

To measure the following pollutants	Use the following methods in appendix A of this part to determine the sampling location	Use the methods in appendix A of this part to measure pollutant concentration	Also note the following additional information
3. Acid Gases: <sup>b</sup> Hydrogen Chloride	Method 1 .....	Method 26 or 26A <sup>a</sup> .....	Test runs must be at least 1 hour long while the municipal waste combustion unit is operating at full load.
4. Other: <sup>b</sup> 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 in appendix A of this part.  
<sup>b</sup> Use CEMS to test sulfur dioxide, nitrogen oxide, and carbon monoxide. Stack tests are not required except for quality assurance requirements in Appendix F of this part.

**Subpart BBBB—Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999**

SOURCE: 65 FR 76384, Dec. 6, 2000, unless otherwise noted.

INTRODUCTION

**§ 60.1500 What is the purpose of this subpart?**

This subpart establishes emission guidelines and compliance schedules for the control of emissions from existing small municipal waste combustion units. The pollutants addressed by the emission guidelines are listed in Tables 2, 3, 4, and 5 of this subpart. The emission guidelines are developed in accordance with sections 111(d) and 129 of the Clean Air Act (CAA) and subpart B of this part.

**§ 60.1505 Am I affected by this subpart?**

(a) If you are the Administrator of an air quality program in a State or United States protectorate with one or more existing small municipal waste combustion units that commenced construction on or before August 30, 1999, you must submit a State plan to the U.S. Environmental Protection Agency (EPA) that implements the emission guidelines contained in this subpart.

(b) You must submit the State plan to EPA by December 6, 2001.

**§ 60.1510 Is a State plan required for all States?**

No, you are not required to submit a State plan if there are no existing small municipal waste combustion units in your State and you submit a negative declaration letter in place of the State plan.

**§ 60.1515 What must I include in my State plan?**

- (a) Include nine items:
  - (1) Inventory of affected municipal waste combustion units, including those that have ceased operation but have not been dismantled.
  - (2) Inventory of emissions from affected municipal waste combustion units in your State.
  - (3) Compliance schedules for each affected municipal waste combustion unit.
  - (4) Good combustion practices and emission limits for affected municipal waste combustion units that are at least as protective as the emission guidelines contained in this subpart.
  - (5) Stack testing, continuous emission monitoring, recordkeeping, and reporting requirements.
  - (6) Certification that the hearing on the State plan 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.
  - (7) Provision for State progress reports to EPA.
  - (8) Identification of enforceable State mechanisms that you selected for implementing the emission guidelines of this subpart.

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(9) Demonstration of your State's legal authority to carry out the CAA sections 111(d) and 129 State plan.

(b) Your State plan can deviate from the format and content of the emission guidelines contained in this subpart. However, if your State plan does deviate, you must demonstrate that your State plan is as protective as the emission guidelines contained in this subpart. Your State plan must address regulatory applicability, increments of progress for retrofit, operator training and certification, operating practice, emission limits, continuous emission monitoring, stack testing, record-keeping, reporting, and air curtain incinerator requirements.

(c) Follow the requirements of subpart B of this part in your State plan.

### § 60.1520 Is there an approval process for my State plan?

The EPA will review your State plan according to § 60.27.

### § 60.1525 What if my State plan is not approvable?

If you do not submit an approvable State plan (or a negative declaration letter), EPA will develop a Federal plan, according to § 60.27 to implement the emission guidelines contained in this subpart. Owners and operators of municipal waste combustion units not covered by an approved and currently effective State plan must comply with the Federal plan. The Federal plan is an interim action and, by its own terms, will cease to apply when your State plan is approved and becomes effective.

### § 60.1530 Is there an approval process for a negative declaration letter?

No, the EPA has no formal review process for negative declaration letters. Once your negative declaration letter has been received, EPA will place a copy in the public docket and publish a notice in the FEDERAL REGISTER. If, at a later date, an existing small municipal waste combustion unit is identified in your State, the Federal plan implementing the emission guidelines contained in this subpart will automatically apply to that municipal waste combustion unit until your State plan is approved.

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### § 60.1535 What compliance schedule must I include in my State plan?

(a) Your State plan must include compliance schedules that require small municipal waste combustion units to achieve final compliance or cease operation as expeditiously as practicable but not later than the earlier of two dates:

(1) December 6, 2005.

(2) Three years after the effective date of State plan approval.

(b) For compliance schedules longer than 1 year after the effective date of State plan approval, State plans must include two items:

(1) Dates for enforceable increments of progress as specified in § 60.1590.

(2) For Class I units (see definition in § 60.1940), 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 § 60.1790.

(c) Class I units that commenced construction after June 26, 1987 must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 of this subpart by the later of two dates:

(1) One year after the effective date of State plan approval.

(2) One year following the issuance of a revised construction or operation permit, if a permit modification is required.

### § 60.1540 Are there any State plan requirements for this subpart that supersede the requirements specified in subpart B?

Subpart B of this part establishes general requirements for developing and processing CAA section 111(d) plans. This subpart applies instead of the requirements in subpart B of this part, for two items:

(a) *Option for case-by-case less stringent emission standards and longer compliance schedules.* State plans developed to implement this subpart must be as protective as the emission guidelines contained in this subpart. State plans must require all municipal waste combustion units to comply no later than December 6, 2005. That requirement applies instead of the option for case-by-case less stringent emission standards