

## § 60.36b

according to the schedule specified in § 60.39b(c)(4).

[60 FR 65415, Dec. 19, 1995, as amended at 62 FR 45120, Aug. 25, 1997]

### **§ 60.36b Emission guidelines for municipal waste combustor fugitive ash emissions.**

For approval, a State plan shall include requirements for municipal waste combustor fugitive ash emissions at least as protective as those requirements listed in § 60.55b of subpart Eb of this part.

### **§ 60.37b Emission guidelines for air curtain incinerators.**

For approval, a State plan shall include emission limits for opacity for air curtain incinerators at least as protective as those listed in § 60.56b of subpart Eb of this part.

### **§ 60.38b Compliance and performance testing.**

(a) For approval, a State plan shall include the performance testing methods listed in § 60.58b of subpart Eb of this part, as applicable, except as provided for under § 60.24(b)(2) of subpart B of this part and paragraphs (b) and (c) of this section.

(b) For approval, a State plan shall include for designated facilities the alternative performance testing schedule for dioxins/furans specified in § 60.58b(g)(5)(iii) of subpart Eb of this part, as applicable, for those designated facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.

(c) [Reserved]

[60 FR 65415, Dec. 19, 1995, as amended at 62 FR 45120, Aug. 25, 1997]

### **§ 60.39b Reporting and recordkeeping guidelines and compliance schedules.**

(a) For approval, a State plan shall include the reporting and recordkeeping provisions listed in § 60.59b of subpart Eb of this part, as applicable, except for the siting requirements under § 60.59b(a), (b)(5), and (d)(11) of subpart Eb of this part.

(b) Except as provided in paragraph (e) of this section, not later than De-

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ember 19, 1996, each State in which a designated facility is located shall submit to EPA a plan to implement and enforce all provisions of this subpart except the revised April 28, 2009 emission limits in § 60.33b(a), (c), and (d). Not later than April 28, 2007, each State in which a designated facility is located shall submit to EPA a plan to implement and enforce all provisions of this subpart, as amended on May 10, 2006. The submittal schedule specified in this paragraph is in accordance with section 129(b)(2) of the Clean Air Act and applies instead of the schedule provided in § 60.23(a)(1) of subpart B of this part.

(c) For approval, a State plan that is submitted prior to May 10, 2006 shall include the compliance schedules specified in paragraphs (c)(1) through (c)(5) of this section.

(1) A State plan shall allow designated facilities to comply with all requirements of a State plan (or close) within 1 year after approval of the State plan, except as provided by paragraph (c)(1)(i) and (c)(1)(ii) of this section.

(i) A State plan that allows designated facilities more than 1 year but less than 3 years following the date of issuance of a revised construction or operation permit, if a permit modification is required, or more than 1 year but less than 3 years following approval of the State plan, if a permit modification is not required, shall include measurable and enforceable incremental steps of progress toward compliance. Suggested measurable and enforceable activities are specified in paragraphs (c)(1)(i)(A) through (c)(1)(i)(J) of this section.

(A) Date for obtaining services of an architectural and engineering firm regarding the air pollution control device(s);

(B) Date for obtaining design drawings of the air pollution control device(s);

(C) Date for submittal of permit modifications, if necessary;

(D) Date for submittal of the final control plan to the Administrator. [§ 60.21 (h)(1) of subpart B of this part.];

(E) Date for ordering the air pollution control device(s);

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(F) Date for obtaining the major components of the air pollution control device(s);

(G) Date for initiation of site preparation for installation of the air pollution control device(s);

(H) Date for initiation of installation of the air pollution control device(s);

(I) Date for initial startup of the air pollution control device(s); and

(J) Date for initial performance test(s) of the air pollution control device(s).

(ii) A State plan that allows designated facilities more than 1 year but up to 3 years after State plan approval to close shall require a closure agreement. The closure agreement must include the date of plant closure.

(2) If the State plan requirements for a designated facility include a compliance schedule longer than 1 year after approval of the State plan in accordance with paragraph (c)(1)(i) or (c)(1)(ii) of this section, the State plan submittal (for approval) shall include performance test results for dioxin/furan emissions for each designated facility that has a compliance schedule longer than 1 year following the approval of the State plan, and the performance test results shall have been conducted during or after 1990. The performance test shall be conducted according to the procedures in § 60.38b.

(3) [Reserved]

(4) A State plan shall require compliance with the municipal waste combustor operator training and certification requirements under § 60.35b according to the schedule specified in paragraphs (c)(4)(i) through (c)(4)(iii) of this section.

(i) [Reserved]

(ii) For designated facilities, the State plan shall require compliance with the municipal waste combustor operator training and certification requirements specified under § 60.54b (a) through (c) of subpart Eb of this part by the date 6 months after the date of startup or 12 months after State plan approval, whichever is later.

(iii) For designated facilities, the State plan shall require compliance with the requirements specified in § 60.54b (d), (f), and (g) of subpart Eb of this part no later than 6 months after

startup or 12 months after State plan approval, whichever is later.

(A) The requirement specified in § 60.54b(d) of subpart Eb of this part 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 date of State plan approval.

(B) The owner or operator of a designated facility may request that the Administrator waive the requirement specified in § 60.54b(d) of subpart Eb of this part 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 initial date of State plan approval.

(C) The initial training requirements specified in § 60.54b(f)(1) of subpart Eb of this part shall be completed no later than the date specified in paragraph (c)(4)(iii)(C)(1), (c)(4)(iii)(C)(2), or (c)(4)(iii)(C)(3), of this section whichever is later.

(1) The date 6 months after the date of startup of the affected facility;

(2) Twelve months after State plan approval; or

(3) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

(5) A State plan shall require all designated facilities for which construction, modification, or reconstruction is commenced after June 26, 1987 to comply with the emission limit for mercury specified in § 60.33b(a)(3) and the emission limit for dioxins/furans specified in § 60.33b(c)(1) within 1 year following issuance of a revised construction or operation permit, if a permit modification is required, or within 1 year following approval of the State plan, whichever is later.

(d) In the event no plan for implementing the emission guidelines is approved by EPA, all designated facilities meeting the applicability requirements under § 60.32b shall be in compliance with all of the guidelines, except those specified under § 60.33b (a)(4), (b)(3), and (d)(3), no later than December 19, 2000.

(e) Not later than August 25, 1998, each State in which a designated facility is operating shall submit to EPA a plan to implement and enforce all provisions of this subpart specified in §60.33b(b)(3) and (d)(3) and the emission limit in paragraph (a)(4) that applies before April 28, 2009.

(f) In the event no plan for implementing the emission guidelines is approved by EPA, all designated facilities meeting the applicability requirements under §60.32b shall be in compliance with all of the guidelines, including those specified under §60.33b (a)(4), (b)(3), and (d)(3), no later than August 26, 2002.

(g) For approval, a revised State plan submitted not later than April 28, 2007 in accordance with paragraph (b) of this section, shall include compliance schedules for meeting the revised April 28, 2009 emission limits in §60.33b(a), (c), and (d) and the revised testing provisions in §60.38b(b).

(1) Compliance with the revised April 28, 2009 emission limits is required as expeditiously as practicable, but no

later than April 28, 2009, except as provided in paragraph (g)(2) of this section.

(2) The owner or operator of an affected facility who is planning an extensive emission control system upgrade may petition the Administrator for a longer compliance schedule and must demonstrate to the satisfaction of the Administrator the need for the additional time. If approved, the schedule may exceed the schedule in paragraph (g)(1) of this section, but cannot exceed May 10, 2011.

(h) In the event no plan for implementing the emission guidelines is approved by EPA, all designated facilities meeting the applicability requirements under §60.32b shall be in compliance with all of the guidelines, including the revised April 28, 2009 emission limits in §60.33b(a), (b), (c), (d), and §60.34b(a), and the revised testing provisions in §60.38b(b), no later than May 10, 2011.

[60 FR 65415, Dec. 19, 1995, as amended at 62 FR 45120, 45125, Aug. 25, 1997; 71 FR 27333, May 10, 2006]

TABLE 1 TO SUBPART Cb OF PART 60—NITROGEN OXIDES GUIDELINES FOR DESIGNATED FACILITIES

Municipal waste combustor technology	Before April 28, 2009, nitrogen oxides emission limit (parts per million by volume) <sup>a</sup>	On and after April 28, 2009, nitrogen oxides emission limit (parts per million by volume) <sup>a</sup>
Mass burn waterwall .....	205 .....	205.
Mass burn rotary waterwall .....	250 .....	210.
Refuse-derived fuel combustor .....	250 .....	250.
Fluidized bed combustor .....	180 .....	180.
Mass burn refractory combustors .....	No limit .....	No limit.

<sup>a</sup>Corrected to 7 percent oxygen, dry basis.

[71 FR 27334, May 10, 2006]

TABLE 2 TO SUBPART Cb OF PART 60—NITROGEN OXIDES LIMITS FOR EXISTING DESIGNATED FACILITIES INCLUDED IN AN EMISSIONS AVERAGING PLAN AT A MUNICIPAL WASTE COMBUSTOR PLANT<sup>b</sup>

Municipal waste combustor technology	Before April 28, 2009, nitrogen oxides emission limit (parts per million by volume) <sup>b</sup>	On and after April 28, 2009, nitrogen oxides emission limit (parts per million by volume) <sup>a</sup>
Mass burn waterwall .....	185	185
Mass burn rotary waterwall .....	220	190
Refuse-derived fuel combustor .....	230	230
Fluidized bed combustor .....	165	165

<sup>a</sup>Mass burn refractory municipal waste combustors and other MWC technologies not listed above may not be included in an emissions averaging plan.

<sup>b</sup>Corrected to 7 percent oxygen, dry basis.

[71 FR 27334, May 10, 2006]

TABLE 3 TO SUBPART Cb OF PART 60—MUNICIPAL WASTE COMBUSTOR OPERATING GUIDELINES

Municipal waste combustor technology	Carbon monoxide emissions levels (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	c 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
Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion .....	250	c 24
Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable .....	250	c 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.

<sup>c</sup> 24-hour block average, geometric mean.

[71 FR 27334, May 10, 2006]

**Subpart Cc—Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills**

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

**§ 60.30c Scope.**

This subpart contains emission guidelines and compliance times for the control of certain designated pollutants from certain designated municipal solid waste landfills in accordance with section 111(d) of the Act and subpart B.

**§ 60.31c Definitions.**

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

*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 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.

**§ 60.32c Designated facilities.**

(a) The designated facility to which the guidelines apply is each existing MSW landfill for which construction, reconstruction or modification was commenced before May 30, 1991.

(b) Physical or operational changes made to an existing MSW landfill solely to comply with an emission guideline are not considered a modification or reconstruction and would not subject an existing MSW landfill to the requirements of subpart WWW [see § 60.750 of Subpart WWW].

(c) For purposes of obtaining an operating permit under title V of the Act, the owner or operator of a 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 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,