

**§ 60.748**

**40 CFR Ch. I (7-1-04 Edition)**

(4) For those affected facilities monitoring thermal incinerator combustion gas temperature, all 3-hour periods (during actual coating operations) during which the average combustion temperature of the device is more than 28 Celsius degrees below the average combustion temperature of the device during the most recent performance test that demonstrated compliance;

(5) For those affected facilities monitoring catalytic incinerator catalyst bed temperature, all 3-hour periods (during actual coating operations) during which the average gas temperature immediately before the catalyst bed is more than 28 Celsius degrees below the average gas temperature during the most recent performance test that demonstrated compliance and all 3-hour periods (during actual coating operations) during which the average gas temperature difference across the catalyst bed is less than 80 percent of the average gas temperature difference during the most recent performance test that demonstrated compliance;

(6) For each affected facility monitoring a total enclosure pursuant to §60.744(h) or vapor capture system pursuant to §60.744(g), all 3-hour periods (during actual coating operations) during which the average total enclosure or vapor capture system monitor readings vary by 5 percent or more from the average value measured during the most recent performance test that demonstrated compliance.

(7) Each owner or operator of an affected coating operation not required to submit reports under paragraphs (d)(1) through (6) of this section because no reportable periods have occurred shall submit semiannual statements clarifying this fact.

(e) Each owner or operator of an affected coating operation, demonstrating compliance by the test methods described in §60.743(a)(3) (liquid-liquid material balance) shall submit the following:

(1) For months of compliance, semi-annual reports to the Administrator stating that the affected coating operation was in compliance for each 1-month period; and

(2) For months of noncompliance, quarterly reports to the Administrator documenting the 1-month amount of

VOC contained in the coatings, the 1-month amount of VOC recovered, and the percent emission reduction for each month.

(f) Each owner or operator of an affected coating operation, either by itself or with associated coating mix preparation equipment, shall submit the following with the reports required under paragraphs (d) and (e) of this section:

(1) All periods during actual mixing or coating operations when a required monitoring device (if any) was malfunctioning or not operating; and

(2) All periods during actual mixing or coating operations when the control device was malfunctioning or not operating.

(g) The reports required under paragraphs (b), (c), (d), and (e) of this section shall be postmarked within 30 days of the end of the reporting period.

(h) Records required in §60.747 must be retained for at least 2 years.

(i) The requirements of this section remain in force until and unless EPA, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In this event, affected sources within the State will be relieved of the obligation to comply with this subsection, provided that they comply with the requirements established by the State.

**§ 60.748 Delegation of authority.**

(a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities that will not be delegated to States: §§60.743(a)(3)(v) (A) and (B); 60.743(e); 60.745(a); 60.746.

**Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills**

SOURCE: 61 FR 9919, Mar. 12, 1996, unless otherwise noted.

**§ 60.750 Applicability, designation of affected facility, and delegation of authority.**

(a) The provisions of this subpart apply to each municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991. Physical or operational changes made to an existing MSW landfill solely to comply with Subpart Cc of this part are not considered construction, reconstruction, or modification for the purposes of this section.

(b) The following authorities shall be retained by the Administrator and not transferred to the State: § 60.754(a)(5).

(c) Activities required by or conducted pursuant to a CERCLA, RCRA, or State remedial action are not considered construction, reconstruction, or modification for purposes of this subpart.

[61 FR 9919, Mar. 12, 1996, as amended at 63 FR 32750, June 16, 1998]

**§ 60.751 Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in subpart A of this part.

*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.

*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 § 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

*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.

*Controlled landfill* means any landfill at which collection and control sys-

tems are required under this subpart as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time a collection and control system design plan is submitted in compliance with § 60.752(b)(2)(i).

*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.

*Flare* means an open combustor without enclosure or shroud.

*Gas mover equipment* means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

*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).

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle