60 days of a process change, as defined in § 62.16045.

(3) Except as specified in paragraphs (a)(1) and (2) of this section, you can conduct performance tests less often for a given pollutant, as specified in paragraphs (a)(3)(i) through (iii) of this section.

(i) You can conduct performance tests less often if your performance tests for the pollutant for at least 2 consecutive years show that your emissions are at or below 75-percent of the emission limit specified in Table 2 or 3 to this subpart, and there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions. In this case, you do not have to conduct a

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performance test for that pollutant for the next 2 years. You must conduct a performance test during the third year and no more than 37 months after the previous performance test.

(ii) If your SSI unit continues to meet the emission limit for the pollutant, you may choose to conduct performance tests for the pollutant every third year if your emissions are at or below 75-percent of the emission limit, and if there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions, but each such performance test must be conducted no more than 37 months after the previous performance test.

(iii) If a performance test shows emissions exceeded 75-percent of the emission limit for a pollutant, you must conduct annual performance tests for that pollutant until all performance tests over 2 consecutive years show compliance.

(b) Demonstrate continuous compliance using a continuous emissions monitoring system or continuous automated sampling system. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium or lead is published in the *FEDERAL REGISTER*. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the *FEDERAL REGISTER*. Collect data as specified in § 62.16015(b)(6) and use the following procedures:

(1) To demonstrate continuous compliance with the emission limits for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium and lead, you may substitute the use of a continuous monitoring system in lieu of conducting the annual performance test required in paragraph (a) of this section, as follows:

(i) You may substitute the use of a continuous emissions monitoring sys-

tem for any pollutant specified in paragraph (b)(1) of this section in lieu of conducting the annual performance test for that pollutant in paragraph (a) of this section. For determining compliance with the carbon monoxide concentration limit using carbon monoxide CEMS, the correction to 7-percent oxygen does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7-percent oxygen) to determine the 24-hour average value.

(ii) You may substitute the use of a continuous automated sampling system for mercury or dioxins/furans in lieu of conducting the annual mercury or dioxin/furan performance test in paragraph (a) of this section.

(2) If you use a continuous emissions monitoring system to demonstrate compliance with an applicable emission limit in paragraph (b)(1) of this section, you must use the continuous emissions monitoring system and follow the requirements specified in § 62.16015(b). You must measure emissions according to § 60.13 of this chapter to calculate 1-hour arithmetic averages, corrected to 7-percent oxygen (or carbon dioxide). You must demonstrate initial compliance using a 24-hour block average of these 1-hour arithmetic average emission concentrations, calculated using Equation 19-19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A-7.

(3) If you use a continuous automated sampling system to demonstrate compliance with an applicable emission limit in paragraph (b)(1) of this section, you must:

(i) Use the continuous automated sampling system specified in § 60.58b(p) and (q) of this chapter, and measure and calculate average emissions corrected to 7-percent oxygen (or carbon dioxide) according to § 60.58b(p) and your monitoring plan.

(A) Use the procedures specified in § 60.58b(p) of this chapter to calculate 24-hour averages to determine compliance with the mercury emission limit in Table 2 or 3 to this subpart.

(B) Use the procedures specified in § 60.58b(p) of this chapter to calculate 2-

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week averages to determine compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limits in Table 2 or 3 to this subpart.

(ii) Update your monitoring plan as specified in § 60.4880(e) of this chapter. For mercury continuous automated sampling systems, you must use Performance Specification 12B of appendix B of part 75 of this chapter and Procedure 5 of appendix F of part 60 of this chapter.

(4) Except as provided in paragraph (e) of this section, you must complete your periodic performance evaluations required in your monitoring plan for any continuous emissions monitoring systems and continuous automated sampling systems, according to the schedule specified in your monitoring plan. If you were previously determining compliance by conducting an annual performance test (or according to the less frequent testing for a pollutant as provided in paragraph (a)(3) of this section), you must complete the initial performance evaluation required under your monitoring plan in § 62.15995 for the continuous monitoring system prior to using the continuous emissions monitoring system to demonstrate compliance or continuous automated sampling system. Your performance evaluation must be conducted using the procedures and acceptance criteria specified in § 62.15995(a)(3).

(c) To demonstrate compliance with the dioxins/furans toxic equivalency emission limit in paragraph (a) or (b) of this section, you must determine dioxins/furans toxic equivalency as follows:

(1) Measure the concentration of each dioxin/furan tetra- through octachlorinated-isomer emitted using Method 23 at 40 CFR part 60, appendix A-7.

(2) For each dioxin/furan (tetra- through octachlorinated) isomer measured in accordance with paragraph (c)(1) of this section, multiply the isomer concentration by its corresponding toxic equivalency factor specified in Table 5 to this subpart.

(3) Sum the products calculated in accordance with paragraph (c)(2) of this section to obtain the total concentra-

tion of dioxins/furans emitted in terms of toxic equivalency.

(d) You must submit an annual compliance report as specified in § 62.16030(c). You must submit a deviation report as specified in § 62.16030(d) for each instance that you did not meet each emission limit in Tables 2 and 3 to this subpart.

(e) If you demonstrate continuous compliance using a performance test, as specified in paragraph (a) of this section, then the provisions of this paragraph (e) apply. If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure, you must notify the Administrator in writing as specified in § 62.16030(f). You must conduct the performance test as soon as practicable after the force majeure occurs. The Administrator will determine whether or not to grant the extension to the performance test deadline, and will notify you in writing of approval or disapproval of the request for an extension as soon as practicable. Until an extension of the performance test deadline has been approved by the Administrator, you remain strictly subject to the requirements of this subpart.

(f) After any initial requests in § 62.15995 for alternative monitoring requirements for initial compliance, you may subsequently petition the Administrator for alternative monitoring parameters as specified in §§ 60.13(i) of this chapter and 62.15995(e).

**§ 62.16005 How do I demonstrate continuous compliance with my operating limits?**

You must continuously monitor your operating parameters as specified in paragraph (a) of this section and meet the requirements of paragraphs (b) and (c) of this section, according to the monitoring and calibration requirements in § 62.16020. You must confirm and re-establish your operating limits as specified in paragraph (d) of this section.

(a) You must continuously monitor the operating parameters specified in paragraphs (a)(1) and (2) of this section using the continuous monitoring equipment and according to the procedures specified in § 62.16020 or established in § 62.15965. To determine compliance,

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you must use the data averaging period specified in Table 4 to this subpart (except for alarm time of the baghouse leak detection system) unless a different averaging period is established under § 62.15965.

(1) You must demonstrate that the SSI unit meets the operating limits established according to §§ 62.15965 and 62.15985 and paragraph (d) of this section for each applicable operating parameter.

(2) You must demonstrate that the SSI unit meets the operating limit for bag leak detection systems as follows:

(i) For a bag leak detection system, you must calculate the alarm time as follows:

(A) If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted.

(B) If corrective action is required, each alarm time shall be counted as a minimum of 1 hour.

(C) If you take longer than 1 hour to initiate corrective action, each alarm time (*i.e.*, time that the alarm sounds) is counted as the actual amount of time taken by you to initiate corrective action.

(ii) Your maximum alarm time is equal to 5-percent of the operating time during a 6-month period, as specified in § 62.15960(c).

(b) Operation above the established maximum, below the established minimum, or outside the allowable range of the operating limits specified in paragraph (a) of this section constitutes a deviation from your operating limits established under this subpart, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. You must submit the deviation report specified in § 62.16030(d) for each instance that you did not meet one of your operating limits established under this subpart.

(c) You must submit the annual compliance report specified in § 62.16030(c) to demonstrate continuous compliance.

(d) You must confirm your operating limits according to paragraph (d)(1) of this section or re-establish operating limits according to paragraph (d)(2) of this section. Your operating limits must be established so as to assure on-

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going compliance with the emission limits. These requirements also apply to your operating requirements in your fugitive emissions monitoring plan specified in § 62.15960(d).

(1) Your operating limits must be based on operating data recorded during any performance test required in § 62.16000(a) or any performance evaluation required in § 62.16000(b)(4).

(2) You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward.

**§ 62.16010 By what date must I conduct annual air pollution control device inspections and make any necessary repairs?**

(a) You must conduct an annual inspection of each air pollution control device used to comply with the emission limits, according to § 62.16015(c), no later than 12 months following the previous annual air pollution control device inspection.

(b) Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the affected SSI unit must be completed.

**PERFORMANCE TESTING, MONITORING, AND CALIBRATION REQUIREMENTS****§ 62.16015 What are the performance testing, monitoring, and calibration requirements for compliance with the emission limits and standards?**

You must meet, as applicable, the performance testing requirements specified in paragraph (a) of this section, the monitoring requirements specified in paragraph (b) of this section, the air pollution control device inspections requirements specified in paragraph (c) of this section, and the bypass stack provisions specified in paragraph (d) of this section.

**(a) Performance testing requirements.**

(1) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations, as specified in § 60.8(c) of this chapter. Emissions in

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excess of the emission limits or standards during periods of startup, shutdown, and malfunction are considered deviations from the applicable emission limits or standards.

(2) You must document that the dry sludge burned during the performance test is representative of the sludge burned under normal operating conditions by:

(i) Maintaining a log of the quantity of sewage sludge burned during the performance test by continuously monitoring and recording the average hourly rate that sewage sludge is fed to the incinerator.

(ii) Maintaining a log of the moisture content of the sewage sludge burned during the performance test by taking grab samples of the sewage sludge fed

to the incinerator for each 8 hour period that testing is conducted.

(3) All performance tests must be conducted using the test methods, minimum sampling volume, observation period, and averaging method specified in Table 2 or 3 to this subpart.

(4) Method 1 at 40 CFR part 60, appendix A, must be used to select the sampling location and number of traverse points.

(5) Method 3A or 3B at 40 CFR part 60, appendix A-2, must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B at 40 CFR part 60, appendix A-2, must be used simultaneously with each method.

(6) All pollutant concentrations must be adjusted to 7-percent oxygen using Equation 1 of this section:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \%O_2) \quad (\text{Eq. 1})$$

Where:

$C_{adj}$  = Pollutant concentration adjusted to 7 percent oxygen.

$C_{meas}$  = Pollutant concentration measured on a dry basis.

$(20.9 - 7) = 20.9$  percent oxygen - 7 percent oxygen (defined oxygen correction basis).

20.9 = Oxygen concentration in air, percent.

$\%O_2$  = Oxygen concentration measured on a dry basis, percent.

(7) Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in this subpart unless the Administrator does one of the following.

(i) Specifies or approves, in specific cases, the use of a method with minor changes in methodology.

(ii) Approves the use of an equivalent method.

(iii) Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance.

(iv) Waives the requirement for performance tests because you have demonstrated by other means to the Administrator's satisfaction that the affected SSI unit is in compliance with the standard.

(v) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph (a)(7) is construed to abrogate the Administrator's authority to require testing under section 114 of the Clean Air Act.

(8) You must provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days' notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, you must notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.

(9) You must provide, or cause to be provided, performance testing facilities as follows:

(i) Sampling ports adequate for the test methods applicable to the SSI unit, as follows:

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(A) Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures.

(B) Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(ii) Safe sampling platform(s).  
(iii) Safe access to sampling platform(s).

(iv) Utilities for sampling and testing equipment.

(10) Unless otherwise specified in this subpart, each performance test must consist of three separate runs using the applicable test method. Each run must be conducted for the time and under the conditions specified in the applicable standard. Compliance with each emission limit must be determined by calculating the arithmetic mean of the three runs. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond your control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

(11) During each test run specified in paragraph (a)(1) of this section, you must operate your sewage sludge incinerator at a minimum of 85-percent of your maximum permitted capacity.

(b) *Continuous monitor requirements.* You must meet the following requirements, as applicable, when using a continuous monitoring system to demonstrate compliance with the emission limits in Table 2 or 3 to this subpart. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium or lead is published in the FEDERAL REGISTER. If you elect to use a continuous emissions monitoring system instead of conducting annual performance testing, you must meet the requirements of paragraphs (b)(1) through (6) of this section. If you elect

to use a continuous automated sampling system instead of conducting annual performance testing, you must meet the requirements of paragraph (b)(7) of this section. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the FEDERAL REGISTER.

(1) You must notify the Administrator 1 month before starting use of the continuous emissions monitoring system.

(2) You must notify the Administrator 1 month before stopping use of the continuous emissions monitoring system, in which case you must also conduct a performance test within prior to ceasing operation of the system.

(3) You must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the emissions to the atmosphere in accordance with the following:

(i) Section 60.13 of subpart A of part 60 of this chapter.

(ii) The following performance specifications of appendix B of part 60 of this chapter, as applicable:

(A) For particulate matter, Performance Specification 11 of appendix B of part 60 of this chapter.

(B) For hydrogen chloride, Performance Specification 15 of appendix B of part 60 of this chapter.

(C) For carbon monoxide, Performance Specification 4B of appendix B of part 60 of this chapter with spans appropriate to the applicable emission limit.

(D) [Reserved]

(E) For mercury, Performance Specification 12A of appendix B of part 60 of this chapter.

(F) For nitrogen oxides, Performance Specification 2 of appendix B of part 60 of this chapter.

(G) For sulfur dioxide, Performance Specification 2 of appendix B of part 60 of this chapter.

(iii) For continuous emissions monitoring systems, the quality assurance procedures (e.g., quarterly accuracy determinations and daily calibration drift tests) of appendix F of part 60 of this chapter specified in paragraphs

(b)(3)(iii)(A) through (G) of this section. For each pollutant, the span value of the continuous emissions monitoring system is two times the applicable emission limit, expressed as a concentration.

(A) For particulate matter, Procedure 2 in appendix F of part 60 of this chapter.

(B) For hydrogen chloride, Procedure 1 in appendix F of part 60 of this chapter except that the Relative Accuracy Test Audit requirements of Procedure 1 shall be replaced with the validation requirements and criteria of sections 11.1.1 and 12.0 of Performance Specification 15 of appendix B of part 60 of this chapter.

(C) For carbon monoxide, Procedure 1 in appendix F of part 60 of this chapter.

(D) [Reserved]

(E) For mercury, Procedures 5 in appendix F of part 60 of this chapter.

(F) For nitrogen oxides, Procedure 1 in appendix F of part 60 of this chapter.

(G) For sulfur dioxide, Procedure 1 in appendix F of part 60 of this chapter.

(iv) If your monitoring system has a malfunction or out-of-control period, you must complete repairs and resume operation of your monitoring system as expeditiously as possible.

(4) During each relative accuracy test run of the continuous emissions monitoring system using the performance specifications in paragraph (b)(3)(ii) of this section, emission data for each regulated pollutant and oxygen (or carbon dioxide as established in paragraph (b)(5) of this section) must be collected concurrently (or within a 30- to 60-minute period) by both the continuous emissions monitoring systems and the test methods specified in paragraph (b)(4)(i) through (viii) of this section. Relative accuracy testing must be at representative operating conditions while the SSI unit is charging sewage sludge.

(i) For particulate matter, Method 5 at 40 CFR part 60, appendix A-3, or Method 26A or 29 at 40 CFR part 60, appendix A-8, shall be used.

(ii) For hydrogen chloride, Method 26 or 26A at 40 CFR part 60, appendix A-8, shall be used, as specified in Tables 2 and 3 to this subpart.

(iii) For carbon monoxide, Method 10, 10A, or 10B at 40 CFR part 60, appendix A-4, shall be used.

(iv) For dioxins/furans, Method 23 at 40 CFR part 60, appendix A-7, shall be used.

(v) For mercury, cadmium and lead, Method 29 at 40 CFR part 60, appendix A-8, shall be used. Alternatively for mercury, either Method 30B at 40 CFR part 60, appendix A-8, or ASTM D6784-02 (Reapproved 2008) (see paragraph (e) of this section).

(vi) For nitrogen oxides, Method 7 or 7E at 40 CFR part 60, appendix A-4, shall be used.

(vii) For sulfur dioxide, Method 6 or 6C at 40 CFR part 60, appendix A-4, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus] must be used (see paragraph (e) of this section). For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for the inlet of the sulfur dioxide continuous emissions monitoring system should be no greater than 20-percent of the mean value of the method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the method and the continuous emissions monitoring system, whichever is greater.

(viii) For oxygen (or carbon dioxide as established in paragraph (b)(5) of this section), Method 3A or 3B at 40 CFR part 60, appendix A-2, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used (see paragraph (e) of this section).

(5) You may request that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7-percent oxygen. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the procedures and methods specified in paragraphs (b)(5)(i) through (iv) of this section. This relationship may be re-established during subsequent performance tests.

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(i) The fuel factor equation in Method 3B at 40 CFR part 60, appendix A-2, must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A or 3B at 50 CFR part 60, appendix A-2, or as an alternative ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor (see paragraph (e) of this section).

(ii) Samples must be taken for at least 30 minutes in each hour.

(iii) Each sample must represent a 1-hour average.

(iv) A minimum of three runs must be performed.

(6) You must operate the continuous monitoring system and collect data with the continuous monitoring system as follows:

(i) You must collect data using the continuous monitoring system at all times the affected SSI unit is operating and at the intervals specified in paragraph (b)(6)(ii) of this section, except for periods of monitoring system malfunctions that occur during periods specified in § 62.15995(a)(7)(i), repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments). Any such periods that you do not collect data using the continuous monitoring system constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(ii) You must collect continuous emissions monitoring system data in accordance with § 60.13(e)(2) of this chapter.

(iii) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in a deviation report.

(iv) Any data collected during periods when the monitoring system is out of control as specified in § 60.4880(a)(7)(i)

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of this chapter, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or control activities conducted during out-of-control periods must not be included in calculations used to report emissions or operating levels. Any such periods that do not coincide with a monitoring system malfunction as defined in § 62.16045, constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(v) You must use all the data collected during all periods except those periods specified in paragraphs (b)(6)(iii) and (iv) of this section in assessing the operation of the control device and associated control system.

(7) If you elect to use a continuous automated sampling system instead of conducting annual performance testing, you must:

(i) Install, calibrate, maintain and operate a continuous automated sampling system according to the site-specific monitoring plan developed in § 60.58b(p)(1) through (6), (9), (10), and (q) of this chapter.

(ii) Collect data according to § 60.58b(p)(5) of this chapter and paragraph (b)(6) of this section.

(c) *Air pollution control device inspections.* You must conduct air pollution control device inspections that include, at a minimum, the following:

(1) Inspect air pollution control device(s) for proper operation.

(2) Generally observe that the equipment is maintained in good operating condition.

(3) Develop a site-specific monitoring plan according to the requirements in § 62.15995. This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under § 60.13(i) of this chapter.

(d) *Bypass stack.* Use of the bypass stack at any time that sewage sludge is being charged to the SSI unit is an emissions standards deviation for all pollutants listed in Table 2 or 3 to this subpart. The use of the bypass stack during a performance test invalidates the performance test.

(e) *Incorporation by reference.* These standards are incorporated by reference into this section with the approval of the Director of the Federal

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Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272-0167, <http://www.epa.gov>. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(1) American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016-5990 (Phone: 1-800-843-2763; Web site: <https://www.asme.org/>).

(i) ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus].

(ii) [Reserved]

(2) ASTM Int'l, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106 (Phone: 1-877-909-2786; Web site: <http://www.astm.org/>).

(i) ASTM D6784-02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), approved April 1, 2008.

(ii) [Reserved]

(3) U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272-0167, <http://www.epa.gov>.

(i) OAQPS Fabric Filter Bag Leak Detection Guidance, EPA-454/R-98-015, September 1997.

(ii) [Reserved]

### § 62.16020 What are the monitoring and calibration requirements for compliance with my operating limits?

(a) You must install, operate, calibrate and maintain the continuous parameter monitoring systems according to the requirements in paragraphs (a)(1) and (2) of this section.

(1) Meet the following general requirements for flow, pressure, pH and operating temperature measurement devices:

(i) You must collect data using the continuous monitoring system at all times the affected SSI unit is operating and at the intervals specified in paragraph (a)(1)(ii) of this section, except for periods of monitoring system malfunctions that occur during periods specified defined in § 62.15995(a)(7)(i), repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments). Any such periods that you do not collect data using the continuous monitoring system constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(ii) You must collect continuous parameter monitoring system data in accordance with § 60.13(e)(2) of this chapter.

(iii) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in your annual deviation report.

(iv) Any data collected during periods when the monitoring system is out of control as specified in § 62.15995(a)(7)(i) must not be included in calculations used to report emissions or operating levels. Any such periods that do not coincide with a monitoring system malfunction, as defined in § 62.16045, constitute a deviation from the monitoring requirements and must be reported in a deviation report.

(v) You must use all the data collected during all periods except those periods specified in paragraphs (a)(1)(iii) and (iv) of this section in assessing the operation of the control device and associated control system.

(vi) Record the results of each inspection, calibration and validation check.

(2) Operate and maintain your continuous monitoring system according to your monitoring plan required under § 60.4880 of this chapter. Additionally:

(i) For carrier gas flow rate monitors (for activated carbon injection), during

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the performance test conducted pursuant to § 60.4885 chapter, you must demonstrate that the system is maintained within ±5-percent accuracy, according to the procedures in appendix A to part 75 of this chapter.

(ii) For carrier gas pressure drop monitors (for activated carbon injection), during the performance test conducted pursuant to § 60.4885 of this chapter, you must demonstrate that the system is maintained within ±5-percent accuracy.

(b) You must operate and maintain your bag leak detection system in continuous operation according to your monitoring plan required under § 60.4880 of this chapter. Additionally:

(1) For positive pressure fabric filter systems that do not duct all compartments of cells to a common stack, a bag leak detection system must be installed in each baghouse compartment or cell.

(2) Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.

(3) You must initiate procedures to determine the cause of every alarm within 8 hours of the alarm, and you must alleviate the cause of the alarm within 24 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:

(i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media or any other condition that may cause an increase in particulate matter emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media or otherwise repairing the control device.

(iv) Sealing off a defective fabric filter compartment.

(v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system.

(vi) Shutting down the process producing the particulate matter emissions.

(c) You must operate and maintain the continuous parameter monitoring systems specified in paragraphs (a) and (b) of this section in continuous operation according to your monitoring

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plan required under § 60.4880 of this chapter.

(d) If your SSI unit has a bypass stack, you must install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration.

### RECORDKEEPING AND REPORTING

#### § 62.16025 What records must I keep?

You must maintain the items (as applicable) specified in paragraphs (a) through (n) of this section for a period of at least 5 years. All records must be available on site in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Administrator.

(a) *Date.* Calendar date of each record.

(b) *Final control plan and final compliance.* Copies of the final control plan and any additional notifications, reported under § 62.16030.

(c) *Operator training.* Documentation of the operator training procedures and records specified in paragraphs (c)(1) through (4) of this section. You must make available and readily accessible at the facility at all times for all SSI unit operators the documentation specified in paragraph (c)(1) of this section.

(1) Documentation of the following operator training procedures and information:

(i) Summary of the applicable standards under this subpart.

(ii) Procedures for receiving, handling and feeding sewage sludge.

(iii) Incinerator startup, shutdown, and malfunction preventative and corrective procedures.

(iv) Procedures for maintaining proper combustion air supply levels.

(v) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this subpart.

(vi) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(vii) Reporting and recordkeeping procedures.

(viii) Procedures for handling ash.

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(ix) A list of the materials burned during the performance test, if in addition to sewage sludge.

(x) For each qualified operator and other plant personnel who may operate the unit according to the provisions of § 62.15945(a), the phone and/or pager number at which they can be reached during operating hours.

(2) Records showing the names of SSI unit operators and other plant personnel who may operate the unit according to the provisions of § 62.15945(a), as follows:

(i) Records showing the names of SSI unit operators and other plant personnel who have completed review of the information in paragraph (c)(1) of this section as required by § 62.15950(b), including the date of the initial review and all subsequent annual reviews.

(ii) Records showing the names of the SSI unit operators who have completed the operator training requirements under § 62.15920, met the criteria for qualification under § 62.15930, and maintained or renewed their qualification under § 62.15935 or § 62.15940. Records must include documentation of training, including the dates of their initial qualification and all subsequent renewals of such qualifications.

(3) Records showing the periods when no qualified operators were accessible for more than 8 hours, but less than 2 weeks, as required in § 62.15945(a).

(4) Records showing the periods when no qualified operators were accessible for 2 weeks or more along with copies of reports submitted as required in § 62.15945(b).

(d) *Air pollution control device inspections.* Records of the results of initial and annual air pollution control device inspections conducted as specified in §§ 62.15990 and 62.16015(c), including any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the Administrator.

(e) *Performance test reports.* (1) The results of the initial, annual and any subsequent performance tests conducted to determine compliance with the emission limits and standards and/or to establish operating limits, as applicable.

(2) Retain a copy of the complete performance test report, including calculations.

(3) Keep a record of the hourly dry sludge feed rate measured during performance test runs as specified in § 62.16015(a)(2)(i).

(4) Keep any necessary records to demonstrate that the performance test was conducted under conditions representative of normal operations, including a record of the moisture content measured as required in § 62.16015(a)(2)(ii) for each grab sample taken of the sewage sludge burned during the performance test.

(f) *Continuous monitoring data.* Records of the following data, as applicable:

(1) For continuous emissions monitoring systems, all 1-hour average concentrations of particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans total mass basis, mercury, nitrogen oxides, sulfur dioxide, cadmium and lead emissions.

(2) For continuous automated sampling systems, all average concentrations measured for mercury and dioxins/furans total mass basis at the frequencies specified in your monitoring plan.

(3) For continuous parameter monitoring systems:

(i) All 1-hour average values recorded for the following operating parameters, as applicable:

(A) Combustion chamber operating temperature (or afterburner temperature).

(B) If a wet scrubber is used to comply with the rule, pressure drop across each wet scrubber system and liquid flow rate to each wet scrubber used to comply with the emission limit in Table 2 or 3 to this subpart for particulate matter, cadmium or lead and scrubber liquid flow rate and scrubber liquid pH for each wet scrubber used to comply with an emission limit in Table 2 or 3 to this subpart for sulfur dioxide or hydrogen chloride.

(C) If an electrostatic precipitator is used to comply with the rule, secondary voltage of the electrostatic precipitator collection plates and secondary amperage of the electrostatic

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precipitator collection plates and effluent water flow rate at the outlet of the wet electrostatic precipitator.

(D) If activated carbon injection is used to comply with the rule, sorbent flow rate and carrier gas flow rate or pressure drop, as applicable.

(ii) All daily average values recorded for the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, monitored and calculated as specified in § 62.15960(f).

(iii) If a fabric filter is used to comply with the rule, the date, time and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in § 62.16005.

(iv) For other control devices for which you must establish operating limits under § 62.15965, you must maintain data collected for all operating parameters used to determine compliance with the operating limits, at the frequencies specified in your monitoring plan.

(g) *Other records for continuous monitoring systems.* You must keep the following records, as applicable:

(1) Keep records of any notifications to the Administrator in § 60.4915(h)(1) of this chapter of starting or stopping use of a continuous monitoring system for determining compliance with any emissions limit.

(2) Keep records of any requests under § 62.16015(b)(5) that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7-percent oxygen.

(3) If activated carbon injection is used to comply with the rule, the type of sorbent used and any changes in the type of sorbent used.

(h) *Deviation reports.* Records of any deviation reports submitted under § 62.16030(e) and (f).

(i) *Equipment specifications and operation and maintenance requirements.* Equipment specifications and related operation and maintenance requirements received from vendors for the in-

cinerator, emission controls and monitoring equipment.

(j) *Inspections, calibrations and validation checks of monitoring devices.* Records of inspections, calibration and validation checks of any monitoring devices as required under §§ 62.16015 and 62.16020.

(k) *Monitoring plan and performance evaluations for continuous monitoring systems.* Records of the monitoring plans required under § 62.15995, and records of performance evaluations required under § 62.16000(b)(5).

(l) *Less frequent testing.* If, consistent with § 62.16000(a)(3), you elect to conduct performance tests less frequently than annually, you must keep annual records that document that your emissions in the two previous consecutive years were at or below 75-percent of the applicable emission limit in Table 1 or 2 to this subpart, and document that there were no changes in source operations or air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past 2 years.

(m) *Use of bypass stack.* Records indicating use of the bypass stack, including dates, times and durations as required under § 62.16020(d).

(n) If a malfunction occurs, you must keep a record of the information submitted in your annual report in § 62.16030(c)(16).

**§ 62.16030 What reports must I submit?**

You must submit the reports to the Administrator specified in paragraphs (a) through (i) of this section. See Table 6 to this subpart for a summary of these reports.

(a) *Final control plan and final compliance report.* You must submit the following reports, as applicable:

(1) A final control plan as specified in §§ 62.15875 and 62.15900.

(2) You must submit your notification of achievement of submitting the final control plan and achieving final compliance no later than 10 business days after the compliance date as specified in §§ 62.15885 and 62.15890.

(3) If you fail to submit the final control plan and achieve final compliance, you must submit a notification to the Administrator postmarked within 10

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business days after the compliance date, as specified in § 62.15895.

(4) If you plan to close your SSI unit rather than comply with the federal plan, submit a closure notification as specified in § 62.15915.

(b) *Initial compliance report.* You must submit the following information no later than 60 days following the initial performance test.

(1) Company name, physical address and mailing address.

(2) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(3) Date of report.

(4) The complete test report for the initial performance test results obtained by using the test methods specified in Table 2 or 3 to this subpart.

(5) If an initial performance evaluation of a continuous monitoring system was conducted, the results of that initial performance evaluation.

(6) The values for the site-specific operating limits established pursuant to §§ 62.15960 and 62.15965 and the calculations and methods, as applicable, used to establish each operating limit.

(7) If you are using a fabric filter to comply with the emission limits, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by § 62.15960(b).

(8) The results of the initial air pollution control device inspection required in § 62.15990, including a description of repairs.

(9) The site-specific monitoring plan required under § 62.15995, at least 60 days before your initial performance evaluation of your continuous monitoring system.

(10) The site-specific monitoring plan for your ash handling system required under § 62.15995, at least 60 days before your initial performance test to demonstrate compliance with your fugitive ash emission limit.

(c) *Annual compliance report.* You must submit an annual compliance report that includes the items listed in paragraphs (c)(1) through (16) of this section for the reporting period specified in paragraph (c)(3) of this section. You must submit your first annual compliance report no later than 12

months following the submission of the initial compliance report in paragraph (b) of this section. You must submit subsequent annual compliance reports no more than 12 months following the previous annual compliance report. (You may be required to submit similar or additional compliance information more frequently by the title V operating permit required in § 62.16035.)

(1) Company name, physical address and mailing address.

(2) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If a performance test was conducted during the reporting period, the results of that performance test.

(i) If operating limits were established during the performance test, include the value for each operating limit and, as applicable, the method used to establish each operating limit, including calculations.

(ii) If activated carbon is used during the performance test, include the type of activated carbon used.

(5) For each pollutant and operating parameter recorded using a continuous monitoring system, the highest average value and lowest average value recorded during the reporting period, as follows:

(i) For continuous emission monitoring systems and continuous automated sampling systems, report the highest and lowest 24-hour average emission value.

(ii) For continuous parameter monitoring systems, report the following values:

(A) For all operating parameters except scrubber liquid pH, the highest and lowest 12-hour average values.

(B) For scrubber liquid pH, the highest and lowest 3-hour average values.

(6) If there are no deviations during the reporting period from any emission limit, emission standard or operating limit that applies to you, a statement that there were no deviations from the emission limits, emission standard or operating limits.

(7) Information for bag leak detection systems recorded under § 62.16025(f)(3)(iii).

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(8) If a performance evaluation of a continuous monitoring system was conducted, the results of that performance evaluation. If new operating limits were established during the performance evaluation, include your calculations for establishing those operating limits.

(9) If you elect to conduct performance tests less frequently as allowed in § 62.16000(a)(3) and did not conduct a performance test during the reporting period, you must include the dates of the last two performance tests, a comparison of the emission level you achieved in the last two performance tests to the 75-percent emission limit threshold specified in § 62.16000(a)(3), and a statement as to whether there have been any process changes and whether the process change resulted in an increase in emissions.

(10) Documentation of periods when all qualified sewage sludge incineration unit operators were unavailable for more than 8 hours, but less than 2 weeks.

(11) Results of annual air pollution control device inspections recorded under § 62.16025(d) for the reporting period, including a description of repairs.

(12) If there were no periods during the reporting period when your continuous monitoring systems had a malfunction, a statement that there were no periods during which your continuous monitoring systems had a malfunction.

(13) If there were no periods during the reporting period when a continuous monitoring system was out of control, a statement that there were no periods during which your continuous monitoring systems were out of control.

(14) If there were no operator training deviations, a statement that there were no such deviations during the reporting period.

(15) If you did not make revisions to your site-specific monitoring plan during the reporting period, a statement that you did not make any revisions to your site-specific monitoring plan during the reporting period. If you made revisions to your site-specific monitoring plan during the reporting period, a copy of the revised plan.

(16) If you had a malfunction during the reporting period, the compliance

report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 60.11(d), including actions taken to correct a malfunction.

(d) *Deviation reports.* (1) You must submit a deviation report if:

(i) Any recorded operating parameter level, based on the averaging time specified in Table 4 to this subpart, is above the maximum operating limit or below the minimum operating limit established under this subpart.

(ii) The bag leak detection system alarm sounds for more than 5-percent of the operating time for the 6-month reporting period.

(iii) Any recorded 24-hour block average emissions level is above the emission limit, if a continuous monitoring system is used to comply with an emission limit.

(iv) There are visible emissions of combustion ash from an ash conveying system for more than 5-percent of any compliance test hourly observation period.

(v) A performance test was conducted that deviated from any emission limit in Table 2 or 3 to this subpart.

(vi) A continuous monitoring system was out of control.

(vii) You had a malfunction (e.g., continuous monitoring system malfunction) that caused or may have caused any applicable emission limit to be exceeded.

(2) The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).

(3) For each deviation where you are using a continuous monitoring system to comply with an associated emission limit or operating limit, report the items described in paragraphs (d)(3)(i) through (viii) of this section.

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(i) Company name, physical address and mailing address.

(ii) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(iii) The calendar dates and times your unit deviated from the emission limits, emission standards or operating limits requirements.

(iv) The averaged and recorded data for those dates.

(v) Duration and cause of each deviation from the following:

(A) Emission limits, emission standards, operating limits and your corrective actions.

(B) Bypass events and your corrective actions.

(vi) Dates, times and causes for monitor downtime incidents.

(vii) A copy of the operating parameter monitoring data during each deviation and any test report that documents the emission levels.

(viii) If there were periods during which the continuous monitoring system malfunctioned or was out of control, you must include the following information for each deviation from an emission limit or operating limit:

(A) The date and time that each malfunction started and stopped.

(B) The date, time and duration that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.

(C) The date, time and duration that each continuous monitoring system was out of control, including start and end dates and hours and descriptions of corrective actions taken.

(D) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction, during a period when the system was out of control or during another period.

(E) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(F) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes and other unknown causes.

(G) A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the SSI unit at which the continuous monitoring system downtime occurred during that reporting period.

(H) An identification of each parameter and pollutant that was monitored at the SSI unit.

(I) A brief description of the SSI unit.

(J) A brief description of the continuous monitoring system.

(K) The date of the latest continuous monitoring system certification or audit.

(L) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.

(4) For each deviation where you are not using a continuous monitoring system to comply with the associated emission limit or operating limit, report the following items:

(i) Company name, physical address and mailing address.

(ii) Statement by a responsible official, with that official's name, title and signature, certifying the accuracy of the content of the report.

(iii) The total operating time of each affected source during the reporting period.

(iv) The calendar dates and times your unit deviated from the emission limits, emission standards or operating limits requirements.

(v) The averaged and recorded data for those dates.

(vi) Duration and cause of each deviation from the following:

(A) Emission limits, emission standards, operating limits and your corrective actions.

(B) Bypass events and your corrective actions.

(vii) A copy of any performance test report that showed a deviation from the emission limits or standards.

(viii) A brief description of any malfunction reported in paragraph (d)(1)(vii) of this section, including a description of actions taken during the malfunction to minimize emissions in accordance with § 60.11(d) of this chapter and to correct the malfunction.

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(e) *Qualified operator deviation.* (1) If all qualified operators are not accessible for 2 weeks or more, you must take the two actions in paragraphs (e)(1)(i) and (ii) of this section.

(i) Submit a notification of the deviation within 10 days that includes the three items in paragraphs (e)(1)(i)(A) through (C) of this section.

(A) A statement of what caused the deviation.

(B) A description of actions taken to ensure that a qualified operator is accessible.

(C) The date when you anticipate that a qualified operator will be available.

(ii) Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (e)(1)(ii)(A) through (C) of this section.

(A) A description of actions taken to ensure that a qualified operator is accessible.

(B) The date when you anticipate that a qualified operator will be accessible.

(C) Request for approval from the Administrator to continue operation of the SSI unit.

(2) If your unit was shut down by the Administrator, under the provisions of § 62.15945(b)(2)(i), due to a failure to provide an accessible qualified operator, you must notify the Administrator within five days of meeting § 62.15945(b)(2)(ii) that you are resuming operation.

(f) *Notification of a force majeure.* If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure:

(1) You must notify the Administrator, in writing as soon as practicable following the date you first knew, or through due diligence, should have known that the event may cause or caused a delay in conducting a performance test beyond the regulatory deadline, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification must occur as soon as practicable.

(2) You must provide to the Administrator a written description of the force majeure event and a rationale for

attributing the delay in conducting the performance test beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which you propose to conduct the performance test.

(g) *Other notifications and reports required.* You must submit other notifications as provided by § 60.7 of this chapter and as follows:

(1) You must notify the Administrator 1 month before starting or stopping use of a continuous monitoring system for determining compliance with any emission limit.

(2) You must notify the Administrator at least 30 days prior to any performance test conducted to comply with the provisions of this subpart, to afford the Administrator the opportunity to have an observer present.

(3) As specified in § 62.16015(a)(8), you must notify the Administrator at least 7 days prior to the date of a rescheduled performance test for which notification was previously made in paragraph (g)(2) of this section.

(h) *Report submission form.* (1) Submit initial, annual and deviation reports electronically or in paper format, post-marked on or before the submittal due dates.

(2) Submit performance tests and evaluations according to paragraphs (h)(2)(i) and (ii) of this section.

(i) Within 60 days after the date of completing each performance test (see § 60.8 of this chapter) required by this subpart, you must submit the results of the performance test according to the method specified by either paragraph (h)(2)(i)(A) or (B) of this section.

(A) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (<http://www.epa.gov/tn/chief/ert/index.html>), at the time of the test, you must submit the results of the performance test to the Compliance and Emissions Data Reporting Interface (CEDRI). (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>.) Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible

markup language (XML) schema listed on the EPA's ERT Web site. If you claim that some of the performance test information being transmitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disk, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to the EPA via CDX as described earlier in this paragraph (h)(2)(i)(A).

(B) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 60.4 of this chapter.

(ii) Within 60 days after the date of completing each CEMS performance evaluation (as defined in § 63.2 of this chapter), you must submit the results of the performance evaluation according to the method specified by either paragraph (h)(2)(ii)(A) or (B) of this section.

(A) For performance evaluations of continuous monitoring systems measuring relative accuracy test audit (RATA) pollutants that are supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance evaluation via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) Performance evaluation data must be submitted in a file format generated through the use of the EPA's ERT or an alternate file format consistent with the XML schema listed on the EPA's ERT Web site. If you claim that some of the performance evaluation information being transmitted is CBI, you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on

the EPA's ERT Web site, including information claimed to be CBI, on a compact disk, flash drive, or other commonly used electronic storage media to the EPA. The electronic storage media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via CDX as described earlier in this paragraph (h)(2)(ii)(A).

(B) For any performance evaluations of continuous monitoring systems measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT Web site, you must submit the results of the performance evaluation to the Administrator at the appropriate address listed in § 60.4 of this chapter.

(3) *Changing report dates.* If the Administrator agrees, you may change the semiannual or annual reporting dates. See § 60.19(c) of this chapter for procedures to seek approval to change your reporting date.

## TITLE V—OPERATING PERMITS

### **§ 62.16035 Am I required to apply for and obtain a title V operating permit for my existing SSI unit?**

Yes, if you are subject to an applicable EPA-approved and effective CAA section 111(d)/129 state or tribal plan or an applicable and effective federal plan, you are required to apply for and obtain a title V operating permit for your existing SSI unit unless you meet the relevant requirements for an exemption specified in § 62.15860.

### **§ 62.16040 When must I submit a title V permit application for my existing SSI unit?**

(a) If your existing SSI unit is not subject to an earlier permit application deadline, a complete title V permit application must be submitted on or before the earlier of the dates specified in paragraphs (a)(1) through (8) of this section. (See sections 129(e), 503(c), 503(d), and 502(a) of the Clean Air Act and 40 CFR 70.5(a)(1)(i) and 71.5(a)(1)(i)).

(1) 12 months after the effective date of any applicable EPA-approved Clean

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Air Act section 111(d)/129 state or tribal plan.

(2) 12 months after the effective date of any applicable federal plan.

(3) March 21, 2014.

(b) For any existing unit not subject to an earlier permit application deadline, the application deadline of 36 months after the promulgation of 40 CFR part 60, subpart MMMM, applies regardless of whether or when any applicable federal plan is effective, or whether or when any applicable Clean Air Act section 111(d)/129 state or tribal plan is approved by the EPA and becomes effective.

(c) If your existing unit is subject to title V as a result of some triggering requirement(s) other than those specified in paragraphs (a) and (b) of this section (for example, a unit may be a major source or part of a major source), then your unit may be required to apply for a title V permit prior to the deadlines specified in paragraphs (a) and (b). If more than one requirement triggers a source's obligation to apply for a title V permit, the 12-month time frame for filing a title V permit application is triggered by the requirement which first causes the source to be subject to title V. (See section 503(c) of the Clean Air Act and 40 CFR 70.3(a) and (b), 70.5(a)(1)(i), 71.3(a) and (b), and 71.5(a)(1)(i).)

(d) A "complete" title V permit application is one that has been determined or deemed complete by the relevant permitting authority under section 503(d) of the Clean Air Act and 40 CFR 70.5(a)(2) or 71.5(a)(2). You must submit a complete permit application by the relevant application deadline in order to operate after this date in compliance with federal law. (See sections 503(d) and 502(a) of the Clean Air Act and 40 CFR 70.7(b) and 71.7(b).)

### DEFINITIONS

#### § 62.16045 What definitions must I know?

Terms used but not defined in this subpart are defined in the Clean Air Act and § 60.2 of this chapter.

*Administrator* means:

(1) For units covered by the federal plan, the Administrator of the EPA or

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his/her authorized representative (e.g., delegated authority).

(2) For units covered by an approved state plan, the director of the state air pollution control agency or his/her authorized representative.

*Affected source* means a sewage sludge incineration unit as defined in § 62.16045.

*Affirmative defense* means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

*Auxiliary fuel* means natural gas, liquefied petroleum gas, fuel oil or diesel fuel.

*Bag leak detection system* means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (i.e., baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance or other principle to monitor relative particulate matter loadings.

*Bypass stack* means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

*Calendar year* means 365 consecutive days starting on January 1 and ending on December 31.

*Continuous automated sampling system* means the total equipment and procedures for automated sample collection and sample recovery/analysis to determine a pollutant concentration or emission rate by collecting a single integrated sample(s) or multiple integrated sample(s) of the pollutant (or diluent gas) for subsequent on- or off-site analysis; integrated sample(s) collected are representative of the emissions for the sample time as specified by the applicable requirement.

*Continuous emissions monitoring system* means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

*Continuous monitoring system (CMS)* means a continuous emissions monitoring system, continuous automated

sampling system, continuous parameter monitoring system or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by this subpart. The term refers to the total equipment used to sample and condition (if applicable), to analyze and to provide a permanent record of emissions or process parameters.

*Continuous parameter monitoring system* means a monitoring system for continuously measuring and recording operating conditions associated with air pollution control device systems (e.g., operating temperature, pressure and power).

*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limit, operating limit, or operator qualification and accessibility requirements.

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

*Dioxins/furans* means tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

*Electrostatic precipitator or wet electrostatic precipitator* means an air pollution control device that uses both electrical forces and, if applicable, water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

*Existing sewage sludge incineration unit* means a sewage sludge incineration unit the construction of which is commenced on or before October 14, 2010.

*Fabric filter* means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

*Fluidized bed incinerator* means an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

*Modification* means a change to an existing SSI unit later than September 21, 2011 and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50-percent of the original cost of building and installing the SSI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the SSI unit used to calculate these costs, see the definition of SSI unit.

(2) Any physical change in the SSI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

*Modified sewage sludge incineration unit* means an existing SSI unit that undergoes a modification, as defined in this section.

*Multiple hearth incinerator* means a circular steel furnace that contains a number of solid refractory hearths and a central rotating shaft; rabble arms that are designed to slowly rake the sludge on the hearth are attached to the rotating shaft. Dewatered sludge enters at the top and proceeds downward through the furnace from hearth to hearth, pushed along by the rabble arms.

*Operating day* means a 24-hour period between 12:00 midnight and the following midnight during which any amount of sewage sludge is combusted at any time in the SSI unit.

*Particulate matter* means filterable particulate matter emitted from SSI units as measured by Method 5 at 40 CFR part 60, appendix A-3, or Methods 26A or 29 at 40 CFR part 60, appendix A-8.

*Power input to the electrostatic precipitator* means the product of the test-run average secondary voltage and the test-run average secondary amperage

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to the electrostatic precipitator collection plates.

*Process change* means a significant permit revision, but only with respect to those pollutant-specific emission units for which the proposed permit revision is applicable, including but not limited to:

(1) A change in the process employed at the wastewater treatment facility associated with the affected SSI unit (e.g., the addition of tertiary treatment at the facility, which changes the method used for disposing of process solids and processing of the sludge prior to incineration).

(2) A change in the air pollution control devices used to comply with the emission limits for the affected SSI unit (e.g., change in the sorbent used for activated carbon injection).

*Sewage sludge* means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incineration unit or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

*Sewage sludge feed rate* means the rate at which sewage sludge is fed into the incinerator unit.

*Sewage sludge incineration (SSI) unit* means an incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. An SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI

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unit does not include air pollution control equipment or the stack.

*Shutdown* means the period of time after all sewage sludge has been combusted in the primary chamber.

*Solid waste* means any garbage, refuse, sewage sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

*Standard conditions*, when referring to units of measure, means a temperature of 68 °F (20 °C) and a pressure of 1 atmosphere (101.3 kilopascals).

*Startup* means the period of time between the activation, including the firing of fuels (e.g., natural gas or distillate oil), of the system and the first feed to the unit.

*Toxic equivalency* means the product of the concentration of an individual dioxin isomer in an environmental mixture and the corresponding estimate of the compound-specific toxicity relative to tetrachlorinated dibenz-p-dioxin, referred to as the toxic equivalency factor for that compound. Table 5 to this subpart lists the toxic equivalency factors.

*Wet scrubber* means an add-on air pollution control device that utilizes an aqueous or alkaline scrubbing liquid to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

*You* means the owner or operator of an affected SSI unit.

## Environmental Protection Agency

### DELEGATION OF AUTHORITY

#### § 62.16050 What authorities will be retained by the EPA Administrator?

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 § 62.15965 or § 62.15985.

(b) Approval of major alternatives to test methods.

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(c) Approval of major alternatives to monitoring.

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

(e) The requirements in § 62.15965.

(f) The requirements in § 62.15945(b)(2).

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

TABLE 1 TO SUBPART LLL OF PART 62—  
COMPLIANCE SCHEDULE FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS

Comply with these requirements	By this date
1—Submit final control plan .....	March 21, 2016, for all units except East Bank Wastewater Treatment Plant, New Orleans, Louisiana, and Bayshore Regional Wastewater Treatment Plant in Union Beach, Monmouth County, NJ.
2—Final compliance .....	For East Bank Wastewater Treatment Plant, New Orleans, Louisiana, and Bayshore Regional Wastewater Treatment Plant in Union Beach, Monmouth County, NJ, March 21, 2017.

TABLE 2 TO SUBPART LLL OF PART 62—  
EMISSION LIMITS AND STANDARDS  
FOR EXISTING FLUIDIZED BED SEWAGE SLUDGE INCINERATION UNITS

For the air pollutant	You must meet this emission limit <sup>1</sup>	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Particulate matter	18 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters sample per run).	Performance test (Method 5 at 40 CFR part 60, appendix A-3; Method 26A or Method 29 at 40 CFR part 60, appendix A-8).
Hydrogen chloride.	0.51 parts per million by dry volume.	3-run average (Collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 26A at 40 CFR part 60, appendix A-8).
Carbon monoxide	64 parts per million by dry volume	3-run average (collect sample for a minimum duration of one hour per run).	Performance test (Method 10, 10A, or 10B at 40 CFR part 60, appendix A-4).
Dioxins/furans (total mass basis); or, Dioxins/furans (toxic equivalency basis) <sup>2</sup> .	1.2 nanograms per dry standard cubic meter (total mass basis); or, 0.10 nanograms per dry standard cubic meter (toxic equivalency basis).	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 23 at 40 CFR part 60, appendix A-7).
Mercury .....	0.037 milligrams per dry standard cubic meter.	3-run average (For Method 29 and ASTM D6784-02 (Reapproved 2008) <sup>3</sup> , collect a minimum volume of 1 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A-8).	Performance test (Method 29 at 40 CFR part 60, appendix A-8; Method 30B at 40 CFR part 60, appendix A-8; or ASTM D6784-02 (Reapproved 2008) <sup>3,5</sup>
Oxides of nitrogen.	150 parts per million by dry volume.	3-run average (Collect sample for a minimum duration of one hour per run).	Performance test (Method 7 or 7E at 40 CFR part 60, appendix A-4).
Sulfur dioxide .....	15 parts per million by dry volume	3-run average (For Method 6, collect a minimum volume of 60 liters per run. For Method 6C, collect sample for a minimum duration of one hour per run).	Performance test (Method 6 or 6C at 40 CFR part 40, appendix A-4; or ANSI/ASME PTC-19.10-1981. <sup>3,4</sup>

**Pt. 62, Subpt. LLL, Table 3**

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For the air pollutant	You must meet this emission limit <sup>1</sup>	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Cadmium .....	0.0016 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 at 40 CFR part 60, appendix A-8). Use GFAAS or ICP/MS for the analytical finish.
Lead .....	0.0074 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters sample per run).	Performance test (Method 29 at 40 CFR part 60, appendix A-8. Use GFAAS or ICP/MS for the analytical finish.
Fugitive emissions from ash handling.	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period.	Three 1-hour observation periods	Visible emission test (Method 22 at 40 CFR part 60, appendix A-7).

<sup>1</sup> All emission limits are measured at 7-percent oxygen, dry basis at standard conditions.

<sup>2</sup> You have the option to comply with either the dioxin/furan emission limit on a total mass basis or the dioxin/furan emission limit on a toxic equivalency basis.

<sup>3</sup> The Director of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect these standards at U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272-0167, <http://www.epa.gov>. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: {HYPERLINK "[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.htm](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.htm)"}

<sup>4</sup> ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016-5990 (Phone: 1-800-843-2763; Web site: <https://www.asme.org>).

<sup>5</sup> ASTM D6784-02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved April 1, 2008]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106 (Phone: 1-877-909-2786; Web site: <http://www.astm.org>).

**TABLE 3 TO SUBPART LLL OF PART 62—  
EMISSION LIMITS AND STANDARDS  
FOR EXISTING MULTIPLE HEARTH  
SEWAGE SLUDGE INCINERATION  
UNITS**

For the air pollutant	You must meet this emission limit <sup>1</sup>	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Particulate matter	80 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 0.75 dry standard cubic meters per run).	Performance test (Method 5 at 40 CFR part 60, appendix A-3; Method 26A or Method 29 at 40 CFR part 60, appendix A-8).
Hydrogen chloride.	1.2 parts per million by dry volume	3-run average (For Method 26, collect a minimum volume of 200 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 26 or 26A at 40 CFR part 60, appendix A-8).
Carbon monoxide	3,800 parts per million by dry volume.	3-run average (collect sample for a minimum duration of one hour per run).	Performance test (Method 10, 10A, or 10B at 40 CFR part 60, appendix A-4).
Dioxins/furans (total mass basis).	5.0 nanograms per dry standard cubic meter; or.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 23 at 40 CFR part 60, appendix A-7).
Dioxins/furans (toxic equivalency basis). <sup>2</sup>	0.32 nanograms per dry standard cubic meter.		
Mercury .....	0.28 milligrams per dry standard cubic meter.	3-run average (For Method 29 and ASTM D6784-02 (Reapproved 2008), <sup>3</sup> collect a minimum volume of 1 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A-8).	Performance test (Method 29 at 40 CFR part 60, appendix A-8; Method 30B at 40 CFR part 60, appendix A-8; or ASTM D6784-02 (Reapproved 2008). <sup>3,5</sup>
Oxides of nitrogen.	220 parts per million by dry volume.	3-run average (Collect sample for a minimum duration of one hour per run).	Performance test (Method 7 or 7E at 40 CFR part 60, appendix A-4).

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For the air pollutant	You must meet this emission limit <sup>1</sup>	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Sulfur dioxide .....	26 parts per million by dry volume	3-run average (For Method 6, collect a minimum volume of 200 liters per run. For Method 6C, collect sample for a minimum duration of one hour per run).	Performance test (Method 6 or 6C at 40 CFR part 40, appendix A-4; or ANSI/ASME PTC 19.10-1981. <sup>3,4</sup>
Cadmium .....	0.095 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 at 40 CFR part 60, appendix A-8).
Lead .....	0.30 milligrams per dry standard cubic meter.	3-run average (collect a minimum volume of 1 dry standard cubic meters per run).	Performance test (Method 29 at 40 CFR part 60, appendix A-8).
Fugitive emissions from ash handling.	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of any compliance test hourly observation period.	Three 1-hour observation periods	Visible emission test (Method 22 at 40 CFR part 60, appendix A-7).

<sup>1</sup> All emission limits are measured at 7-percent oxygen, dry basis at standard conditions.

<sup>2</sup> You have the option to comply with either the dioxin/furan emission limit on a total mass basis or the dioxin/furan emission limit on a toxic equivalency basis.

<sup>3</sup> The Director of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR, part 51. You may inspect these standards at U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 272-0167, <http://www.epa.gov>. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/lbr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/lbr_locations.html).

<sup>4</sup> ANSI/ASME PTC 19.10-1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016-5990 (Phone: 1-800-843-2763; Web site: <https://www.asme.org>).

<sup>5</sup> ASTM D6784-02 (Reapproved 2008) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), [approved April 1, 2008]. ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959; ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106 (Phone: 1-877-909-2786; Web site: <http://www.astm.org>).

**TABLE 4 TO SUBPART LLL OF PART 62—  
OPERATING PARAMETERS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS<sup>1</sup>**

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording <sup>2</sup>	Data averaging period for compliance
<b>All sewage sludge incineration units</b>				
Combustion chamber operating temperature (not required if afterburner temperature is monitored).	Minimum combustion chamber operating temperature or afterburner temperature.	Continuous .....	Every 15 minutes.	12-hour block.
Fugitive emissions from ash handling.	Site-specific operating requirements.	Not applicable ...	Not applicable ...	Not applicable.
<b>Scrubber</b>				
Pressure drop across each wet scrubber.	Minimum pressure drop .....	Continuous .....	Every 15 minutes.	12-hour block.
Scrubber liquid flow rate .....	Minimum flow rate .....	Continuous .....	Every 15 minutes.	12-hour block.
Scrubber liquid pH .....	Minimum pH .....	Continuous .....	Every 15 minutes.	3-hour block.
<b>Fabric Filter</b>				
Alarm time of the bag leak detection system alarm.	Maximum alarm time of the bag leak detection system alarm (this operating limit is provided in § 60.4850 and is not established on a site-specific basis)			
<b>Electrostatic precipitator</b>				
Secondary voltage of the electrostatic precipitator collection plates.	Minimum power input to the electrostatic precipitator collection plates.	Continuous .....	Hourly .....	12-hour block.

**Pt. 62, Subpt. LLL, Table 5**

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For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording <sup>2</sup>	Data averaging period for compliance
Secondary amperage of the electrostatic precipitator collection plates				
Effluent water flow rate at the outlet of the electrostatic precipitator.	Minimum effluent water flow rate at the outlet of the electrostatic precipitator.	Hourly .....	Hourly .....	12-hour block.
<b>Activated carbon injection</b>				
Mercury sorbent injection rate .....	Minimum mercury sorbent injection rate.	Hourly .....	Hourly .....	12-hour block.
Dioxin/furan sorbent injection rate	Minimum dioxin/furan sorbent injection rate.			
Carrier gas flow rate or carrier gas pressure drop.	Minimum carrier gas flow rate or minimum carrier gas pressure drop.	Continuous .....	Every 15 minutes.	12-hour block.
<b>Afterburner</b>				
Temperature of the afterburner combustion chamber.	Minimum temperature of the afterburner combustion chamber.	Continuous .....	Every 15 minutes.	12-hour block.

<sup>1</sup> As specified in § 62.15985, you may use a continuous emissions monitoring system or continuous automated sampling system in lieu of establishing certain operating limits.

<sup>2</sup> This recording time refers to the minimum frequency that the continuous monitor or other measuring device initially records data. For all data recorded every 15 minutes, you must calculate hourly arithmetic averages. For all parameters, you use hourly averages to calculate the 12-hour or 3-hour block average specified in this table for demonstrating compliance. You maintain records of 1-hour averages.

**TABLE 5 TO SUBPART LLL OF PART 62—  
TOXIC EQUIVALENCY FACTORS**

Dioxin/furan isomer	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin .....	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin .....	1
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin .....	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin .....	0.01
octachlorinated dibenzo-p-dioxin .....	0.0003
2,3,7,8-tetrachlorinated dibenzofuran .....	0.1
2,3,4,7,8-pentachlorinated dibenzofuran .....	0.3
1,2,3,7,8-pentachlorinated dibenzofuran .....	0.03
1,2,3,4,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran .....	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran .....	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran .....	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran .....	0.01
octachlorinated dibenzofuran .....	0.0003

**TABLE 6 TO SUBPART LLL OF PART 62—  
SUMMARY OF REPORTING REQUIREMENTS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS<sup>1</sup>**

**Environmental Protection Agency**
**Pt. 62, Subpt. LLL, Table 6**

Report	Due date	Contents	Reference
Final control plan and final compliance report.	No later than 10 business days after the compliance date.	<ol style="list-style-type: none"> <li>Final control plan including air pollution control device descriptions, process changes, type of waste to be burned, and the maximum design sewage sludge burning capacity.</li> <li>Notification of any failure to submit the final control plan and achieve final compliance.</li> <li>Notification of any closure.</li> </ol>	§ 62.16030(a).
Initial compliance report ....	No later than 60 days following the initial performance test.	<ol style="list-style-type: none"> <li>Company name and address .....</li> <li>Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.</li> <li>Date of report.</li> <li>Complete test report for the initial performance test.</li> <li>Results of CMS<sup>2</sup> performance evaluation.</li> <li>The values for the site-specific operating limits and the calculations and methods used to establish each operating limit.</li> <li>Documentation of installation of bag leak detection system for fabric filter.</li> <li>Results of initial air pollution control device inspection, including a description of repairs.</li> <li>The site-specific monitoring plan required under § 62.15995.</li> <li>The site-specific monitoring plan for your ash handling system required under § 62.15995.</li> </ol>	§ 62.16030(b).
Annual compliance report ..	No later than 12 months following the submission of the initial compliance report; subsequent reports are to be submitted no more than 12 months following the previous report.	<ol style="list-style-type: none"> <li>Company name and address .....</li> <li>Statement and signature by responsible official.</li> <li>Date and beginning and ending dates of report.</li> <li>If a performance test was conducted during the reporting period, the results of the test, including any new operating limits and associated calculations and the type of activated carbon used, if applicable.</li> <li>For each pollutant and operating parameter recorded using a CMS, the highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable.</li> <li>If no deviations from emission limits, emission standards, or operating limits occurred, a statement that no deviations occurred.</li> <li>If a fabric filter is used, the date, time, and duration of alarms.</li> <li>If a performance evaluation of a CMS was conducted, the results, including any new operating limits and their associated calculations.</li> <li>If you met the requirements of § 62.16000(a)(3) and did not conduct a performance test, include the dates of the last three performance tests, a comparison to the 50 percent emission limit threshold of the emission level achieved in the last three performance tests, and a statement as to whether there have been any process changes.</li> <li>Documentation of periods when all qualified SSI unit operators were unavailable for more than 8 hours but less than 2 weeks.</li> <li>Results of annual pollution control device inspections, including description of repairs.</li> <li>If there were no periods during which your CMSs had malfunctions, a statement that there were no periods during which your CMSs had malfunctions.</li> <li>If there were no periods during which your CMSs were out of control, a statement that there were no periods during which your CMSs were out of control.</li> <li>If there were no operator training deviations, a statement that there were no such deviations.</li> <li>Information on monitoring plan revisions, including a copy of any revised monitoring plan.</li> </ol>	§ 62.16030(c).

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Report	Due date	Contents	Reference
Deviation report (deviations from emission limits, emission standards, or operating limits, as specified in § 62.16030(e)(1)).	By August 1 of a calendar year for data collected during the first half of the calendar year; by February 1 of a calendar year for data collected during the second half of the calendar year.	<p><i>If using a CMS:</i></p> <ol style="list-style-type: none"> <li>1. Company name and address.</li> <li>2. Statement by a responsible official.</li> <li>3. The calendar dates and times your unit deviated from the emission limits or operating limits.</li> <li>4. The averaged and recorded data for those dates.</li> <li>5. Duration and cause of each deviation.</li> <li>6. Dates, times, and causes for monitor downtime incidents.</li> <li>7. A copy of the operating parameter monitoring data during each deviation and any test report that documents the emission levels.</li> <li>8. For periods of CMS malfunction or when a CMS was out of control, you must include the information specified in § 62.16030(d)(3)(viii).</li> </ol> <p><i>If not using a CMS:</i></p> <ol style="list-style-type: none"> <li>1. Company name and address.</li> <li>2. Statement by a responsible official.</li> <li>3. The total operating time of each affected SSI unit.</li> <li>4. The calendar dates and times your unit deviated from the emission limits, emission standard, or operating limits.</li> <li>5. The averaged and recorded data for those dates.</li> <li>6. Duration and cause of each deviation.</li> <li>7. A copy of any performance test report that showed a deviation from the emission limits or standards.</li> <li>8. A brief description of any malfunction, a description of actions taken during the malfunction to minimize emissions, and corrective action taken.</li> </ol>	§ 62.16030(d).
Notification of qualified operator deviation (if all qualified operators are not accessible for 2 weeks or more).	Within 10 days of deviation.	<ol style="list-style-type: none"> <li>1. Statement of cause of deviation .....</li> <li>2. Description of actions taken to ensure that a qualified operator will be available.</li> <li>3. The date when a qualified operator will be accessible.</li> </ol>	§ 62.16030(e).
Notification of status of qualified operator deviation.	Every 4 weeks following notification of deviation.	<ol style="list-style-type: none"> <li>1. Description of actions taken to ensure that a qualified operator is accessible.</li> <li>2. The date when you anticipate that a qualified operator will be accessible.</li> <li>3. Request for approval to continue operation.</li> </ol>	§ 62.16030(e).
Notification of resumed operation following shut down (due to qualified operator deviation and as specified in § 62.15945(b)(2)(i)).	Within five days of obtaining a qualified operator and resuming operation.	<ol style="list-style-type: none"> <li>1. Notification that you have obtained a qualified operator and are resuming operation.</li> </ol>	§ 62.16030(e).
Notification of a force majeure.	As soon as practicable following the date you first knew, or through due diligence should have known that the event may cause or caused a delay in conducting a performance test beyond the regulatory deadline; the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification must occur as soon as practicable.	<ol style="list-style-type: none"> <li>1. Description of the force majeure event .....</li> <li>2. Rationale for attributing the delay in conducting the performance test beyond the regulatory deadline to the force majeure.</li> <li>3. Description of the measures taken or to be taken to minimize the delay.</li> <li>4. Identification of the date by which you propose to conduct the performance test.</li> </ol>	§ 62.16030(f).
Notification of intent to start or stop use of a CMS.	1 month before starting or stopping use of a CMS.	<ol style="list-style-type: none"> <li>1. Intent to start or stop use of a CMS .....</li> </ol>	§ 62.16030(g)
Notification of intent to conduct a performance test.	At least 30 days prior to the performance test.	<ol style="list-style-type: none"> <li>1. Intent to conduct a performance test to comply with this subpart.</li> </ol>	

Report	Due date	Contents	Reference
Notification of intent to conduct a rescheduled performance test.	At least 7 days prior to the date of a rescheduled performance test.	1. Intent to conduct a rescheduled performance test to comply with this subpart.	

<sup>1</sup> This table is only a summary, see the referenced sections of the rule for the complete requirements.

<sup>2</sup> CMS means continuous monitoring system.

**Subpart OOO—Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014**

SOURCE: 86 FR 27770, May 21, 2021, unless otherwise noted.

**§ 62.16710 Scope and delegated authorities.**

This subpart establishes emission control requirements and compliance schedules for the control of designated pollutants from certain designated municipal solid waste (MSW) landfills in accordance with section 111(d) of the Clean Air Act and subpart B of 40 CFR part 60.

(a) If you own or operate a designated facility as described in § 62.16711, then you must comply with this subpart.

(b) The following authorities will not be delegated to state, local, or tribal agencies:

(1) Approval of alternative methods to determine the site-specific non-methane organic compounds (NMOC) concentration or a site-specific methane generation rate constant (k).

(2) Alternative emission standards.

(3) Major alternatives to test methods. Major alternatives to test methods or to monitoring are modifications made to a federally enforceable test method or to a Federal monitoring requirement. These changes may involve the use of unproven technology or modified procedures or an entirely new method.

(4) Waivers of recordkeeping.

**§ 62.16711 Designated facilities.**

(a) The designated facility to which this subpart applies is each municipal solid waste landfill in each state, protectorate, and portion of Indian country that meets the conditions of para-

graphs (a)(1) and (2) of this section, except for landfills exempted by paragraphs (b) and (c) of this section.

(1) The municipal solid waste landfill commenced construction, reconstruction, or modification on or before July 17, 2014.

(2) The municipal solid waste landfill has accepted waste at any time since November 8, 1987, or the landfill has additional capacity for future waste deposition.

(b) A municipal solid waste landfill regulated by an EPA-approved and currently effective state or tribal plan implementing 40 CFR 60, subpart Cf, is not subject to the requirements of this subpart.

(c) A municipal solid waste landfill located in a state, locality, or portion of Indian country that submitted a negative declaration letter is not subject to the requirements of this subpart other than the requirements in the definition of design capacity in § 62.16730 to recalculate the site-specific density annually and in § 62.16724(b) to submit an amended design capacity report in the event that the recalculated design capacity is equal to or greater than 2.5 million megagrams and 2.5 million cubic meters. However, if the existing municipal solid waste landfill already has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, then it is subject to the requirements of this Federal plan.

(d) Physical or operational changes made to an existing MSW landfill solely to comply with an emission guideline implemented by a state or Federal plan are not considered a modification or reconstruction and would not subject an existing MSW landfill to the requirements of 40 CFR 60, subpart XXX. Landfills that commence construction, modification, or reconstruction after July 17, 2014, are subject to 40 CFR part 60, subpart XXX.

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(e) For purposes of obtaining an operating permit under title V of the Clean Air Act, the owner or operator of an MSW landfill subject to this subpart with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain an operating permit for the landfill under 40 CFR part 70 or 71, unless the landfill is otherwise subject to either 40 CFR part 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR part 70 or 71, the owner or operator of an MSW landfill subject to this subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, and not otherwise subject to either 40 CFR part 70 or 71, becomes subject to the requirements of § 70.5(a)(1)(i) or 71.5(a)(1)(i) of this chapter 90 days after the effective date of such CAA section 111(d) program approval, even if the design capacity report is submitted earlier.

(f) When an MSW landfill subject to this subpart is closed as defined in this subpart, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR part 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR part 70 or 71 and if either of the following conditions are met:

(1) The landfill was never subject to the requirement to install and operate a gas collection and control system under § 62.16714; or

(2) The landfill meets the conditions for control system removal specified in § 62.16714(f).

(g) When an MSW landfill subject to this subpart is in the closed landfill subcategory, the owner or operator is not subject to the following reports of this subpart, provided the owner or operator submitted these reports under the provisions of 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing 40 CFR part 60, subpart Cc, on or before July 17, 2014:

(1) Initial design capacity report specified in § 62.16724(a).

(2) Initial or subsequent NMOC emission rate report specified in § 62.16724(c), provided that the most re-

cent NMOC emission rate report indicated the NMOC emissions were below 50 megagrams per year.

(3) Collection and control system design plan specified in § 62.16724(d).

(4) Closure report specified in § 62.16724(f).

(5) Equipment removal report specified in § 62.16724(g).

(6) Initial annual report specified in § 62.16724(h).

(7) Initial performance test report in § 62.16724(i).

(h) When an MSW landfill subject to this subpart is a legacy controlled landfill, as defined in § 62.16730, the owner or operator is not subject to the following reports of this subpart, provided the owner or operator submitted these reports under 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing 40 CFR part 60, subpart Cc on or before June 21, 2021.

(1) Initial design capacity report specified in § 62.16724(a).

(2) Initial or subsequent NMOC emission rate report specified in § 62.16724(c).

(3) Collection and control system design plan specified in § 62.16724(d).

(5) Initial annual report specified in § 62.16724(h).

(4) Initial performance test report in § 62.16724(i).

### § 62.16712 Compliance schedule and increments of progress.

Planning, awarding of contracts, installing, and starting up MSW landfill air emission collection and control equipment that is capable of meeting the emission standards of § 62.16714 must be completed within 30 months after the date an NMOC emission rate report shows NMOC emissions equal or exceed 34 megagrams per year; or within 30 months after the date of the most recent NMOC emission rate report that shows NMOC emissions equal or exceed 34 megagrams per year, if Tier 4 surface emissions monitoring (SEM) shows a surface emission concentration of 500 parts per million methane or greater. Legacy controlled landfills who have not yet reached increment 5 (full compliance) must demonstrate compliance with any remaining increments of progress on this schedule.

However, they must use the date of their first report submitted under 40 CFR part 60, subpart WWW, 40 CFR part 62, subpart GGG or a state plan implementing 40 CFR part 60, subpart Cc showing NMOC emissions at or above 50 megagrams. The owner or operator must follow the requirements in paragraphs (a) through (d) of this section.

(a) *Increments of progress.* The owner or operator of a designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a NMOC emission rate greater than or equal to 34 megagrams per year must achieve the increments of progress specified in paragraphs (a)(1) through (5) of this section to install air pollution control devices to meet the emission standards specified in § 62.16714(b) and (c) of this subpart. Refer to § 62.16730 for a definition of each increment of progress.

(1) *Submit control plan.* Submit a final control plan (collection and control system design plan) according to the requirements of § 62.16724(d).

(2) *Award contract(s).* Award contract(s) to initiate on-site construction or initiate on-site installation of emission collection and/or control equipment.

(3) *Initiate on-site construction.* Initiate on-site construction or initiate on-site installation of emission collection and/or control equipment as described in the EPA-approved final control plan.

(4) *Complete on-site construction.* Complete on-site construction and installation of emission collection and/or control equipment.

(5) *Achieve final compliance.* Complete construction in accordance with the design specified in the EPA-approved final control plan and connect the landfill gas collection system and air pollution control equipment such that they are fully operating. The initial performance test must be conducted within 180 days after the date the facility is required to achieve final compliance. For a legacy controlled landfill, the initial or most recent performance test conducted to comply with 40 CFR part 60, subpart WWW, subpart GGG of this part, or a state plan implementing

40 CFR part 60, subpart Cc is sufficient for compliance with this part. The test report does not have to be resubmitted.

(b) *Compliance date.* For each designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a NMOC emission rate greater than or equal to 34 megagrams per year (50 megagrams per year for closed landfill subcategory), planning, awarding of contracts, and installation of municipal solid waste landfill air emission collection and control equipment capable of meeting the standards in § 62.16714(b) and (c) must be accomplished within 30 months after the date the initial emission rate report (or the annual emission rate report) first shows that the NMOC emission rate equals or exceeds 34 megagrams per year (50 megagrams per year for closed landfill subcategory), except as provided in § 62.16712(d).

(c) *Compliance schedules.* The owner or operator of a designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a NMOC emission rate greater than or equal to 34 megagrams per year (50 megagrams per year for closed landfill subcategory) must achieve the increments of progress specified in paragraphs (a)(1) through (5) of this section according to the schedule specified in paragraph (c)(1), (2), or (d) of this section.

(1) *Achieving Increments of Progress.* The owner or operator of a designated facility must achieve the increments of progress according to the schedule in table 1 of this subpart. Once this subpart becomes effective, any designated facility to which this subpart applies will remain subject to the schedule in table 1 if a subsequently approved state or tribal plan contains a less stringent schedule, (*i.e.*, a schedule that provides more time to comply with increments 1, 4 and/or 5 than does this Federal plan).

(2) *Tier 4.* The owner or operator of a designated facility that is using the Tier 4 procedures specified in § 62.16718(a)(6) must achieve the increments of progress according to the schedule in table 1 of this subpart.

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(d) *Alternative dates.* For designated facilities that are subject to the schedule requirements of paragraph (c)(1) of this section, the owner or operator (or the state or tribal air pollution control authority) may submit to the appropriate EPA Regional Office for approval alternative dates for achieving increments 2 and 3.

[86 FR 27770, May 21, 2021, as amended at 87 FR 8203, Feb. 14, 2022]

### § 62.16714 Standards for municipal solid waste landfill emissions.

(a) *Landfills.* Each owner or operator of an MSW landfill having a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume must collect and control MSW landfill emissions at each MSW landfill that meets the following conditions:

(1) *Waste acceptance date.* The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.

(2) *Construction commencement date.* The landfill commenced construction, reconstruction, or modification on or before July 17, 2014.

(3) *NMOC emission rate.* The landfill has an NMOC emission rate greater than or equal to 34 megagrams per year or Tier 4 SEM shows a surface emission concentration of 500 parts per million methane or greater.

(4) *Closed subcategory.* The landfill is in the closed landfill subcategory and has an NMOC emission rate greater than or equal to 50 megagrams per year.

(b) *Collection system.* Install a gas collection and control system meeting the requirements in paragraphs (b)(1) through (3) and (c) of this section at each MSW landfill meeting the conditions in paragraph (a) of this section.

(1) *Collection system.* Install and start up a collection and control system that captures the gas generated within the landfill within 30 months after:

(i) The first annual report in which the NMOC emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than 34 megagrams per year, as specified in § 62.16724(d)(4), or

(ii) The first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year submitted under previously applicable regulations 40 CFR part 60, subpart WWW, 40 CFR part 62, subpart GGG, or a state plan implementing 40 CFR part 60, subpart Cc for a legacy controlled landfill or landfill in the closed landfill subcategory, or

(iii) The most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 SEM shows a surface methane emission concentration of 500 parts per million methane or greater as specified in § 62.16724 (d)(4)(iii).

(2) *Active.* An active collection system must:

(i) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment.

(ii) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years or more if active; or 2 years or more if closed or at final grade.

(iii) Collect gas at a sufficient extraction rate.

(iv) Be designed to minimize off-site migration of subsurface gas.

(3) *Passive.* A passive collection system must:

(i) Comply with the provisions specified in paragraphs (b)(2)(i), (ii), and (iv) of this section.

(ii) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners must be installed as required under 40 CFR 258.40.

(c) *Control system.* Control the gas collected from within the landfill through the use of control devices meeting the following requirements, except as provided in 40 CFR 60.24.

(1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 CFR 60.18 except as noted in § 62.16722(d); or

(2) A control system designed and operated to reduce NMOC by 98 weight

percent; or when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts-per-million by volume, dry basis as hexane at 3-percent oxygen or less. The reduction efficiency or concentration in parts-per-million by volume must be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in § 62.16718(d). The performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts that burn landfill gas for compliance with this subpart.

(i) If a boiler or process heater is used as the control device, the landfill gas stream must be introduced into the flame zone.

(ii) The control device must be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in § 62.16722.

(iii) Legacy controlled landfills or landfills in the closed landfill subcategory that have already installed control systems and completed initial or subsequent performance tests may comply with this subpart using the initial or most recent performance test conducted to comply with 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing subpart Cc of part 60, is sufficient for compliance with this subpart.

(3) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high-Btu gas for pipeline injection, or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas must be controlled according to either paragraph (c)(1) or (2) of this section.

(4) All emissions from any atmospheric vent from the gas treatment system are subject to the requirements

of paragraph (b) or (c) of this section. For purposes of this subpart, atmospheric vents located on the condensate storage tank are not part of the treatment system and are exempt from the requirements of paragraph (b) or (c) of this section.

(d) *Design capacity.* Each owner or operator of an MSW landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume must submit an initial design capacity report to the Administrator as provided in § 62.16724(a). The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions must be documented and submitted with the report. Submittal of the initial design capacity report fulfills the requirements of this subpart except as provided in paragraphs (d)(1) and (2) of this section.

(1) The owner or operator must submit an amended design capacity report as provided in § 62.16724(b).

(2) When an increase in the maximum design capacity of a landfill with an initial design capacity less than 2.5 million megagrams or 2.5 million cubic meters results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator must comply with paragraph (e) of this section.

(e) *Emissions.* The owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must either install a collection and control system as provided in paragraphs (b) and (c) of this section or calculate an initial NMOC emission rate for the landfill using the procedures specified in § 62.16718(a). The NMOC emission rate must be recalculated annually, except as provided in § 62.16724(c)(3).

(1) If the calculated NMOC emission rate is less than 34 megagrams per year, the owner or operator must:

(i) Submit an annual NMOC emission rate report according to § 62.16724(c), except as provided in § 62.16724(c)(3); and

(ii) Recalculate the NMOC emission rate annually using the procedures

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specified in § 62.16724(a) until such time as the calculated NMOC emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed.

(A) If the calculated NMOC emission rate, upon initial calculation or annual recalculation required in paragraph (e)(1)(ii) of this section, is equal to or greater than 34 megagrams per year, the owner or operator must either: Comply with paragraphs (b) and (c) of this section; calculate NMOC emissions using the next higher tier in § 62.16718; or conduct a surface emission monitoring demonstration using the procedures specified in § 62.16718(a)(6).

(B) If the landfill is permanently closed, a closure report must be submitted to the Administrator as provided in § 62.16724(f), except for exemption allowed under § 62.16711(g)(4).

(2) If the calculated NMOC emission rate is equal to or greater than 34 megagrams per year using Tier 1, 2, or 3 procedures, the owner or operator must either: Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year as specified in § 62.16724(d), except for exemptions allowed under § 62.16711(g)(3); calculate NMOC emissions using a higher tier in § 62.16718; or conduct a surface emission monitoring demonstration using the procedures specified in § 62.16718(a)(6).

(3) For the closed landfill subcategory, if the calculated NMOC emission rate submitted under previously applicable regulations 40 CFR part 60, subpart WWW; 40 CFR part 62, subpart GGG; or a state plan implementing 40 CFR part 60, subpart Cc is equal to or greater than 50 megagrams per year using Tier 1, 2, or 3 procedures, the owner or operator must either: submit a collection and control system design plan as specified in § 62.16724(d), except for exemptions allowed under § 62.16711(g)(3); or calculate NMOC emissions using a higher tier in § 62.16718.

(f) *Removal criteria.* The collection and control system may be capped, removed, or decommissioned if the following criteria are met:

(1) The landfill is a closed landfill (as defined in § 62.16730). A closure report

must be submitted to the Administrator as provided in § 62.16724(f).

(2) The collection and control system has been in operation a minimum of 15 years or the landfill owner or operator demonstrates that the gas collection and control system will be unable to operate for 15 years due to declining gas flow.

(3) Following the procedures specified in § 62.16718(b), the calculated NMOC emission rate at the landfill is less than 34 megagrams per year on three successive test dates. The test dates must be no less than 90 days apart, and no more than 180 days apart.

(4) For the closed landfill subcategory (as defined in § 62.16730), following the procedures specified in § 62.16718(b), the calculated NMOC emission rate at the landfill is less than 50 megagrams per year on three successive test dates. The test dates must be no less than 90 days apart, and no more than 180 days apart.

[86 FR 27770, May 21, 2021, as amended at 87 FR 8203, Feb. 14, 2022]

## §62.16716 Operational standards for collection and control systems.

Each owner or operator must comply with the provisions for the operational standards in this section (as well as the provisions in §§ 62.16720 and 62.16722), or the operational standards in § 63.1958 of this chapter (as well as the provisions in §§ 63.1960 and 63.1961 of this chapter), or both as alternative means of compliance, for an MSW landfill with a gas collection and control system used to comply with the provisions of § 62.16714(b) and (c). Once the owner or operator begins to comply with the provisions of § 63.1958 of this chapter, the owner or operator must continue to operate the collection and control device according to those provisions and cannot return to the provisions of this section. Each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of § 62.16714(b) and (c) must:

(a) Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:

(1) 5 years or more if active; or

(2) 2 years or more if closed or at final grade;

(b) Operate the collection system with negative pressure at each well-head except under the following conditions:

(1) A fire or increased well temperature. The owner or operator must record instances when positive pressure occurs in efforts to avoid a fire. These records must be submitted with the annual reports as provided in § 62.16724(h)(1);

(2) Use of a geomembrane or synthetic cover. The owner or operator must develop acceptable pressure limits in the design plan;

(3) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes must be approved by the Administrator as specified in § 62.16724(d);

(c) Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit). The owner or operator may establish a higher operating temperature value at a particular well. A higher operating value demonstration must be submitted to the Administrator for approval and must include supporting data demonstrating that the elevated parameter neither causes fires nor significantly inhibits anaerobic decomposition by killing methanogens. The demonstration must satisfy both criteria in order to be approved (*i.e.*, neither causing fires nor killing methanogens is acceptable).

(d) Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator must conduct surface testing using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 62.16720(d). The owner or operator must conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps

in the cover and all cover penetrations. Thus, the owner or operator must monitor any openings that are within an area of the landfill where waste has been placed and a gas collection system is required. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan must be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

(e) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with § 62.16714(c). In the event the collection or control system is not operating, the gas mover system must be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere must be closed within 1 hour of the collection or control system not operating.

(f) Operate the control system at all times when the collected gas is routed to the system.

(g) If monitoring demonstrates that the operational requirements in paragraphs (b), (c), or (d) of this section are not met, corrective action must be taken as specified in § 62.16720(a)(3) and (5) or § 62.16720(c). If corrective actions are taken as specified in § 62.16720, the monitored exceedance is not a violation of the operational requirements in this section.

**§ 62.16718 Test methods and procedures.**

Calculate the landfill NMOC emission rate and conduct a surface emission monitoring demonstration according to the provisions in this section.

(a)(1) *NMOC Emission rate.* The landfill owner or operator must calculate the NMOC emission rate using either Equation 1 provided in paragraph (a)(1)(i) of this section or Equation 2 provided in paragraph (a)(1)(ii) of this section. Both Equation 1 and Equation 2 may be used if the actual year-to-year solid waste acceptance rate is known, as specified in paragraph (a)(1)(i) of this section, for part of the

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life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in paragraph (a)(1)(ii) of this section, for part of the life of the landfill. The values to be used in both Equation 1 and Equation 2 are 0.05 per year for  $k$ , 170 cubic meters per megagram for  $L_o$ , and 4,000 parts per million by volume as hexane for

the  $C_{NMOC}$ . For landfills located in geographical areas with a 30-year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorological site, the  $k$  value to be used is 0.02 per year.

(i)(A) Equation 1 must be used if the actual year-to-year solid waste acceptance rate is known.

$$M_{NMOC} = \sum_{i=1}^n 2 k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9}) \quad (\text{Eq. 1})$$

Where:

$M_{NMOC}$  = Total NMOC emission rate from the landfill, megagrams per year.

$k$  = Methane generation rate constant,  $\text{year}^{-1}$ .

$L_o$  = Methane generation potential, cubic meters per megagram solid waste.

$M_i$  = Mass of solid waste in the  $i^{\text{th}}$  section, megagrams.

$t_i$  = Age of the  $i^{\text{th}}$  section, years.

$C_{NMOC}$  = Concentration of NMOC, parts per million by volume as hexane.

$3.6 \times 10^{-9}$  = Conversion factor.

(B) The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for  $M_i$  if documentation of the nature and amount of such wastes is maintained.

(ii)(A) Equation 2 must be used if the actual year-to-year solid waste acceptance rate is unknown.

$$M_{NMOC} = 2L_o R (e^{-kc} - e^{-kt}) C_{NMOC} (3.6 \times 10^{-9}) \quad (\text{Eq. 2})$$

Where:

$M_{NMOC}$  = Mass emission rate of NMOC, megagrams per year.

$L_o$  = Methane generation potential, cubic meters per megagram solid waste.

$R$  = Average annual acceptance rate, megagrams per year.

$k$  = Methane generation rate constant,  $\text{year}^{-1}$ .

$t$  = Age of landfill, years.

$C_{NMOC}$  = Concentration of NMOC, parts per million by volume as hexane.

$c$  = Time since closure, years; for an active landfill  $c = 0$  and  $e^{-kc} = 1$ .

$3.6 \times 10^{-9}$  = Conversion factor.

emission rate to the standard of 34 megagrams per year.

(i) If the NMOC emission rate calculated in paragraph (a)(1) of this section is less than 34 megagrams per year, then the owner or operator must submit an NMOC emission rate report according to § 62.16724(c) and must recalculate the NMOC mass emission rate annually as required under § 62.16714(e).

(ii) If the NMOC emission rate calculated in paragraph (a)(1) of this section is equal to or greater than 34 megagrams per year, then the landfill owner or operator must either:

(A) Submit a gas collection and control system design plan within 1 year as specified in § 62.16724(d) and install and operate a gas collection and control system within 30 months according to § 62.16714(b) and (c);

(B) Determine a site-specific NMOC concentration and recalculate the

(B) The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value of  $R$ , if documentation of the nature and amount of such wastes is maintained.

(2) *Tier 1*. The owner or operator must compare the calculated NMOC mass

NMOC emission rate using the Tier 2 procedures provided in paragraph (a)(3) of this section; or

(C) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the Tier 3 procedures provided in paragraph (a)(4) of this section.

(3) *Tier 2.* The landfill owner or operator must determine the site-specific NMOC concentration using the following sampling procedure. The landfill owner or operator must install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of non-degradable solid waste. The owner or operator must collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using EPA Method 25 or 25C of appendix A-7 of 40 CFR part 60. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples is taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from EPA Method 25 or 25C of appendix A-7 of 40 CFR part 60 by 6 to convert from  $C_{NMOC}$  as carbon to  $C_{NMOC}$  as hexane. If the landfill has an active or passive gas removal system in place, EPA Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probes per hectare requirement.

For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe must be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples must be collected from the header pipe.

(i) Within 60 days after the date of determining the NMOC concentration and corresponding NMOC emission rate, the owner or operator must submit the results according to § 62.16724(j)(2).

(ii) The landfill owner or operator must recalculate the NMOC mass emission rate using Equation 1 or Equation 2 provided in paragraph (a)(1)(i) or (ii) of this section using the average site-specific NMOC concentration from the collected samples instead of the default value provided in paragraph (a)(1) of this section.

(iii) If the resulting NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must submit a periodic estimate of NMOC emissions in an NMOC emission rate report according to § 62.16724(c) and must recalculate the NMOC mass emission rate annually as required under § 62.16714(e). The site-specific NMOC concentration must be retested every 5 years using the methods specified in this section.

(iv) If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration is equal to or greater than 34 megagrams per year, the owner or operator must either:

(A) Submit a gas collection and control system design plan within 1 year as specified in § 62.16724(d) and install and operate a gas collection and control system within 30 months according to § 62.16714(b) and (c);

(B) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in paragraph (a)(4) of this section; or

(C) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in paragraph (a)(6) of this section.

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(4) *Tier 3.* The site-specific methane generation rate constant must be determined using the procedures provided in EPA Method 2E of appendix A-1 of 40 CFR part 60. The landfill owner or operator must estimate the NMOC mass emission rate using Equation 1 or Equation 2 in paragraph (a)(1)(i) or (ii) of this section and using a site-specific methane generation rate constant, and the site-specific NMOC concentration as determined in paragraph (a)(3) of this section instead of the default values provided in paragraph (a)(1) of this section. The landfill owner or operator must compare the resulting NMOC mass emission rate to the standard of 34 megagrams per year.

(i) If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration and Tier 3 site-specific methane generation rate is equal to or greater than 34 megagrams per year, the owner or operator must either:

(A) Submit a gas collection and control system design plan within 1 year as specified in § 62.16724(d) and install and operate a gas collection and control system within 30 months according to § 62.16714(b) and (c); or

(B) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in paragraph (a)(6) of this section.

(ii) If the NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must recalculate the NMOC mass emission rate annually using Equation 1 or Equation 2 in paragraph (a)(1) of this section and using the site-specific Tier 2 NMOC concentration and Tier 3 methane generation rate constant and submit a periodic NMOC emission rate report as provided in § 62.16724(c). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test must be used in all subsequent annual NMOC emission rate calculations.

(5) *Alternative methods.* The owner or operator may use other methods to determine the NMOC concentration or a site-specific methane generation rate constant as an alternative to the methods required in paragraphs (a)(3) and (4) of this section if the method has been approved by the Administrator.

(6) *Tier 4.* Demonstrate that surface methane emissions are below 500 parts per million. Surface emission monitoring must be conducted on a quarterly basis using the following procedures. Tier 4 is allowed only if the landfill owner or operator can demonstrate that NMOC emissions are greater than or equal to 34 megagrams per year but less than 50 megagrams per year using Tier 1 or Tier 2. If both Tier 1 and Tier 2 indicate NMOC emissions are megagrams per year or greater, then Tier 4 cannot be used. In addition, the landfill must meet the criteria in paragraph (a)(6)(viii) of this section.

(i) Measure surface concentrations of methane along the entire perimeter of the landfill and along a pattern that traverses the landfill at no more than 30-meter intervals using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in § 62.16720(d).

(ii) The background concentration must be determined by moving the probe inlet upwind and downwind at least 30 meters from the waste mass boundary of the landfill.

(iii) Surface emission monitoring must be performed in accordance with section 8.3.1 of EPA Method 21 of appendix A-7 of 40 CFR part 60, except that the probe inlet must be placed no more than 5 centimeters above the landfill surface; the constant measurement of distance above the surface should be based on a mechanical device such as with a wheel on a pole.

(A) The owner or operator must use a wind barrier, similar to a funnel, when onsite average wind speed exceeds 4 miles per hour or 2 meters per second or gust exceeding 10 miles per hour. Average on-site wind speed must also be determined in an open area at 5-minute intervals using an on-site anemometer with a continuous recorder and data logger for the entire duration of the monitoring event. The wind barrier must surround the SEM monitor, and must be placed on the ground, to ensure wind turbulence is blocked. The SEM cannot be conducted if average wind speed exceeds 25 miles per hour.

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(B) Landfill surface areas where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover, and all cover penetrations must also be monitored using a device meeting the specifications provided in § 62.16720(d).

(iv) Each owner or operator seeking to comply with the Tier 4 provisions in paragraph (a)(6) of this section must maintain records of surface emission monitoring as provided in § 62.16726(g) and submit a Tier 4 surface emissions report as provided in § 62.16724(d)(4)(iii).

(v) If there is any measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator must submit a gas collection and control system design plan within 1 year of the first measured concentration of methane of 500 parts per million or greater from the surface of the landfill according to § 62.16724(d) and install and operate a gas collection and control system according to § 62.16714(b) and (c) within 30 months of the most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2.

(vi) If after four consecutive quarterly monitoring periods at a landfill, other than a closed landfill, there is no measured concentration of methane of 500 parts per million or greater from

the surface of the landfill, the owner or operator must continue quarterly surface emission monitoring using the methods specified in this section.

(vii) If after four consecutive quarterly monitoring periods at a closed landfill there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator must conduct annual surface emission monitoring using the methods specified in this section.

(viii) If a landfill has installed and operates a collection and control system that is not required by this subpart, then the collection and control system must meet the following criteria:

(A) The gas collection and control system must have operated for at least 6,570 out of 8,760 hours preceding the Tier 4 SEM demonstration.

(B) During the Tier 4 SEM demonstration, the gas collection and control system must operate as it normally would to collect and control as much landfill gas as possible.

(b) After the installation and startup of a collection and control system in compliance with this subpart, the owner or operator must calculate the NMOC emission rate for purposes of determining when the system can be capped, removed, or decommissioned as provided in § 62.16714(f), using Equation 3:

$$M_{NMOC} = 1.89 \times 10^{-3} Q_{LFG} C_{NMOC} \quad (\text{Eq. 3})$$

Where:

$M_{NMOC}$  = Mass emission rate of NMOC, megagrams per year.

$Q_{LFG}$  = Flow rate of landfill gas, cubic meters per minute.

$C_{NMOC}$  = NMOC concentration, parts per million by volume as hexane.

(1) *Flow rate.* The flow rate of landfill gas,  $Q_{LFG}$ , must be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control system using a gas flow measuring device calibrated according to the provisions of section 10 of EPA

Method 2E of appendix A-1 of 40 CFR part 60.

(2) *NMOC concentration.* The average NMOC concentration,  $C_{NMOC}$ , must be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in EPA Method 25 or EPA Method 25C of appendix A-7 of 40 CFR part 60. The sample location on the common header pipe must be before any condensate removal or other gas refining units. The landfill owner

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or operator must divide the NMOC concentration from EPA Method 25 or EPA Method 25C of appendix A-7 of 40 CFR part 60 by six to convert from  $C_{NMOC}$  as carbon to  $C_{NMOC}$  as hexane.

(3) *Gas flow rate method.* The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the Administrator.

(i) Within 60 days after the date of calculating the NMOC emission rate for purposes of determining when the system can be capped or removed, the owner or operator must submit the results according to § 62.16724(j)(2).

(ii) [Reserved]

(c) When calculating emissions for Prevention of Significant Deterioration purposes, the owner or operator of each MSW landfill subject to the provisions of this subpart must estimate the NMOC emission rate for comparison to the Prevention of Significant Deterioration major source and significance levels in §§ 51.166 or 52.21 of this chapter using Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources (AP-42) or other approved measurement procedures.

(d) For the performance test required in § 62.16714(c)(1), the net heating value of the combusted landfill gas as determined in 40 CFR 60.18(f)(3) of this chapter is calculated from the concentration of methane in the landfill gas as measured by EPA Method 3C. A minimum of three 30-minute EPA Method 3C samples are determined. The measurement of other organic components, hydrogen, and carbon monoxide is not applicable. EPA Method 3C may be used to determine the landfill gas molecular weight for calculating the flare gas exit velocity under 40 CFR 60.18(f)(4) of this chapter.

(1) *Performance test results.* Within 60 days after the date of completing each performance test (as defined in § 60.8 of this chapter), the owner or operator must submit the results of the performance tests required by paragraph (b) or (d) of this section, including any associated fuel analyses, according to § 62.16724(j)(1).

(2) [Reserved]

(e) For the performance test required in § 62.16714(c)(2), EPA Method 25 or 25C (EPA Method 25C may be used at the inlet only) of appendix A-7 of 40 CFR part 60 must be used to determine compliance with the 98 weight-percent efficiency or the 20 parts-per-million by volume outlet NMOC concentration level, unless another method to demonstrate compliance has been approved by the Administrator as provided by § 62.16724(d)(2). EPA Method 3, 3A, or 3C of appendix A-2 of 40 CFR part 60 must be used to determine oxygen for correcting the NMOC concentration as hexane to 3 percent. In cases where the outlet concentration is less than 50 parts-per-million NMOC as carbon (8 parts-per-million NMOC as hexane), EPA Method 25A should be used in place of EPA Method 25. EPA Method 18 of appendix A-6 of 40 CFR part 60 may be used in conjunction with EPA Method 25A on a limited basis (compound specific, *e.g.*, methane) or EPA Method 3C may be used to determine methane. The methane as carbon should be subtracted from the EPA Method 25A total hydrocarbon value as carbon to give NMOC concentration as carbon. The landfill owner or operator must divide the NMOC concentration as carbon by 6 to convert the  $C_{NMOC}$  as carbon to  $C_{NMOC}$  as hexane. Equation 4 must be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}}) \quad (\text{Eq. 4})$$

Where:

$\text{NMOC}_{\text{in}}$  = Mass of NMOC entering control device.

$\text{NMOC}_{\text{out}}$  = Mass of NMOC exiting control device.

(1) *Performance test submission.* Within 60 days after the date of completing

each performance test (as defined in § 60.8 of this chapter), the owner or operator must submit the results of the performance tests, including any associated fuel analyses, according to § 62.16724(j)(1).

(2) [Reserved]

**Environmental Protection Agency****§ 62.16720****§ 62.16720 Compliance provisions.**

Follow the compliance provisions in this section (as well as the provisions in §§ 62.16716 and 62.16722), or the compliance provisions in § 63.1960 of this chapter (as well as the provisions in §§ 63.1958 and 63.1961 of this chapter), or both as alternative means of compliance, for an MSW landfill with a gas collection and control system used to comply with the provisions of § 62.16714(b) and (c). Once the owner or operator begins to comply with the provisions of § 63.1960 of this chapter, the owner or operator must continue to operate the collection and control device according to those provisions and cannot return to the provisions of this section.

(a) Except as provided in § 62.16724(d)(2), the specified methods in paragraphs (a)(1) through (6) of this section must be used to determine

whether the gas collection system is in compliance with § 62.16714(b)(2).

(1) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with § 62.16714(b)(2)(i), either Equation 5 or Equation 6 must be used. The methane generation rate constant (k) and methane generation potential ( $L_o$ ) kinetic factors should be those published in the most recent AP-42 or other site-specific values demonstrated to be appropriate and approved by the Administrator. If k has been determined as specified in § 62.16718(a)(4), the value of k determined from the test must be used. A value of no more than 15 years must be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

(i) For sites with unknown year-to-year solid waste acceptance rate:

$$Q_m = 2L_o R (e^{-kc} - e^{-kt}) \quad (\text{Eq. 5})$$

Where:

$Q_m$  = Maximum expected gas generation flow rate, cubic meters per year.

$L_o$  = Methane generation potential, cubic meters per megagram solid waste.

$R$  = Average annual acceptance rate, megagrams per year.

$k$  = Methane generation rate constant, year<sup>-1</sup>.

$t$  = Age of the landfill at equipment installation plus the time the owner or operator

intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure,  $t$  is the age of the landfill at installation, years.

$c$  = Time since closure, years (for an active landfill  $c = 0$  and  $e^{-kc} = 1$ ).

(ii) For sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum_{i=1}^n 2kL_o M_i (e^{-kt_i}) \quad (\text{Eq. 6})$$

Where:

$Q_M$  = Maximum expected gas generation flow rate, cubic meters per year.

$k$  = Methane generation rate constant, year<sup>-1</sup>.

$L_o$  = Methane generation potential, cubic meters per megagram solid waste.

$M_i$  = Mass of solid waste in the  $i^{\text{th}}$  section, megagrams.

$t_i$  = Age of the  $i^{\text{th}}$  section, years.

(iii) If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, Equation 5 or Equation 6 in paragraphs (a)(1)(i) and (ii) of this section. If the landfill is still accepting waste, the actual measured flow data will not equal

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the maximum expected gas generation rate, so calculations using Equation 5 or Equation 6 in paragraphs (a)(1)(i) or (ii) of this section or other methods must be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.

(2) For the purposes of determining sufficient density of gas collectors for compliance with § 62.16714(b)(2)(ii), the owner or operator must design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

(3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with § 62.16714(b)(2)(iii), the owner or operator must measure gauge pressure in the gas collection header applied to each individual well monthly. If a positive pressure exists, action must be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under § 62.16716(b). Any attempted corrective measure must not cause exceedances of other operational or performance standards.

(i) If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement of positive pressure, the owner or operator must conduct a root cause analysis and correct the exceedance as soon as practicable, but not later than 60 days after positive pressure was first measured. The owner or operator must keep records according to § 62.16726(e)(3).

(ii) If corrective actions cannot be fully implemented within 60 days following the positive pressure or elevated temperature measurement for which the root cause analysis was required, the owner or operator must also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit) or positive pressure.

The owner or operator must submit the items listed in § 62.16724(h)(7) as part of the next annual report. The owner or operator must keep records according to § 62.16726(e)(4).

(iii) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the owner or operator must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator, according to § 62.16724(h)(7) and (k). The owner or operator must keep records according to § 62.16726(e)(5).

(4) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator must monitor each well monthly for temperature as provided in § 62.16716(c). If a well exceeds the operating parameter for temperature, action must be initiated to correct the exceedance within 5 calendar days. Any attempted corrective measure must not cause exceedances of other operational or performance standards.

(i) If a landfill gas temperature less than 55 degrees Celsius (131 degrees Fahrenheit) cannot be achieved within 15 calendar days of the first measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit), the owner or operator must conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after a landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit) was first measured. The owner or operator must keep records according to § 62.16726(e)(3).

(ii) If corrective actions cannot be fully implemented within 60 days following the measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit) for which the root cause analysis was required, the owner or operator must also conduct a corrective action analysis and develop an implementation schedule to complete the corrective action(s) as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 55 degrees Celsius (131 degrees Fahrenheit). The owner or operator must submit the items listed in

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§ 62.16724(h)(7) as part of the next annual report. The owner or operator must keep records according to § 62.16726(e)(4).

(iii) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the owner or operator must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator, according to § 62.16724(h)(7) and § 62.16724(k). The owner or operator must keep records according to § 62.16726(e)(5).

(5) An owner or operator seeking to demonstrate compliance with § 62.16714(b)(2)(iv) through the use of a collection system not conforming to the specifications provided in § 62.16728 must provide information satisfactory to the Administrator as specified in § 62.16724(d)(3) demonstrating that off-site migration is being controlled.

(b) For purposes of compliance with § 62.16716(a), each owner or operator of a controlled landfill must place each well or design component as specified in the approved design plan as provided in § 62.16724(d). Each well must be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

- (1) 5 years or more if active; or
- (2) 2 years or more if closed or at final grade.

(c) The following procedures must be used for compliance with the surface methane operational standard as provided in § 62.16716(d):

(1) After installation and startup of the gas collection system, the owner or operator must monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in paragraph (d) of this section.

(2) The background concentration must be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a

distance of at least 30 meters from the perimeter wells.

(3) Surface emission monitoring must be performed in accordance with section 8.3.1 of EPA Method 21 of appendix A-7 of 40 CFR part 60, except that the probe inlet must be placed within 5 to 10 centimeters of the ground. Monitoring must be performed during typical meteorological conditions.

(4) Any reading of 500 parts per million or more above background at any location must be recorded as a monitored exceedance and the actions specified in paragraphs (c)(4)(i) through (v) of this section must be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of § 62.16716(d).

(i) The location of each monitored exceedance must be marked, and the location and concentration recorded. For location, you must determine the latitude and longitude coordinates using an instrument with an accuracy of at least 4 meters. The coordinates must be in decimal degrees with at least five decimal places.

(ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance must be made and the location must be re-monitored within 10 calendar days of detecting the exceedance.

(iii) If the re-monitoring of the location shows a second exceedance, additional corrective action must be taken, and the location must be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in paragraph (c)(4)(v) of this section must be taken, and no further monitoring of that location is required until the action specified in paragraph (c)(4)(v) of this section has been taken.

(iv) Any location that initially showed an exceedance but has a methane concentration less than 500 parts-per-million methane above background at the 10-day re-monitoring specified in paragraph (c)(4)(ii) or (iii) of this section must be re-monitored 1 month from the initial exceedance. If the 1-

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month re-monitoring shows a concentration less than 500 parts-per-million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in paragraph (c)(4)(iii) or (v) of this section must be taken.

(v) For any location where monitored methane concentration equals or exceeds 500 parts-per-million above background three times within a quarterly period, a new well or other collection device must be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

(5) The owner or operator must implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

(d) Each owner or operator seeking to comply with the provisions in paragraph (c) of this section or § 62.16718(a)(6) must comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

(1) The portable analyzer must meet the instrument specifications provided in section 6 of EPA Method 21 of appendix A-7 of 40 CFR part 60, except that "methane" replaces all references to "VOC."

(2) The calibration gas must be methane, diluted to a nominal concentration of 500 parts-per-million in air.

(3) To meet the performance evaluation requirements in section 8.1 of EPA Method 21 of appendix A-7 of 40 CFR part 60, the instrument evaluation procedures of section 8.1 of EPA Method 21 of appendix A-7 of 40 CFR part 60 must be used.

(4) The calibration procedures provided in sections 8 and 10 of EPA Method 21 of appendix A-7 of 40 CFR part 60 must be followed immediately before commencing a surface monitoring survey.

(e) The provisions of this subpart apply at all times, including periods of startup, shutdown, or malfunction.

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During periods of startup, shutdown, and malfunction, you must comply with the work practice specified in § 62.16716(e) in lieu of the compliance provisions in § 62.16720.

### § 62.16722 Monitoring of operations.

Follow the monitoring provisions in this section (as well as the provisions in §§ 62.16716 and 62.16720), except as provided in § 62.16724(d)(2), or the monitoring provisions in § 63.1961 of this chapter (as well as the provisions in §§ 63.1958 and 63.1960 of this chapter), or both as alternative means of compliance, for an MSW landfill with a gas collection and control system used to comply with the provisions of § 62.16714(b) and (c). Once the owner or operator begins to comply with the provisions of § 63.1961 of this chapter, the owner or operator must continue to operate the collection and control device according to those provisions and cannot return to the provisions of this section.

(a) Each owner or operator seeking to comply with § 62.16714(b)(2) for an active gas collection system must install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

(1) Measure the gauge pressure in the gas collection header on a monthly basis as provided in § 62.16720(a)(3); and

(2) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as follows:

(i) The nitrogen level must be determined using EPA Method 3C of appendix A-2 of 40 CFR part 60, unless an alternative test method is established as allowed by § 62.16724(d)(2).

(ii) Unless an alternative test method is established as allowed by § 62.16724(d)(2), the oxygen level must be determined by an oxygen meter using EPA Method 3A of appendix A-7 of 40 CFR part 60, EPA Method 3C of appendix A-7 of 40 CFR part 60, or ASTM D6522-11. Determine the oxygen level by an oxygen meter using EPA Method 3A, 3C, or ASTM D6522-11 (if sample location is prior to combustion) except that:

(A) The span must be set between 10- and 12-percent oxygen;

(B) A data recorder is not required;

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(C) Only two calibration gases are required, a zero and span;

(D) A calibration error check is not required;

(E) The allowable sample bias, zero drift, and calibration drift are  $\pm 10$  percent.

(iii) A portable gas composition analyzer may be used to monitor the oxygen levels provided:

(A) The analyzer is calibrated; and

(B) The analyzer meets all quality assurance and quality control requirements for EPA Method 3A or ASTM D6522-11.

(3) Monitor temperature of the landfill gas on a monthly basis as provided in § 62.16720(a)(4). The temperature measuring device must be calibrated annually using the procedure in 40 CFR part 60, appendix A-1, EPA Method 2, section 10.3.

(b) Each owner or operator seeking to comply with § 62.16714(c) using an enclosed combustor must calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

(1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of  $\pm 1$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5$  degrees Celsius, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity equal to or greater than 44 megawatts.

(2) A device that records flow to the control device and bypass of the control device (if applicable). The owner or operator must:

(i) Install, calibrate, and maintain a gas flow rate measuring device that must record the flow to the control device at least every 15 minutes; and

(ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(c) Each owner or operator seeking to comply with § 62.16714(c) using a non-enclosed flare must install, calibrate, maintain, and operate according to the

manufacturer's specifications the following equipment:

(1) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.

(2) A device that records flow to the flare and bypass of the flare (if applicable). The owner or operator must:

(i) Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the control device at least every 15 minutes; and

(ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(d) Each owner or operator seeking to demonstrate compliance with § 62.16714(c) using a device other than a non-enclosed flare or an enclosed combustor or a treatment system must provide information satisfactory to the Administrator as provided in § 62.16724(d)(2) describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Administrator must review the information and either approve it, or request that additional information be submitted. The Administrator may specify additional appropriate monitoring procedures.

(e) Each owner or operator seeking to install a collection system that does not meet the specifications in § 62.16728 or seeking to monitor alternative parameters to those required by § 62.16716 through § 62.16722 must provide information satisfactory to the Administrator as provided in § 62.16724(d)(2) and (3) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Administrator may specify additional appropriate monitoring procedures.

(f) Each owner or operator seeking to demonstrate compliance with the 500 parts-per-million surface methane operational standard in § 62.16716(d)

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must monitor surface concentrations of methane according to the procedures provided in § 62.16720(c) and the instrument specifications in § 62.16720(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 parts-per-million or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

(g) Each owner or operator seeking to demonstrate compliance with the control system requirements in § 62.16714(c) using a landfill gas treatment system must maintain and operate all monitoring systems associated with the treatment system in accordance with the site-specific treatment system monitoring plan required in § 62.16726(b)(5)(ii) and must calibrate, maintain, and operate according to the manufacturer's specifications a device that records flow to the treatment system and bypass of the treatment system (if applicable). The owner or operator must:

(1) Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the treatment system at least every 15 minutes; and

(2) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

(h) The monitoring requirements of paragraphs (b), (c), (d), and (g) of this section apply at all times the designated facility is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to complete monitoring system

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repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

(i) Incorporation by reference required material.

(1) The material required by this section was approved for incorporation by reference into this section by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect approved material at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC, (202) 566-1744, Docket ID No. EPA-HQ-OAR-2019-0338 and obtain it from the source(s) listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(2) ASTM International, 100 Barr Harbor Drive, P.O. Box CB700, West Conshohocken, Pennsylvania 19428-2959, (800) 262-1373, [www.astm.org](http://www.astm.org).

(i) ASTM D6522-11 Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, approved December 1, 2011.

(ii) [Reserved]

### § 62.16724 Reporting guidelines.

Follow the reporting provisions listed in this section, as applicable, except as provided under 40 CFR 60.24 and §§ 62.16711(g), (h), and 62.16724(d)(2).

(a) *Design capacity report.* Submit the initial design capacity report no later than September 20, 2021. The initial design capacity report must contain the following information:

(1) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by the state, local, or tribal agency responsible for regulating the landfill.

(2) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit

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issued by the state, local, or tribal agency responsible for regulating the landfill, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity must be calculated using good engineering practices. The calculations must be provided, along with the relevant parameters as part of the report. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site-specific density, which must be recalculated annually. Any density conversions must be documented and submitted with the design capacity report. The state, local, or tribal agency or the Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

(b) *Amended design capacity report.* An amended design capacity report must be submitted providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill to meet or exceed 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in § 62.16726(f).

(c) *NMOC emission rate report.* For existing MSW landfills covered by this subpart with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the NMOC emission rate report must be submitted following the procedure specified in paragraph (j)(2) of this section no later than 90 days after the effective date of this subpart. The NMOC emission rate report must be submitted to the Administrator annually following the procedure specified in paragraph (j)(2) of this section, except as provided for in

paragraph (c)(3) of this section. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) The NMOC emission rate report must contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in § 62.16718(a) or (b), as applicable.

(2) The NMOC emission rate report must include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

(3) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 34 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit, following the procedure specified in paragraph (j)(2) of this section, an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate must include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based must be provided to the Administrator. This estimate must be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate must be submitted to the Administrator. The revised estimate must cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

(4) Each owner or operator subject to the requirements of this subpart is exempted from the requirements to submit an NMOC emission rate report, after installing a collection and control system that complies with § 62.16714(b) and (c), during such time as the collection and control system is in operation and in compliance with §§ 62.16716 and 62.16720.

(d) *Collection and control system design plan.* The collection and control system

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design plan must be prepared and approved by a professional engineer and must meet the following requirements:

(1) The collection and control system as described in the design plan must meet the design requirements in § 62.16714(b) and (c).

(2) The collection and control system design plan must include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping, or reporting provisions of §§ 62.16716 through 62.16726 proposed by the owner or operator.

(3) The collection and control system design plan must either conform to specifications for active collection systems in § 62.16728 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to § 62.16728.

(4) Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must submit a copy of the collection and control system design plan cover page that contains the engineer's seal to the Administrator within 1 year of the first NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year, except as follows:

(i) If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in § 62.16718(a)(3) and the resulting rate is less than 34 megagrams per year, annual periodic reporting must be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated NMOC emission rate is equal to or greater than 34 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated NMOC emission rate based on NMOC sampling and analysis, must be submitted, following the procedures in paragraph (j)(2) of this section, within 180 days of the first calculated exceedance of 34 megagrams per year.

(ii) If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant  $k$ , as provided in Tier 3 in § 62.16718(a)(4), and the resulting NMOC emission rate is

less than 34 megagrams per year, annual periodic reporting must be resumed. The resulting site-specific methane generation rate constant  $k$  must be used in the NMOC emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of § 62.16718(a)(4) and the resulting site-specific methane generation rate constant  $k$  must be submitted, following the procedure specified in paragraph (j)(2) of this section, to the Administrator within 1 year of the first calculated NMOC emission rate equaling or exceeding 34 megagrams per year.

(iii) If the owner or operator elects to demonstrate that site-specific surface methane emissions are below 500 parts-per-million methane, based on the provisions of § 62.16718(a)(6), then the owner or operator must submit annually a Tier 4 surface emissions report as specified in this paragraph following the procedure specified in paragraph (j)(2) of this section until a surface emissions reading of 500 parts-per-million methane or greater is found. If the Tier 4 surface emissions report shows no surface emissions readings of 500 parts-per-million methane or greater for four consecutive quarters at a closed landfill, then the landfill owner or operator may reduce Tier 4 monitoring from a quarterly to an annual frequency. The Administrator may request such additional information as may be necessary to verify the reported instantaneous surface emission readings. The Tier 4 surface emissions report must clearly identify the location, date and time (to the nearest second), average wind speeds including wind gusts, and reading (in parts-per-million) of any value 500 parts-per-million methane or greater, other than non-repeatable, momentary readings. For location, you must determine the latitude and longitude coordinates using an instrument with an accuracy of at least 4 meters. The coordinates must be in decimal degrees with at least five decimal places. The Tier 4 surface emission report should also include the results of the most recent Tier 1 and Tier 2 results in order to verify that the landfill does not exceed 50 megagrams per year of NMOC.

(A) The initial Tier 4 surface emissions report must be submitted annually, starting within 30 days of completing the fourth quarter of Tier 4 SEM that demonstrates that site-specific surface methane emissions are below 500 parts-per-million methane, and following the procedure specified in paragraph (j)(2) of this section.

(B) The Tier 4 surface emissions rate report must be submitted within 1 year of the first measured surface exceedance of 500 parts-per-million methane, following the procedure specified in paragraph (j)(2) of this section.

(iv) If the landfill is in the closed landfill subcategory, the owner or operator is exempt from submitting a collection and control system design plan to the Administrator provided that conditions in § 62.16711(g)(3) are met. If not, the owner or operator shall follow the submission procedures and timing in § 62.16724(d)(ii) and (iii) using a level of 50 Mg/yr instead of 34 Mg/yr.

(5) The landfill owner or operator must notify the Administrator that the design plan is completed and submit a copy of the plan's signature page. The Administrator has 90 days to decide whether the design plan should be submitted for review. If the Administrator chooses to review the plan, the approval process continues as described in paragraph (c)(6) of this section. However, if the Administrator indicates that submission is not required or does not respond within 90 days, the landfill owner or operator can continue to implement the plan with the recognition that the owner or operator is proceeding at their own risk. In the event that the design plan is required to be modified to obtain approval, the owner or operator must take any steps necessary to conform any prior actions to the approved design plan and any failure to do so could result in an enforcement action.

(6) Upon receipt of an initial or revised design plan, the Administrator must review the information submitted under paragraphs (d)(1) through (3) of this section and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A

wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems. If the Administrator does not approve or disapprove the design plan, or does not request that additional information be submitted within 90 days of receipt, then the owner or operator may continue with implementation of the design plan, recognizing they would be proceeding at their own risk.

(7) If the owner or operator chooses to demonstrate compliance with the emission control requirements of this subpart using a treatment system as defined in this subpart, then the owner or operator must prepare a site-specific treatment system monitoring plan as specified in § 62.16726(b)(5). Legacy controlled landfills must prepare the monitoring plan no later than May 23, 2022.

(e) *Revised design plan.* The owner or operator who has already been required to submit a design plan under paragraph (d) of this section, or under subpart GGG of this part; 40 CFR part 60, subpart WWW; or a state plan implementing subpart Cc of 40 CFR part 60, must submit a revised design plan to the Administrator for approval as follows:

(1) At least 90 days before expanding operations to an area not covered by the previously approved design plan.

(2) Prior to installing or expanding the gas collection system in a way that is not consistent with the design plan that was submitted to the Administrator according to paragraph (d) of this section.

(f) *Closure report.* Each owner or operator of a controlled landfill must submit a closure report to the Administrator within 30 days of ceasing waste acceptance. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR 60.7(a)(4).

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(g) *Equipment removal report.* Each owner or operator of a controlled landfill must submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment.

(1) The equipment removal report must contain the following items:

(i) A copy of the closure report submitted in accordance with paragraph (f) of this section; and

(ii) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired, unless the report of the results of the performance test has been submitted to the EPA via the EPA's Central Data Exchange (CDX), or information that demonstrates that the gas collection and control system will be unable to operate for 15 years due to declining gas flows. In the equipment removal report, the process unit(s) tested, the pollutant(s) tested, and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's CDX; and

(iii) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 34 megagrams or greater of NMOC per year, unless the NMOC emission rate reports have been submitted to the EPA via the EPA's CDX. If the NMOC emission rate reports have been previously submitted to the EPA's CDX, a statement that the NMOC emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's CDX may be submitted in the equipment removal report in lieu of the NMOC emission rate reports; or

(iv) For the closed landfill subcategory, dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year, unless the NMOC emission rate reports have been submitted to the EPA via the EPA's CDX. If the NMOC emission rate reports have been previously submitted to the EPA's CDX, a statement that the NMOC emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's

CDX may be submitted in the equipment removal report in lieu of the NMOC emission rate reports.

(2) The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in § 62.16714(f) have been met.

(h) *Annual report.* The owner or operator of a landfill seeking to comply with § 62.16714(e)(2) using an active collection system designed in accordance with § 62.16714(b) must submit to the Administrator, following the procedures specified in paragraph (j)(2) of this section, an annual report of the recorded information in paragraphs (h)(1) through (7) of this section. The initial annual report must be submitted within 180 days of installation and startup of the collection and control system except for legacy controlled landfills that have already submitted an initial report under 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing 40 CFR part 60, subpart Cc. Except for legacy controlled landfills, the initial annual report must include the initial performance test report required under 40 CFR 60.8, as applicable, unless the report of the results of the performance test has been submitted to the EPA via the EPA's CDX. Legacy controlled landfills are exempted from submitting performance test reports in EPA's CDX provided that those reports were submitted under 40 CFR part 60, subpart WWW; subpart GGG of this part; or a state plan implementing 40 CFR part 60, subpart Cc. In the initial annual report, the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's CDX. The initial performance test report must be submitted, following the procedure specified in paragraph (j)(1) of this section, no later than the date that the initial annual report is submitted. For enclosed combustion devices and flares, reportable exceedances are defined under § 62.16726(c)(1). Legacy controlled landfills are required to submit the annual report no later than one year after the most recent annual report submitted.

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If complying with the operational provisions of §§ 63.1958, 63.1960, and 63.1961 of this chapter, as allowed at §§ 62.16716, 62.16720, and 62.16722, the owner or operator must follow the semi-annual reporting requirements in § 63.1981(h) of this chapter in lieu of this paragraph.

(1) Value and length of time for exceedance of applicable parameters monitored under § 62.16722(a)(1), (b), (c), (d), and (g).

(2) Description and duration of all periods when the gas stream was diverted from the control device or treatment system through a bypass line or the indication of bypass flow as specified under § 62.16722.

(3) Description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating.

(4) All periods when the collection system was not operating.

(5) The location of each exceedance of the 500 parts-per-million methane concentration as provided in § 62.16716(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month. For location, you must determine the latitude and longitude coordinates using an instrument with an accuracy of at least 4 meters. The coordinates must be in decimal degrees with at least five decimal places.

(6) The date of installation and the location of each well or collection system expansion added pursuant to § 62.16720(a)(3), (4), (b), and (c)(4).

(7) For any corrective action analysis for which corrective actions are required in § 62.16720(a)(3) or (4) and that take more than 60 days to correct the exceedance, the root cause analysis conducted, including a description of the recommended corrective action(s), the date for corrective action(s) already completed following the positive pressure or elevated temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.

(i) *Initial performance test report.* Each owner or operator seeking to comply with § 62.16714(c) must include the following information with the initial

performance test report required under 40 CFR 60.8 of this chapter:

(1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

(2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

(3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

(4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area;

(5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

(6) The provisions for the control of off-site migration.

(j) *Electronic reporting.* The owner or operator must submit reports electronically according to paragraphs (j)(1) and (2) of this section.

(1) Within 60 days after the date of completing each performance test (as defined in 40 CFR 60.8 of this chapter), the owner or operator must submit the results of each performance test according to the following procedures:

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website ([https://www3.epa.gov/ttn/chief/ert/ert\\_info.html](https://www3.epa.gov/ttn/chief/ert/ert_info.html)) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). The CEDRI can be accessed through the EPA's CDX (<https://cdx.epa.gov/>). Performance test data

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must be submitted in a file format generated through the use of the EPA's ERT or an alternative file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website, once the XML schema is available. If you claim that some of the performance test information being submitted is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described earlier in this paragraph.

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in 40 CFR 60.4 of this chapter.

(2) Each owner or operator required to submit reports following the procedure specified in this paragraph must submit reports to the EPA via the CEDRI (CEDRI can be accessed through the EPA's CDX). The owner or operator must use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI website (<https://www3.epa.gov/ttn/chief/cedri/index.html>). If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the owner or operator must submit the report to the Administrator at the appropriate address listed in 40 CFR 60.4 of this chapter. Once the form has been available in CEDRI for 90 calendar days, the owner or operator must begin submitting all subsequent reports via CEDRI. The reports must be submitted

by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.

(k) *Corrective action and the corresponding timeline.* The owner or operator must submit according to paragraphs (k)(1) and (2) of this section. If complying with the operational provisions of 40 CFR 63.1958, 63.1960, and 63.1961 of this chapter, as allowed at §§ 62.16716, 62.16720, and 62.16722, the owner or operator must follow the corrective action and the corresponding timeline reporting requirements in § 63.1981(j) of this chapter in lieu of paragraphs (k)(1) and (2) of this section.

(1) For corrective action that is required according to § 62.16720(a)(3)(iii) or 62.16720(a)(4)(iii) and is expected to take longer than 120 days after the initial exceedance to complete, you must submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the Administrator as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above. The Administrator must approve the plan for corrective action and the corresponding timeline.

(2) For corrective action that is required according to § 62.16720(a)(3)(iii) or § 62.16720(a)(4)(iii) and is not completed within 60 days after the initial exceedance, you must submit a notification to the Administrator as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.

(l) *Liquids addition.* The owner or operator of a designated facility with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters that has employed leachate recirculation or added liquids based on a Research, Development, and Demonstration permit (issued through Resource Conservation and Recovery Act (RCRA), subtitle D, part 258) within the last 10 years must submit to the Administrator, annually, following the procedure specified in paragraph (j)(2) of this section, the following information:

(1) Volume of leachate recirculated (gallons per year) and the reported

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basis of those estimates (records or engineering estimates).

(2) Total volume of all other liquids added (gallons per year) and the reported basis of those estimates (records or engineering estimates).

(3) Surface area (acres) over which the leachate is recirculated (or otherwise applied).

(4) Surface area (acres) over which any other liquids are applied.

(5) The total waste disposed (megagrams) in the areas with recirculated leachate and/or added liquids based on on-site records to the extent data are available, or engineering estimates and the reported basis of those estimates.

(6) The annual waste acceptance rates (megagrams per year) in the areas with recirculated leachate and/or added liquids, based on on-site records to the extent data are available, or engineering estimates.

(7) The initial report must contain items in paragraph (1)(1) through (6) of this section per year for the most recent 365 days as well as for each of the previous 10 years, to the extent historical data are available in on-site records, and the report must be submitted no later than June 21, 2022.

(8) Subsequent annual reports must contain items in paragraph (1)(1) through (6) of this section for the 365-day period following the 365-day period included in the previous annual report, and the report must be submitted no later than 365 days after the date the previous report was submitted.

(9) Landfills in the closed landfill subcategory are exempt from reporting requirements contained in paragraphs (1)(1) through (7) of this section.

(10) Landfills may cease annual reporting of items in paragraphs (1)(1) through (6) of this section once they have submitted the closure report in § 62.16724(f).

(m) *Tier 4 notification.* (1) The owner or operator of a designated facility with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must provide a notification of the date(s) upon which it intends to demonstrate site-specific surface methane emissions are below 500 parts-per-million methane, based on the Tier 4 provisions of

§ 62.16718(a)(6). The landfill must also include a description of the wind barrier to be used during the SEM in the notification. Notification must be postmarked not less than 30 days prior to such date.

(2) If there is a delay to the scheduled Tier 4 SEM date due to weather conditions, including not meeting the wind requirements in § 62.16718(a)(6)(A), the owner or operator of a landfill shall notify the Administrator by email or telephone no later than 48 hours before any known delay in the original test date, and arrange an updated date with the Administrator by mutual agreement.

(n) *Notification of meeting Tier 4.* The owner or operator of a designated facility must submit a notification to the EPA Regional office within 10 business days of completing each increment of progress. Each notification must indicate which increment of progress specified in § 62.16712 has been achieved. The notification must be signed by the owner or operator of the landfill.

(1) For the first increment of progress (submit control plan), you must follow paragraph (p) of this section in addition to submitting the notification described in paragraph (n) of this section. A copy of the design plan must also be kept on site at the landfill.

(2) For the second increment of progress, a signed copy of the contract(s) awarded must be submitted in addition to the notification described in paragraph (n) of this section.

(o) *Notification of failing to meet an increment of progress.* The owner or operator of a designated facility who fails to meet any increment of progress specified in § 62.16712(a)(1) through (5) according to the applicable schedule in § 62.16712 must submit notification that the owner or operator failed to meet the increment to the EPA Regional office within 10 business days of the applicable date in § 62.16712.

(p) *Alternate dates for increments 2 and 3.* The owner or operator (or the state or tribal air pollution control authority) that is submitting alternative dates for increments 2 and 3 according to § 62.16712(d) must do so by the date specified for submitting the final control plan. The date for submitting the

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final control plan is specified in § 62.16712(c), as applicable. The owner or operator (or the state or tribal air pollution control authority) must submit a justification if any of the alternative dates are later than the increment dates in table 1 of this subpart. In addition to submitting the alternative dates to the appropriate EPA Regional office, the owner or operator must also submit the alternative dates to the state or tribe.

(q) *24-hour high temperature report.* Each owner or operator that chooses to comply with the provisions in §§ 63.1958, 63.1960, and 63.1961 of this chapter, as allowed in §§ 62.16716, 62.16720, and 62.16722, must submit the 24-hour high temperature report according to § 63.1981(k) of this chapter.

### § 62.16726 Recordkeeping guidelines.

Follow the recordkeeping provisions in this section.

(a) Except as provided in § 62.16724(d)(2), each owner or operator of an MSW landfill subject to the provisions of § 62.16714(e) must keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report that triggered § 62.16714(e), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

(b) Except as provided in § 62.16724(d)(2), each owner or operator of a controlled landfill must keep up-to-date, readily accessible records for the life of the control system equipment of the data listed in paragraphs (b)(1) through (5) of this section as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring must be maintained for a minimum of 5 years. Records of the control device vendor specifications must be maintained until removal.

(1) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with § 62.16714(b):

(i) The maximum expected gas generation flow rate as calculated in § 62.16720(a)(1). The owner or operator

may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.

(ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in § 62.16728(a)(1).

(2) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with § 62.16714(c) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than 44 megawatts:

(i) The average temperature measured at least every 15 minutes and averaged over the same time period of the performance test.

(ii) The percent reduction of NMOC determined as specified in § 62.16714(c)(2) achieved by the control device.

(3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with § 62.16714(c)(2)(i) through use of a boiler or process heater of any size: A description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

(4) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with § 62.16714(c)(1) through use of a non-enclosed flare, the flare type (*i.e.*, steam-assisted, air-assisted, or non-assisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR 60.18 of this chapter; and continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame or the flare flame is absent.

(5) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with § 62.16714(c)(3) through use of a landfill gas treatment system:

(i) *Bypass records.* Records of the flow of landfill gas to, and bypass of, the treatment system.

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(ii) *Site-specific treatment monitoring plan.* A site-specific treatment monitoring plan, to include:

(A) Monitoring records of parameters that are identified in the treatment system monitoring plan and that ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, de-watering, and compression parameters that ensure the treatment system is operating properly for each intended end use of the treated landfill gas.

(B) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer's recommendations or engineering analysis for each intended end use of the treated landfill gas.

(C) Documentation of the monitoring methods and ranges, along with justification for their use.

(D) Identify who is responsible (by job title) for data collection.

(E) Processes and methods used to collect the necessary data.

(F) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems.

(c) Except as provided in § 62.16724(d)(2), each owner or operator of a controlled landfill subject to the provisions of this subpart must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in § 62.16722 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

(1) The following constitute exceedances that must be recorded and reported under § 62.16724:

(i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all 3-hour periods of operation during which the average temperature was more than 28 degrees Celsius (82 degrees Fahrenheit) below the average combustion temperature during the most recent per-

formance test at which compliance with § 62.16714(c) was determined.

(ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under paragraph (b)(3) of this section.

(2) Each owner or operator subject to the provisions of this subpart must keep up-to-date, readily accessible continuous records of the indication of flow to the control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under § 62.16722.

(3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with § 62.16714(c) must keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state, local, tribal, or Federal regulatory requirements.

(4) Each owner or operator seeking to comply with the provisions of this subpart by use of a non-enclosed flare must keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under § 62.16722(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

(5) Each owner or operator of a landfill seeking to comply with § 62.16714(e) using an active collection system designed in accordance with § 62.16714(b) must keep records of periods when the collection system or control device is not operating.

(d) Except as provided in § 62.16724(d)(2), each owner or operator subject to the provisions of this subpart must keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label on each collector that matches the labeling on the plot map.

(1) Each owner or operator subject to the provisions of this subpart must

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keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under § 62.16720(b).

(2) Each owner or operator subject to the provisions of this subpart must keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in § 62.16728(a)(3)(i) as well as any non-productive areas excluded from collection as provided in § 62.16728(a)(3)(ii).

(e) Except as provided in § 62.16724(d)(2), each owner or operator subject to the provisions of this subpart must keep for at least 5 years up-to-date, readily accessible records of the items in paragraphs (e)(1) through (5) of this section. Each owner or operator that chooses to comply with the provisions in §§ 63.1958, 63.1960, and 63.1961 of this chapter, as allowed in §§ 62.16716, 62.16720, and 62.16722, must keep the records in paragraph (e)(6) of this section and must keep records according to § 63.1983(e)(1) through (5) of this chapter in lieu of paragraphs (e)(1) through (5) of this section.

(1) All collection and control system exceedances of the operational standards in § 62.16716, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

(2) Each owner or operator subject to the provisions of this subpart must also keep records of each wellhead temperature monitoring value of 55 degrees Celsius (131 degrees Fahrenheit) or above, each wellhead nitrogen level at or above 20 percent, and each wellhead oxygen level at or above 5 percent.

(3) For any root cause analysis for which corrective actions are required in § 62.16720(a)(3) or § 62.16720(a)(4), keep a record of the root cause analysis conducted, including a description of the recommended corrective action(s) taken, and the date(s) the corrective action(s) were completed.

(4) For any root cause analysis for which corrective actions are required in § 62.16720(a)(3)(ii) or § 62.16720(a)(4)(ii), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the posi-

tive pressure reading or high temperature reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.

(5) For any root cause analysis for which corrective actions are required in § 62.16720(a)(3)(iii) or § 62.16720(a)(4)(iii), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective action(s) already completed following the positive pressure reading or high temperature reading, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the regulatory agency.

(6) Each owner or operator that chooses to comply with the provisions in §§ 63.1958, 63.1960, and 63.1961 of this chapter, as allowed in §§ 62.16716, 62.16720, and 62.16722, must keep records of the date upon which the owner or operator started complying with the provisions in §§ 63.1958, 63.1960, and 63.1961 of this chapter.

(f) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, as provided in the definition of "design capacity," must keep readily accessible, on-site records of the annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

(g) Landfill owners or operators seeking to demonstrate that site-specific surface methane emissions are below 500 parts-per-million by conducting SEM under the Tier 4 procedures specified in § 62.16718(a)(6) must keep for at least 5 years up-to-date, readily accessible records of all SEM and information related to monitoring instrument calibrations conducted according to sections 8 and 10 of EPA Method 21 of appendix A-7 of 40 CFR part 60 of this chapter, including all of the following items:

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(1) Calibration records.

(i) Date of calibration and initials of operator performing the calibration.

(ii) Calibration gas cylinder identification, certification date, and certified concentration.

(iii) Instrument scale(s) used.

(iv) A description of any corrective action taken if the meter readout could not be adjusted to correspond to the calibration gas value.

(v) If an owner or operator makes their own calibration gas, a description of the procedure used.

(2) Digital photographs of the instrument setup. The photographs must be time and date-stamped and taken at the first sampling location prior to sampling and at the last sampling location after sampling at the end of each sampling day, for the duration of the Tier 4 monitoring demonstration.

(3) Timestamp of each surface scan reading.

(i) Timestamp should be detailed to the nearest second, based on when the sample collection begins.

(ii) A log for the length of time each sample was taken using a stopwatch (e.g., the time the probe was held over the area).

(4) Location of each surface scan reading. The owner or operator must determine the coordinates using an instrument with an accuracy of at least 4 meters. Coordinates must be in decimal degrees with at least five decimal places.

(5) Monitored methane concentration (parts per million) of each reading.

(6) Background methane concentration (parts per million) after each instrument calibration test.

(7) Adjusted methane concentration using most recent calibration (parts-per-million).

(8) For readings taken at each surface penetration, the unique identification location label matching the label specified in paragraph (d) of this section.

(9) Records of the operating hours of the gas collection system for each destruction device.

(h) Except as provided in § 62.16724(d)(2), each owner or operator subject to the provisions of this subpart must keep for at least 5 years up-to-date, readily accessible records of all collection and control system monitoring data for parameters measured in § 62.16722(a)(1), (2), and (3).

(i) Any records required to be maintained by this subpart that are submitted electronically via the EPA's CDX may be maintained in electronic format.

(j) For each owner or operator reporting leachate or other liquids addition under § 62.16724(l), keep records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

**§ 62.16728 Specifications for active collection systems.**

Follow the specifications for active collection systems in this section.

(a) Each owner or operator seeking to comply with § 62.16714(b) must site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Administrator.

(1) The collection devices within the interior must be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues must be addressed in the design: Depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, resistance to the refuse decomposition heat, and ability to isolate individual components or sections for repair or troubleshooting without shutting down entire collection system.

(2) The sufficient density of gas collection devices determined in paragraph (a)(1) of this section must address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.

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(3) The placement of gas collection devices determined in paragraph (a)(1) of this section must control all gas producing areas, except as provided by paragraphs (a)(3)(i) and (ii) of this section.

(i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under § 62.16726(d). The documentation must provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and must be provided to the Administrator upon request.

(ii) Any nonproductive area of the landfill may be excluded from control,

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provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material must be documented and provided to the Administrator upon request. A separate NMOC emissions estimate must be made for each section proposed for exclusion, and the sum of all such sections must be compared to the NMOC emissions estimate for the entire landfill.

(A) The NMOC emissions from each section proposed for exclusion must be computed using Equation 7:

$$Q_i = 2kL_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9}) \quad (\text{Eq. 7})$$

Where:

$Q_i$  = NMOC emission rate from the  $i$ th section, megagrams per year.

$k$  = Methane generation rate constant,  $\text{year}^{-1}$ .

$L_o$  = Methane generation potential, cubic meters per megagram solid waste.

$M_i$  = Mass of the degradable solid waste in the  $i$ th section, megagram.

$t_i$  = Age of the solid waste in the  $i$ th section, years.

$C_{NMOC}$  = Concentration of NMOC, parts-per-million by volume.

$3.6 \times 10^{-9}$  = Conversion factor.

(B) If the owner or operator is proposing to exclude, or cease gas collection and control from, nonproductive physically separated (e.g., separately lined) closed areas that already have gas collection systems, NMOC emissions from each physically separated closed area must be computed using either Equation 3 in § 62.16718 or Equation 7 in paragraph (a)(3)(ii)(A) of this section.

(iii) The values for  $k$  and  $C_{NMOC}$  determined in field testing must be used if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for  $k$ ,  $L_o$ , and  $C_{NMOC}$  provided in § 62.16718

or the alternative values from § 62.16718 must be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in paragraph (a)(3)(i) of this section.

(b) Each owner or operator seeking to comply with § 62.16714(b) must construct the gas collection devices using the following equipment or procedures:

(1) The landfill gas extraction components must be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: Convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system must extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors must be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations must be situated with regard to the need to prevent excessive air infiltration.

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(2) Vertical wells must be placed so as not to endanger underlying liners and must address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors must be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices must be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

(3) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly must include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices must be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

(c) Each owner or operator seeking to comply with § 62.16714(c) must convey the landfill gas to a control system in compliance with § 62.16714(c) through the collection header pipe(s). The gas mover equipment must be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

(1) For existing collection systems, the flow data must be used to project the maximum flow rate. If no flow data exist, the procedures in paragraph (c)(2) of this section must be used.

(2) For new collection systems, the maximum flow rate must be in accordance with § 62.16720(a)(1).

### § 62.16730 Definitions.

Terms used but not defined in this subpart have the meaning given them in the Clean Air Act and in subparts A and B of 40 CFR part 60 of this chapter.

*Achieve final compliance* means to connect and operate the collection and control system as specified in the final control plan. Within 180 days after the date the landfill is required to achieve

final compliance, the initial performance test must be conducted.

*Active collection system* means a gas collection system that uses gas mover equipment.

*Active landfill* means a landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.

*Administrator* means:

(1) For municipal solid waste landfills covered by the federal plan, the Administrator of the EPA or his/her authorized representative (e.g., delegated authority);

(2) For municipal solid waste landfills covered by an approved state plan, the director of the state air pollution control agency or his/her authorized representative.

*Award contract* means the MSW landfill owner or operator enters into legally binding agreements or contractual obligations that cannot be canceled or modified without substantial financial loss to the MSW landfill owner or operator. The MSW landfill owner or operator may award a number of contracts to install the collection and control system. To meet this increment of progress, the MSW landfill owner or operator must award a contract or contracts to initiate on-site construction or installation of the collection and control system.

*Closed landfill* means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4) of this chapter. Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

*Closed area* means a separately lined area of an MSW landfill in which solid waste is no longer being placed. If additional solid waste is placed in that area of the landfill, that landfill area is no longer closed. The area must be separately lined to ensure that the landfill gas does not migrate between open and closed areas.

*Closed landfill subcategory* means a closed landfill that has submitted a closure report as specified in § 62.16724(f) on or before September 27, 2017.

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*Closure* means that point in time when a landfill becomes a closed landfill.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

*Complete on-site construction* means that all necessary collection system components and air pollution control devices identified in the final control plan are on site, in place, and ready for operation.

*Controlled landfill* means any landfill at which collection and control systems are required under this subpart as a result of the NMOC emission rate. The landfill is considered controlled at the time a collection and control system design plan is prepared in compliance with § 62.16714(e)(2). Controlled landfills also includes those landfills that meet the definition of *legacy controlled landfills*, as defined in this subpart.

*Corrective action analysis* means a description of all reasonable interim and long-term measures, if any, that are available, and an explanation of why the selected corrective action(s) is/are the best alternative(s), including, but not limited to, considerations of cost effectiveness, technical feasibility, safety, and secondary impacts.

*Design capacity* means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the state, local, or tribal agency responsible for regulating the landfill, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site-specific density, which must be recalculated annually.

*Disposal facility* means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.

*Emission rate cutoff* means the threshold annual emission rate to which a

landfill compares its estimated emission rate to determine if control under the regulation is required.

*Enclosed combustor* means an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

*EPA approved state plan* means a state plan that EPA has approved based on the requirements in 40 CFR part 60, subpart B or Ba to implement and enforce 40 CFR part 60, subpart Cf. An approved state plan becomes effective on the date specified in the document published in the *FEDERAL REGISTER* announcing EPA's approval.

*Flare* means an open combustor without enclosure or shroud.

*Final control plan (Collection and control system design plan)* means a plan that describes the collection and control system that will capture the gas generated within an MSW landfill. The collection and control system design plan must be prepared by a professional engineer and must describe a collection and control system that meets the requirements of § 62.1614(b) and (c). The final control plan must contain engineering specifications and drawings of the collection and control system. The final control plan must include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, record-keeping, or reporting provisions of §§ 62.16716 through 62.16726 proposed by the owner or operator. The final control plan must either conform with the specifications for active collection systems in § 62.16728 or include a demonstration that shows that based on the size of the landfill and the amount of waste expected to be accepted, the system is sized properly to collect the gas, control emissions of NMOC to the required level and meet the operational standards for a landfill.

*Gas mover equipment* means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

*Gust* means the highest instantaneous wind speed that occurs over a 3-second running average.

*Indian Country* means all land within the limits of any Indian reservation

under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

*Initiate on-site construction* means to begin any of the following: Installation of the collection and control system to be used to comply with the emission limits as outlined in the final control plan; physical preparation necessary for the installation of the collection and control system to be used to comply with the final emission limits as outlined in the final control plan; or, alteration of an existing collection and control system to be used to comply with the final emission limits as outlined in the final control plan.

*Household waste* means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). Household waste does not include fully segregated yard waste. Segregated yard waste means vegetative matter resulting exclusively from the cutting of grass, the pruning and/or removal of bushes, shrubs, and trees, the weeding of gardens, and other landscaping maintenance activities. Household waste does not include construction, renovation, or demolition wastes, even if originating from a household.

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the RCRA, parts 264 and 265 of this chapter. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer/ agricultural chemicals; food and related products/by-products; inorganic

chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/ foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

*Interior well* means any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfilled waste is not an interior well.

*Landfill* means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under § 257.2 of this title.

*Lateral expansion* means a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

*Leachate recirculation* means the practice of taking the leachate collected from the landfill and reapplying it to the landfill by any of one of a variety of methods, including pre-wetting of the waste, direct discharge into the working face, spraying, infiltration ponds, vertical injection wells, horizontal gravity distribution systems, and pressure distribution systems.

*Legacy controlled landfill* means any MSW landfill subject to this subpart that submitted a collection and control system design plan prior to May 21, 2021 in compliance with § 60.752(b)(2)(i) of this chapter, the Federal plan at subpart GGG of this part, or a state/tribal plan implementing 40 CFR part 60, subpart Cc of this chapter, depending on which regulation was applicable to the landfill. This definition applies to those landfills that completed construction and began operations of the GCCS and those that are within the 30-month timeline for installation and start-up of a GCCS according to § 60.752(b)(2)(ii) of this chapter, the Federal plan at subpart GGG of this part,

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or a state/tribal plan implementing 40 CFR part 60, subpart Cc.

*Modification* means an increase in the permitted volume design capacity of the landfill by either lateral or vertical expansion based on its permitted design capacity as of July 17, 2014. Modification does not occur until the owner or operator commences construction on the lateral or vertical expansion.

*Municipal solid waste landfill* or *MSW landfill* means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA, Subtitle D wastes (§ 257.2 of this title) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

*Municipal solid waste landfill emissions* or *MSW landfill emissions* means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

*NMOC* means nonmethane organic compounds, as measured according to the provisions of § 62.16718.

*Negative declaration letter* means a letter to EPA declaring that there are no existing MSW landfills in the state or that there are no existing MSW landfills in the state that must install collection and control systems according to the requirements of 40 CFR part 60, subpart Cf.

*Nondegradable waste* means any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are not limited to, concrete, municipal waste combustor ash, and metals.

*Passive collection system* means a gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

*Protectorate* means American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Northern Mariana Islands, and the Virgin Islands.

*Root cause analysis* means an assessment conducted through a process of investigation to determine the primary cause, and any other contributing causes, of positive pressure at a wellhead.

*Sludge* means the term sludge as defined in 40 CFR 258.2.

*Solid waste* means the term solid waste as defined in 40 CFR 258.2.

*State* means any of the 50 United States and the protectorates of the United States.

*State plan* means a plan submitted pursuant to section 111(d) of the Clean Air Act and subpart B of part 60 of this chapter that implements and enforces subpart Cf of 40 CFR part 60 of this chapter.

*Sufficient density* means any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors necessary to maintain emission and migration control as determined by measures of performance set forth in this part.

*Sufficient extraction rate* means a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

*Treated landfill gas* means landfill gas processed in a treatment system as defined in this subpart.

*Treatment system* means a system that filters, de-waters, and compresses landfill gas for sale or beneficial use.

*Tribal plan* means a plan submitted by a Tribal Authority pursuant to 40 CFR parts 9, 35, 49, 50, and 81 that implements and enforces 40 CFR part 60, subpart Cf.

*Untreated landfill gas* means any landfill gas that is not treated landfill gas.

**Environmental Protection Agency**
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**TABLE 1 TO SUBPART OOO OF PART 62—GENERIC COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS**

Increment	Date if using tiers 1, 2, or 3	Date if using tier 4	Date if a legacy controlled landfill
Increment 1—Submit cover page of final control plan.	1 year after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 34$ megagrams per year. <sup>1</sup>	1 year after the first measured concentration of methane of 500 parts per million or greater from the surface of the landfill.	1 year after the first NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ megagrams per year submitted under a previous regulation. <sup>2</sup>
Increment 2—Award Contracts.	20 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 34$ megagrams per year. <sup>1</sup>	20 months after the most recent NMOC emission rate report showing NMOC emissions $\geq 34$ megagrams per year.	20 months after the most recent NMOC emission rate report showing NMOC emissions $\geq 50$ megagrams per year submitted under a previous regulation. <sup>2</sup>
Increment 3—Begin on-site construction.	24 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 34$ megagrams per year. <sup>1</sup>	24 months after the most recent NMOC emission rate report showing NMOC emissions $\geq 34$ megagrams per year.	24 months after the most recent NMOC emission rate report showing NMOC emissions $\geq 50$ megagrams per year submitted under a previous regulation. <sup>2</sup>
Increment 4—Complete on-site construction.	30 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 34$ megagrams per year. <sup>1</sup>	30 months after the most recent NMOC emission rate report showing NMOC emissions $\geq 34$ megagrams per year.	30 months after the first NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ megagrams submitted under a previous regulation.
Increment 5—Final compliance.	30 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 34$ megagrams per year. <sup>1</sup>	30 months after the most recent NMOC emission rate report showing NMOC emissions $\geq 34$ megagrams per year.	30 months after the first NMOC emission rate report or the first annual emission rate report showing NMOC emissions $\geq 50$ megagrams submitted under a previous regulation. <sup>2</sup>

<sup>1</sup> 50 megagrams per year NMOC for the closed landfill subcategory.

<sup>2</sup> Previous regulation refers to 40 CFR part 60, subpart WWW; 40 CFR part 62, subpart GGG; or a state plan implementing 40 CFR part 60, subpart Cc. Increments of progress that have already been completed under previous regulations do not have to be completed again under this subpart.

[86 FR 27770, May 21, 2021, as amended at 87 FR 8203, Feb. 14, 2022]