

## Environmental Protection Agency

## § 60.28

may be delegated to the State under section 114 of the Act.

(d) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan if the plan demonstrates to the Administrator's satisfaction that the State governmental agency has the legal authority necessary to carry out that portion of the plan.

(e) The State may authorize a local agency to carry out a plan, or portion thereof, within the local agency's jurisdiction if the plan demonstrates to the Administrator's satisfaction that the local agency has the legal authority necessary to implement the plan or portion thereof, and that the authorization does not relieve the State of responsibility under the Act for carrying out the plan or portion thereof.

### § 60.27 Actions by the Administrator.

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

(b) After receipt of a plan or plan revision, the Administrator will propose the plan or revision for approval or disapproval. The Administrator will, within four months after the date required for submission of a plan or plan revision, approve or disapprove such plan or revision or each portion thereof.

(c) The Administrator will, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth a plan, or portion thereof, for a State if:

(1) The State fails to submit a plan within the time prescribed;

(2) The State fails to submit a plan revision required by § 60.23(a)(2) within the time prescribed; or

(3) The Administrator disapproves the State plan or plan revision or any portion thereof, as unsatisfactory because the requirements of this subpart have not been met.

(d) The Administrator will, within six months after the date required for submission of a plan or plan revision, promulgate the regulations proposed under paragraph (c) of this section with such modifications as may be appropriate unless, prior to such promulga-

tion, the State has adopted and submitted a plan or plan revision which the Administrator determines to be approvable.

(e)(1) Except as provided in paragraph (e)(2) of this section, regulations proposed and promulgated by the Administrator under this section will prescribe emission standards of the same stringency as the corresponding emission guideline(s) specified in the final guideline document published under § 60.22(a) and will require final compliance with such standards as expeditiously as practicable but no later than the times specified in the guideline document.

(2) Upon application by the owner or operator of a designated facility to which regulations proposed and promulgated under this section will apply, the Administrator may provide for the application of less stringent emission standards or longer compliance schedules than those otherwise required by this section in accordance with the criteria specified in § 60.24(f).

(f) Prior to promulgation of a plan under paragraph (d) of this section, the Administrator will provide the opportunity for at least one public hearing in either:

(1) Each State that failed to hold a public hearing as required by § 60.23(c); or

(2) Washington, DC or an alternate location specified in the FEDERAL REGISTER.

[40 FR 53346, Nov. 17, 1975, as amended at 65 FR 76384, Dec. 6, 2000]

### § 60.28 Plan revisions by the State.

(a) Plan revisions which have the effect of delaying compliance with applicable emission standards or increments of progress or of establishing less stringent emission standards shall be submitted to the Administrator within 60 days after adoption in accordance with the procedures and requirements applicable to development and submission of the original plan.

(b) More stringent emission standards, or orders which have the effect of accelerating compliance, may be submitted to the Administrator as plan revisions in accordance with the procedures and requirements applicable to development and submission of the original plan.

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(c) A revision of a plan, or any portion thereof, shall not be considered part of an applicable plan until approved by the Administrator in accordance with this subpart.

**§ 60.29 Plan revisions by the 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 this subpart.

**Subpart C—Emission Guidelines and Compliance Times**

**§ 60.30 Scope.**

The following subparts contain emission guidelines and compliance times for the control of certain designated pollutants in accordance with section 111(d) and section 129 of the Clean Air Act and subpart B of this part.

- (a) Subpart Ca [Reserved]
- (b) Subpart Cb—Municipal Waste Combustors.
- (c) Subpart Cc—Municipal Solid Waste Landfills.
- (d) Subpart Cd—Sulfuric Acid Production Plants.
- (e) Subpart Ce—Hospital/Medical/Infectious Waste Incinerators.

[62 FR 48379, Sept. 15, 1997]

**§ 60.31 Definitions.**

Terms used but not defined in this subpart have the meaning given them in the Act and in subparts A and B of this part.

[42 FR 55797, Oct. 18, 1977]

**Subpart Ca [Reserved]**

**Subpart Cb—Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994**

SOURCE: 60 FR 65415, Dec. 19, 1995, unless otherwise noted.

**40 CFR Ch. I (7–1–03 Edition)**

**§ 60.30b Scope.**

This subpart contains emission guidelines and compliance schedules for the control of certain designated pollutants from certain municipal waste combustors in accordance with section 111(d) and section 129 of the Clean Air Act and subpart B of this part. The provisions in these emission guidelines supersede the provisions of § 60.24(f) of subpart B of this part.

**§ 60.31b Definitions.**

Terms used but not defined in this subpart have the meaning given them in the Clean Air Act and subparts A, B, and Eb of this part.

*Municipal waste combustor plant* means one or more designated facilities (as defined in § 60.32b) at the same location.

[60 FR 65415, Dec. 19, 1995, as amended at 62 FR 45119, 45125, Aug. 25, 1997]

**§ 60.32b Designated facilities.**

(a) The designated facility to which these guidelines apply is each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.

(b) Any municipal waste combustion unit that is capable of combusting 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 or equal to 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.

(c) Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with emission guidelines under this subpart are not considered in determining whether the unit is a modified or reconstructed facility