SUMMARY: OSM is correcting a proposed rule that appeared in the **Federal Register** of December 29, 1997 (62 FR 67592). This document announced receipt of a proposed amendment to the Texas abandoned mine land reclamation plan (hereinafter referred to as the ''Texas program'') under the Surface Mining Control and Reclamation Act of 1997 (SMCRA).

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Telephone: (918) 581–6430.

In **Federal Register** document 97–33662 beginning on page 67592 in the issue of Monday, December 29, 1997, make the following corrections:

1. On page 67593 in the first column under the heading **SUMMARY,** ''acquire'' in line 24 should be ''acquired.''

2. On page 67593 in the first column under the heading **ADDRESSES**, ''Texas'' in line five of the third paragraph should be ''Oklahoma.''

3. On page 67593 in the second column under number 1.a. in line two, ''Sec. 12,805'' should be ''Sec. 12.805.''

4. On page 67594 in the first column, in line three, the ''p'' in ''paragraph'' should be capitalized.

5. On page 67594 in the first column, in line 17, the ''i'' in ''it'' should be capitalized.

6. On page 67594 in the third column under number 17 in line 5 of the paragraph, the ''c'' in ''commission'' should be capitalized.

7. On page 67595 in the first column in the heading of number 22, ''Section 21.820'' should be ''Section 12.820.''

8. On page 67595 in the first column in the paragraph under the heading ''Public Hearing,'' the word ''INFORMAITON'' in line three should be ''INFORMATION.''

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 15, 1998.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98–1652 Filed 1–22–98; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[AD–FRL–5951–5]

Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On December 19, 1995, EPA adopted emission guidelines for existing municipal waste combustor (MWC) units. Section 129 of the Act requires States with existing MWC units subject to the guidelines to submit plans to EPA that implement and enforce the emission guidelines. The State plans were due on December 19, 1996. States without MWC units subject to the emission guidelines must submit a negative declaration letter. Following receipt of a State plan, EPA has up to 6 months to approve or disapprove the plan. If a State with existing MWC units does not submit an approvable plan within 2 years after promulgation of the guidelines (i.e., December 19, 1997), the Clean Air Act (ACT) requires EPA to develop, implement, and enforce a Federal plan for MWC units in that State. In this action EPA proposes a Federal plan to implement emission guidelines for MWC units located in States where State plans have not been approved. For most of these States, the Federal plan would be an interim action because when a State plan is approved, the Federal plan will no longer apply to MWC units covered by the State plan. This proposed MWC Federal plan includes the same required elements as a State plan as specified in 40 CFR part 60, subpart B. These elements are: identification of legal authority; identification of mechanisms for implementation; inventory of affected facilities; emission inventory; emission limits; compliance schedules; public hearing requirements; reporting and recordkeeping requirements; and public progress reports. Also discussed in this preamble is Federal plan implementation and delegation of authority.

DATES: *Comments.* Comments on this proposal must be received on or before March 24, 1998.

Public Hearing. A public hearing will be held in Washington, DC if individuals request to speak. In addition, a public hearing will be held in any State with an MWC unit that would be covered by the proposed MWC Federal plan, if individuals request to speak. Requests to speak must be received by February 23, 1998. If requests to speak are received, one or more public hearings will be held. A message regarding the date and location of the public hearing(s) may be accessed by calling (919) 541–5339 after February 23, 1998.

ADDRESSES: *Comments.* Comments on this proposal should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (MC–6102), Attention Docket No. A–97–45, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments and data may be filed electronically by following the instructions in section I of **SUPPLEMENTARY INFORMATION** of this preamble.

Public Hearing. If timely requests to speak at a public hearing are received, a public hearing will be held in Washington, DC or in any State with an MWC unit that would be covered by the proposed MWC Federal plan. Persons wishing to present oral testimony should notify Ms. Julie Andresen, Program Review Group, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5339 at EPA. A message regarding the date and location of the public hearing(s) may be accessed by calling (919) 541–5339.

Docket. Docket numbers A–89–08, A–90–45, and A–97–45 contain the supporting information for this proposed rule and the supporting information for EPA's promulgation of emission guidelines for existing MWC units. These dockets are available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at EPA's Air and Radiation Docket and Information Center (Mail Code 6102), 401 M Street, SW, Washington, DC 20460, or by calling (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor, central mall). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information regarding this proposal, contact Ms. Julie Andresen at (919) 541–5339, Program Review Group, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For technical information, contact Mr. Walt Stevenson at (919) 541–5264, Combustion Group, Emission Standards Division (MD–13), U.S.

Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For information regarding the implementation of this Federal plan, contact the appropriate Regional Office (table 2) as shown in section I of Supplementary Information.

SUPPLEMENTARY INFORMATION:

I. Background of MWC Regulations and Affected Facilities

A. Background of MWC Regulations

On February 11, 1991 (56 FR 5488), EPA promulgated in the **Federal Register** emission guidelines for existing MWC units (40 CFR part 60, subpart Ca) under authority of section 111 of the Act as amended in 1977. On September 20, 1994, EPA proposed revised emission guidelines for MWC units (40 CFR part 60, subpart Cb) under sections 111 and 129 of the Act as amended in 1990. On December 19, 1995, EPA issued final emission guidelines applicable to small and large categories of MWC units.[1] *See* 60 FR 65387. On April 8, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated subpart Cb as it applies to MWC units with an individual capacity to combust less than or equal to 250 tons per day of municipal solid waste (MSW) (small MWC units), and all cement kilns combusting MSW, consistent with their opinion in *Davis County Solid Waste Management and Recovery District* v. *EPA,* 101 F.3d 1395 (D.C. Cir. 1996), amended, 108 F.3d 1454 (D.C. Cir. 1997). As a result, subpart Cb applies only to MWC units with an individual capacity to combust more than 250 tons per day of MSW per unit (large MWC units). On August 25, 1997 EPA published changes to the emission guidelines to address the court decision (62 FR 45116). Those changes went into effect on October 24, 1997.

States with existing large MWC units subject to the emission guidelines were required to submit to EPA a plan that implements and enforces the guidelines within 1 year after promulgation of the guidelines, or by December 19, 1996. The court's order that vacated the applicability of the guidelines to small MWC units and cement kilns did not affect the due date or the required content of State plans for large MWC units. The State plans due date remained December 19, 1996. Section 129(b)(3) of the Act requires EPA to develop, implement, and enforce a Federal plan for large units located in States that have not submitted an approvable plan within 2 years after promulgation of the guidelines, or by December 19, 1997. This action proposes a Federal plan for MWC units that are not covered by a State plan. The elements of the Federal plan are summarized in section II of this preamble.

B. MWC Federal Plan and Affected Facilities

This proposed MWC Federal plan would affect all MWC units with a combustion capacity greater than 250 tons per day of municipal solid waste (large MWC units) that commenced construction on or before September 20, 1994 that are located in: (1) Any State for which a State plan has not been approved; (2) any State whose State plan has been approved and subsequently vacated in whole or in part; or (3) any State with an approved State plan that subsequently revises any component of the plan (e.g., the underlying legal authority or enforceable mechanism) such that the State plan is no longer as protective as the emission guidelines. The specific applicability of this plan is described in §§ 62.14100 and 62.14102 of subpart FFF.

This proposed MWC Federal plan would not affect an MWC unit covered by an EPA approved State plan. If a State submits a State plan and that State plan is approved before promulgation of the Federal plan, the promulgated MWC Federal plan would not apply to MWC units covered by that State plan. Furthermore, promulgation of this MWC Federal plan does not preclude a State from submitting a State plan later. If a State submits a State plan after promulgation of the MWC Federal plan, EPA will review and approve or disapprove the plan. Upon approval of the State plan, the Federal plan would no longer apply. The EPA will periodically amend the exclusion table in § 62.14102 of subpart FFF to identify MWC units covered in the approved State plan that are excluded from Federal plan applicability. (See the discussion in *State Submits a State Plan After Large MWC Units Located in the State Are Subject to the Federal Plan—Full Transfer of Authority Through State Plan Approval* in section VI of this preamble.) States are, therefore, encouraged to continue their efforts to develop and submit State plans to EPA for approval.

To clarify which MWC units would and would not be covered, this proposed Federal plan lists in the exclusion table in § 62.14102 of subpart FFF those units, by State, to which the MWC Federal plan would not apply. Only the MWC units listed in that table are excluded from the proposed Federal plan. Large MWC units not listed in the exclusion table would be covered by the Federal plan. For example, if a large MWC is located in a State and the large unit is not either specifically listed in the applicability section of the State plan or covered by a general applicability clause in the State plan, the large MWC unit would be subject to the Federal plan. Also, large MWC units overlooked by a State that submitted a negative declaration letter would be subject to the Federal plan. As stated above, EPA expects additional State plans to be approved prior to promulgation of this rule. The promulgated Federal plan would list in the exclusion table, those additional units in States in which an approved State plan applies.

C. Status of State Plan Submittals

Many States are making significant progress on their State plans and EPA expects many State plans to be submitted in the next few months. Table 1 summarizes the status of State plans and negative declarations. The table is based on information from Regional Offices (A–97–45, II–I–5). The status of State plan submittals as of December 19, 1997 is as follows:

- The EPA has approved the State plans for Oregon and Florida and the MWC units covered in those State plans would not be covered by the proposed MWC Federal plan (The EPA has reviewed and approved the State plan for Illinois. However, the **Federal Register** notice approving the plan has not been published. Therefore, the approval of the Illinois State plan is not reflected elsewhere in this proposal.);
- The EPA has received a negative declaration letter from States listed in section I of table 1 stating that there are no large MWC units in these States; thus EPA is not expecting a State plan to be submitted from these States. However, in the unlikely event that large MWC units are subsequently identified in any of these States, this Federal plan would automatically apply to them;
- The EPA has received a State plan from States listed in section II of table 1 and the State plans currently are being reviewed by EPA. The proposed Federal plan would cover large MWC units in these States, but if these State plans are approved, the promulgated Federal plan would not cover units addressed in the approved State plans.
- The EPA has not received a State plan or a negative declaration letter from the States listed in section III of table 1. The large MWC units in these States would be subject to the proposed MWC Federal plan until a State plan applicable to large MWC units is approved by EPA.

[1] The small category comprised all MWC units located at facilities with total capacity to combust between 35 mg/day (40 tons per day), and 225 mg/day (250 tons per day) of MSW. The large category comprised all MWC units located at facilities with total capacity to combust greater than 250 tons per day of MSW.

TABLE 1.—STATUS OF STATES WITHOUT AN APPROVED STATE PLAN [a]

State	Status [b]
I. Negative declaration submitted to EPA	
Region I:	
Rhode Island	A
Vermont	A
Region II:	
Puerto Rico	A
Virgin Islands	A
Region III:	
Delaware	A
District of Columbia	A
West Virginia	A
Region IV:	
Kentucky	A
Mississippi	A
North Carolina	A
Region V:	
Wisconsin	A
Region VI:	
Arkansas	A
Louisiana	A
New Mexico	A
Texas	A
Region VII:	
Iowa	A
Kansas	A
Missouri	A
Nebraska	A
Region VIII:	
Colorado	A
Montana	A
North Dakota	A
South Dakota	A
Utah	A
Wyoming	A
Region IX:	
Arizona	A
Nevada	A
Region X:	
Alaska	A
Idaho	A
II. State plan submitted to EPA	
Region II:	
New York	B

TABLE 1.—STATUS OF STATES WITHOUT AN APPROVED STATE PLAN [a]—Continued

State	Status [b]
Region III:	
Maryland	B
Region IV:	
Georgia	B
Tennessee	B
Region V:	
Illinois	B
III. State plan or negative declaration not submitted to EPA	
Region I:	
Connecticut	C
New Hampshire	C
Maine	C
Massachusetts	C
Region II:	
New Jersey	C
Region III:	
Pennsylvania	C
Virginia	C
Region IV:	
Alabama	C
South Carolina	C
Region V:	
Indiana	C
Michigan	C
Minnesota	C
Ohio	C
Region VI:	
Oklahoma	C
Region VII:	
None.	
Region VIII:	
None.	
Region IX:	
American Samoa	C
California	C
Guam	C
Hawaii	C
Northern Mariana Islands	C
Region X:	
Washington	C

[a] Any large MWC units in these States are covered by the proposed Federal plan.

[b] Status codes.

A=Negative declaration submitted. No State plan is expected. However, in the unlikely event that large MWC units are subsequently identified in any of these States, this Federal plan would automatically apply to them.

B=State plan has been submitted and is being reviewed by EPA. If the plan is approved, MWC units in these States would not be subject to the promulgated Federal plan.

C=State plan or negative declaration submittal has not been received.

While section 129 of the Act specifies that the Federal plan would apply to units in any State that has not submitted an ''approvable'' plan by December 19, 1997, the proposed language in § 62.14100 refers to units in States for which a State plan has not been ''approved.'' Because this Federal plan will be promulgated in 1998, EPA expects to have approved or disapproved State plans that are submitted by December 19, 1997. Thus, when this Federal plan is promulgated, any ''approvable'' State plans that were submitted by December 19, 1997, will likely have been ''approved.''

Regulated Entities. Entities regulated by this action are existing MWC units with capacities to combust greater than 250 tons per day of MSW unless the unit is subject to a section 111(d)/129 State plan that has been approved by EPA. The EPA projects that this proposed MWC Federal plan could initially affect up to 143 MWC units at 59 plants in 23 States. However, many State plans are expected to be approved by the time the Federal plan is promulgated. Based on current expectations, this Federal plan may affect 53 MWC units at 21 plants by June 1998 and 13 MWC units at 4 plants by June 1999. Regulated categories and entities include:

Category	Examples of regulated entities
Industry and Local Government Agencies	Waste-to-energy plants that generate electricity or steam from the combustion of garbage by feeding municipal waste into large furnaces. Incinerators that combust trash but do not recover energy from the waste.

The foregoing table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this MWC Federal plan. For specific applicability criteria, see §§ 62.14100 and 62.14102 of subpart FFF.

Electronic Submittal of Comments. Comments and data may be submitted electronically via electronic mail (E-mail) or on disk. Electronic comments on this proposed rule may be filed via E-mail at most Federal Depository Libraries. E-mail submittals should be sent to A-and-R-Docket@epamail.epa.gov. No confidential business information should be submitted through E-mail. Comments and data also will be accepted on disks in WordPerfect 5.1 or 6.1 file format or ASCII file format. Electronic comments must avoid the use of special characters and any form of encryption. All comments and data for this proposal, whether in paper form or electronic forms, must be identified by docket number A–97–45.

Regional Office Contacts. For information regarding the implementation of the MWC Federal plan, contact the appropriate EPA Regional Office as shown in table 2.

TABLE 2.—EPA REGIONAL CONTACTS FOR MUNICIPAL WASTE COMBUSTORS

Regional contact	Phone No.	Fax No.
John Courcier, U.S. EPA, Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont), John F. Kennedy Federal Bldg., Boston, MA 02203–0001	(617) 565–9462	(617) 565–4940
Christine DeRosa, U.S. EPA, Region II (New Jersey, New York, Puerto Rico, Virgin Islands), 290 Broadway, New York, NY 10007–1866	(212) 637–4022	(212) 637–3901
James B. Topsale, U.S. EPA/3AP22, Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia), 841 Chestnut Bldg., Philadelphia, PA 19107	(215) 556–2190	(215) 566–2134
Brian Beals, Scott Davis, U.S. EPA/APTMD, Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), 345 Courtland St., N.E., Atlanta, GA 30365	(404) 562–9098 (404) 562–9127	(404) 562–9095
Douglas Aburano (MN), Mark Palermo (IL, IN, OH), Rick Tonielli (MI), Charles Hatten (WI), U.S. EPA/AT18J, Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), 77 W. Jackson Blvd., Chicago, IL 60604	(312) 353–6960 (312) 886–6082 (312) 886–6068 (312) 886–6031	(312) 886–5824
Mick Cote, U.S. EPA, Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1445 Ross Ave., Suite 1200, Dallas, TX 75202–2733	(214) 665–7219	(214) 665–7263
Wayne Kaiser, U.S. EPA, Region VII (Iowa, Kansas, Missouri, Nebraska), 726 Minnesota Ave., Kansas City, KS 66101	(913) 551–7603	(913) 551–7065
Mike Owens, U.S. EPA, Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 999 18th Street, Suite 500, Denver, CO 80202–2466	(303) 312–6440	(303) 312–6064
Patricia Bowlin, U.S. EPA/Air 4, Region IX (American Somoa, Arizona, California, Guam, Hawaii, Northern Mariana Islands, Nevada), 75 Hawthorne Street, San Francisco, CA 94105	(415) 744–1188	(415) 744–1076
Catherine Woo, U.S. EPA, Region X (Alaska, Idaho, Oregon, Washington), 1200 Sixth Ave., Seattle, WA 98101	(206) 553–1814	(206) 553–0404

II. Required Elements of the Proposed MWC Federal Plan

Sections 111(d) and 129 of the Act, as amended, 42 U.S.C. 7411(d) and 7429(b)(2), require States to develop and implement State plans for MWC units to implement and enforce the promulgated emission guidelines. Subparts B and Cb of 40 CFR part 60 require States to submit State plans that include specified elements. Because this Federal plan is being proposed in lieu of State plans, it includes the same essential elements: (1) identification of legal authority, (2) identification of mechanisms for implementation, (3) inventory of affected facilities, (4) emission inventory, (5) emission limits, (6) compliance schedules, (7) public hearing requirements, (8) reporting and recordkeeping requirements, and (9) public progress reports. Each State plan element is summarized below as it relates to this proposed MWC Federal plan.

A. Legal Authority and Mechanisms for Implementation

As a required element of a State plan, a State must demonstrate that it has the legal authority to adopt and implement the emission requirements and compliance schedules in the State plan. The State also must identify the enforceable State mechanism for implementing the emission guidelines (e.g., a State rule or other State enforcement mechanism). Section 129(b)(3) of the Act requires EPA to develop a Federal plan for States that do not submit an approvable State plan within 2 years after promulgation of the emission guidelines. By proposing this MWC Federal plan, EPA is fulfilling its obligation under the Act to establish emission limits and other requirements for MWC units in States that have not yet submitted approvable plans. The EPA is proposing a Federal regulation under the legal authority of the Act as the mechanism to implement the emission guidelines. However, as discussed in section VI of this preamble, implementation and enforcement of the Federal plan can be delegated to State and local agencies. Furthermore, when a State plan is approved, the Federal plan will no longer apply to MWC units covered by a State plan.

B. Inventory of Affected MWC Units

As a required element, a State plan must include a complete source inventory of MWC units affected by the emission guidelines. Consistent with the requirement for State plans to include an inventory of MWC units, docket A–97–45 contains an inventory of large MWC units covered by this proposed MWC Federal plan. The inventory is contained in a memorandum entitled ''Inventory and Emission Estimates for Large Municipal Waste Combustor Units Covered by the Proposed Federal Section 111(d)/129 Plan'' (A–97–45, II–B–1). Item II–B–1 serves both the MWC inventory requirement and the MWC emission inventory requirement, which will be discussed in the following section. The inventory is based on information available to EPA during development of the 1995 emission guidelines and recent information from EPA Regional Offices.

C. Inventory of Emissions

As a required element, a State plan must include an emission inventory for MWC units subject to the emission guidelines. The pollutants to be inventoried include dioxins/furans, cadmium (Cd), lead (Pb), mercury (Hg), particulate matter (PM), hydrogen chloride (HCl), nitrogen oxides (NO_X), carbon monoxide (CO), and sulfur dioxide (SO_2). For this proposal, EPA has estimated the emissions from each MWC unit that would be covered by the Federal plan for all pollutants regulated by the Federal plan. This emission inventory is item II–B–1 in docket A–97–45. Table 3 of this preamble summarizes the results of the inventory for those States that do not have an approved State plan. Pollutant emissions are expressed in megagrams per year (Mg/yr) for most pollutants and grams per year (g/yr) for dioxins. The emission inventory is based on information known about the combustor and uses emission factors contained in ''Compilation of Air Pollutant Emission Factors'' (AP–42). Refer to the emission estimates memorandum in docket A–97–45 for the complete emissions inventory and details on the calculations.

TABLE 3.—SUMMARY OF CURRENT EMISSIONS FROM LARGE MWC UNITS BY STATE

Region/state	Dioxins/ furans (g/yr)	Cd (Mg/yr)	Pb (Mg/yr)	Hg (Mg/yr)	PM (Mg/yr)	HCl (Mg/yr)	SO_2 (Mg/yr)	NO_X (Mg/yr)
Region I:								
Connecticut	53	0.027	0.477	1.74	78	144	476	3684
Maine	56	0.006	0.296	0.06	32	24	145	1334
Massachusetts	673	0.103	1.86	4.13	126	543	1466	5866
New Hampshire	15	0.002	0.024	0.2	13	48	109	277
Rhode Island	0	0	0	0	0	0	0	0
Vermont	0	0	0	0	0	0	0	0
Region II:								
New Jersey	394	0.014	0.521	2.35	56	145	499	2737
New York	619	0.304	1.33	4.61	156	2492	1911	5293
Puerto Rico	0	0	0	0	0	0	0	0
Region III:								
Delaware	0	0	0	0	0	0	0	0
District of Columbia	0	0	0	0	0	0	0	0
Maryland	493	0.277	1.084	2.47	89	2241	1332	1964
Pennsylvania	178	0.092	0.506	3.23	93	714	918	3571
Virginia	46	0.034	0.712	1.34	58	144	464	3007
Virgin Islands	0	0	0	0	0	0	0	0
West Virginia	0	0	0	0	0	0	0	0
Region IV:								
Alabama	2	0.003	0.025	0.05	7	22	58	383
Georgia	108	0.06	0.226	0.52	16	485	263	277
Kentucky	0	0	0	0	0	0	0	0
Mississippi	0	0	0	0	0	0	0	0
South Carolina	69	0.001	0.81	0.36	7	15	59	333
Tennessee	227	0.125	0.475	1.09	33	1019	551	583
Region V:								
Illinois	4	0.001	0.3	0.02	14	9	4	283
Indiana	28	0.011	0.087	0.96	23	75	199	1311
Michigan	465	0.084	0.837	1.03	89	627	589	3085
Minnesota	268	0.039	0.807	0.8	168	983	676	2717
Ohio	18	0.01	0.264	0.44	5	25	87	206
Wisconsin	0	0	0	0	0	0	0	0
Region VI:								
Arkansas	0	0	0	0	0	0	0	0
Louisiana	0	0	0	0	0	0	0	0
New Mexico	0	0	0	0	0	0	0	0
Oklahoma	244	0.134	0.509	1.17	36	1092	590	624
Texas	0	0	0	0	0	0	0	0
Region VII:								
Kansas	0	0	0	0	0	0	0	0
Iowa	0	0	0	0	0	0	0	0
Missouri	0	0	0	0	0	0	0	0
Nebraska	0	0	0	0	0	0	0	0
Region VIII:								
Colorado	0	0	0	0	0	0	0	0
Montana	0	0	0	0	0	0	0	0
North Dakota	0	0	0	0	0	0	0	0
South Dakota	0	0	0	0	0	0	0	0
Utah	0	0	0	0	0	0	0	0
Wyoming	0	0	0	0	0	0	0	0
Region IX:								
American Samoa	0	0	0	0	0	0	0	0
Arizona	0	0	0	0	0	0	0	0
California	31	0.011	0.094	1.04	25	81	216	1017
Guam	0	0	0	0	0	0	0	0
Hawaii	35	0.026	0.387	0.14	32	58	523	1646
Nevada	0	0	0	0	0	0	0	0
Northern Mariana Islands	0	0	0	0	0	0	0	0
Region X:								
Alaska	0	0	0	0	0	0	0	0
Idaho	0	0	0	0	0	0	0	0
Washington	10	0.004	0.029	1.19	8	25	67	318

D. Emission Limits

Emission Limits. As a required element, a State plan must include emission limits. Section 129(b)(2) requires these emission limits to be ''at least as protective as'' those in the emission guidelines. The emission limits in this proposed MWC Federal plan are the same as those contained in

the emission guidelines (40 CFR part 60, subpart Cb) as amended on August 25, 1997 (62 FR 45116). The emission limits and additional requirements are summarized in section V of this preamble. (See the discussion in *An Approved State Plan Is No Longer As Protective As The Emission Guidelines—Partial Transfer of Authority Through Delegation* in section VI of this preamble for a discussion of State plans that do not include the amended emission limits.)

The emission limits for all pollutants except NO_X can be achieved by the combination of good combustion practices (GCP), post-combustion control by a spray dryer with either an electrostatic precipitator (ESP) or a fabric filter, and supplemented with activated carbon injection. For MWC units requiring NO_X control, the limits can be achieved using selective noncatalytic reduction (SNCR). This combination of controls was determined to represent the Maximum Achievable Control Technology (MACT) under the section 129 guidelines. An MWC owner or operator is free to employ any techniques to comply with the proposed MWC Federal plan, as long as the numerical emission limits for all pollutants are met.

The emission guidelines, as amended on August 25, 1997, apply the emission limits for SO_2, HCl, Pb, and NO_X in two stages. The final guidelines require compliance with the emission limits in the 1995 guidelines by December 19, 2000 and compliance with the four amended emission limits by August 25, 2002. Specifically, the final emission guidelines require compliance with SO_2 and HCl limits of 31 parts per million by volume (ppmv) by December 19, 2000 and 29 ppmv by August 25, 2002. The lead limit is 0.49 milligrams per dry standard cubic meter (mg/dscm) by December 19, 2000, and 0.44 mg/dscm by August 25, 2002. The NO_X limit for one type of MWC, fluidized bed combustors, decreases. The four amended limits were added as a result of a court decision, as described in 62 FR 45116 (August 25, 1997).

This proposed Federal plan addresses the emission limits in 40 CFR part 60, subpart Cb, including the final amended limits for the four pollutants, and would require compliance with all limits by December 19, 2000. The same types of air pollution control technology served as the basis for both the 1995 and the amended limits: spray dryer/fabric filter or ESP, carbon injection, and SNCR for non-refractory combustor types. Large MWC units would need to install these controls by December 19, 2000 to meet the original limits, and as soon as the controls are installed, they will also meet the final, amended limits. Thus, for simplicity, this proposed Federal plan includes only the final, amended emission limits for these four pollutants.

Operator Training and Certification. The emission guidelines require American Society of Mechanical Engineers (ASME) or a comparable State program for operator certification for chief facility operators and shift supervisors, and an EPA or State MWC operator training course for chief facility operators. In States that have not yet submitted State plans or that do not have State operator training and certification programs, ASME certification and the EPA operator training course would be required. However, some States already have submitted to EPA either a partial or a complete State plan allowing State training courses and/or State certification programs. The EPA is reviewing these plans, but has not approved them yet, so the facilities in these States would be covered by this proposed MWC Federal plan until EPA approves the State plan. Because this Federal plan is an interim action until State plans are approved, the Federal plan includes State certification and State training courses if submitted in a State plan. Therefore, this proposed Federal plan would allow ASME or State certification in Connecticut and Maryland. This proposed Federal plan also would allow EPA or State operator training courses in Connecticut. The EPA requests information on whether other States that will be submitting plans in the near future have State certification programs and/or State operator training courses. If States submit this information to EPA before the end of the comment period for this proposal (March 24, 1998), EPA intends to allow State certification and State operator training courses in the promulgated Federal plan for those States.

NO_X Trading. The emission guidelines [§ 60.33b(d)] allow States to establish programs to allow owners or operators of existing MWC units to trade nitrogen oxide emission credits. At this time, no State has submitted such a program for approval as part of their State plan. However, a State could include such a program in a future State plan submittal for approval by the Administrator on a case-by-case basis prior to implementation. Trading programs are not included in the proposed MWC Federal plan for the following reasons: (1) No State has requested such a trading program; (2) these trading programs, if approved by the State, are to be proposed by the State for potential approval by EPA; and (3) at least one State has specifically excluded MWC units from their State trading program. States may still allow an owner or operator to use that State's NO_X trading program to meet the Federal plan emission limits. For example, if a State allows an owner or operator to use that State's NO_X trading program to meet the emission limits rather than retrofit control equipment, then the owner or operator would submit its trading approach to the State for case-by-case approval. Then, the State would follow that State's approved procedures for approving the owner or operator's approach and then the owner or operator would submit the State-approved, source-specific trading approach to EPA for case-by-case approval in time to commence the trading program by the date the final control plan is due for the specific MWC units. (See section II.E for additional discussion on determining the dates for achieving the increments of progress.) Please note that both the owner or operator and the State must act expeditiously in order to ensure that the public and EPA have sufficient time to review the specifics of the proposed trade. In general, EPA supports open market concepts, including trading, especially when they can be harnessed to achieve environmental limits, minimize costs, and EPA can ensure the technical validity and appropriate tracking of the parameters of the trade.

NO_X Emission Averaging. The emission guidelines allow States to allow the owner or operator of an affected facility to implement a NO_X emission averaging plan within an MWC plant with multiple MWC units. (*See* 40 CFR 60.33b(d), subpart Cb.) At this time, no State has submitted such plant-wide emission averaging for approval as part of their State plan, nor have any States approved such averaging as part of the initial compliance report as specified in 40 CFR 60.59b(f) or the annual compliance report specified in 40 CFR 60.59b(g), as applicable. Therefore, no source-specific averaging plans are included in this Federal plan. However, a State could propose a NO_X emission averaging plan in a future State plan submittal for potential approval by EPA prior to implementation. Furthermore, an owner or operator may propose to use plant-wide NO_X emission averaging to meet the Federal plan NO_X emission limits. The proposed NO_X emission averaging plan must be submitted in the initial compliance report specified in 40 CFR 60.59b(f) or annual compliance report

specified in 40 CFR 60.39b(g), as applicable, prior to implementation.

E. Compliance Schedules and Increments of Progress

As a required element, a State plan must include compliance schedules for retrofitting controls to comply with the emission guidelines. Because this proposed MWC Federal plan is being implemented in lieu of State plans, its compliance schedule includes the same five increments of progress as required in a State plan. The Federal plan increments of progress are consistent with the State plan requirements in 40 CFR 60.24 of subpart B. These increments of progress are required for compliance schedules that are longer than 12 months. The increments of progress in the Federal plan (and any approved State plan) are the primary mechanism for ensuring progress toward final compliance. Each increment of progress has a specified date for achievement.

This proposed Federal plan includes the five increments of progress and provides three options to establish the increment dates. Under all three options the five increment dates are defined and are enforceable. The Federal plan could function with only one option, but in order to provide maximum flexibility, this proposal includes three options. The EPA requests comments on each of the options and on the desirability of including these multiple options in the final Federal plan. Based on comments received, the final Federal plan will include one, two, or three options. All three options are discussed in more detail following the definitions for the increments of progress as listed below.

1. Increments of Progress

The increments of progress to be measured are: (1) Submitting a final control plan, (2) awarding contracts for control systems or process modifications or orders for purchase of components, (3) beginning on-site construction or installation of the air pollution control device(s) or process changes, (4) completing on-site construction or installation of the air pollution control device(s) or process changes, and (5) final compliance.

The MWC owner or operator is responsible for meeting each of these five increments of progress for each MWC unit no later than the applicable compliance date. The owner or operator must notify EPA as each increment of progress is achieved (or missed). The notification must identify the increment and the date the achieved increment was met (or missed). For an increment achieved late, the notification must identify the increment and the date the increment was ultimately achieved.

The owner or operator must mail the (post-marked) notification to the applicable EPA Regional Office within 10 business days of the increment date defined in the Federal plan. (See table 2 under the ''Supplementary Information'' section of this document for a list of Regional Offices.) The definition of each increment of progress follows:

Submit a Final Control Plan. To meet this increment, the owner or operator of each MWC unit must submit a plan that describes the air pollution control devices or process changes that will be employed so that each MWC unit complies with the emission limits and other requirements. The plan must include a complete analysis of the applicable regulatory requirements and methods of compliance and selected control technology options available to meet these requirements. (The EPA intends to provide compliance assistance information to MWC owners and operators upon request.) The final control plan also must contain engineering specifications and drawings of all air pollution control equipment planned to be installed and/or descriptions of planned process changes. The owner or operator of an MWC unit will typically use the services of architectural and engineering (A/E) firms to obtain the design drawings and other operational characteristics of air pollution control devices to include in the final control plan. The final control plan must include information of sufficient detail to be used to solicit bids to install the air pollution control devices or initiate the process changes. If an MWC owner or operator plans to close a unit rather than retrofit controls to comply with the Federal plan by the applicable compliance date, a final control plan for that unit is not required. The owner or operator, however, must notify EPA of such a cease operation decision by the date the final control plan is due. The owner or operator must also submit a legally enforceable cease operation agreement documenting the date by which the unit will cease operation if operations cease later than 1 year after promulgation of the Federal plan. (See section IV of this preamble for additional discussion of closed and closing units.)

Award Contract. To award contract means the MWC owner or operator enters into legally binding agreements or contractual obligations that cannot be canceled or modified without substantial financial loss to the owner or operator. The EPA anticipates that the owner or operator may award a number of contracts to complete the retrofit. To meet this increment of progress, the MWC owner or operator must award a contract or contracts to initiate on-site construction, initiate on-site installation of air pollution control devices, and/or incorporate process changes. The owner or operator must mail a copy of the signed contract(s) to EPA within 10 business days of entering the contract(s).

Initiate On-site Construction. To initiate on-site construction, installation of air pollution control devices, or process change means to begin any of the following:

- Installation of an air pollution control device to be used to comply with the final emission limits as outlined in the final control plan;
- Physical preparation necessary for the installation of an air pollution control device to be used to comply with the final emission limits as outlined in the final control plan;
- Alteration of an existing air pollution control device to be used to comply with the final emission limits as outlined in the final control plan;
- Alteration of the municipal waste combustion process to accommodate installation of an air pollution control device to be used to comply with the final emission limits as outlined in the final control plan; or
- Process changes identified in the final control plan being made to meet the emission standards.

Complete On-site Construction. To complete on-site construction means that all necessary air pollution control devices or process changes identified in the final control plan are in place, on site, and ready for operation on the MWC unit. If the owner or operator of an MWC unit is unable to complete on-site construction prior to December 19, 2000 and, therefore ceases an MWC unit's operation and plans to restart it, the owner or operator must notify EPA and enter into a legally enforceable cease operation agreement by the date the final control plan is due. (See section IV of this preamble for additional discussion of closed and closing units.)

Final Compliance. To be in final compliance means to incorporate all process changes or complete retrofit construction as designed in the final control plan and to 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 as designed. Within 180 days after the date the facility is required to achieve final compliance, the initial performance test must be conducted. On

or after the date the initial performance test is completed or is required to be completed, whichever is earlier, no pollutant may be discharged into the atmosphere from an affected facility in excess of the applicable emission limits.

2. Summary of Three Options for Determining Schedule Increment Dates

The proposed Federal plan includes three options for establishing the increment dates. The compliance schedule for facilities affected by this MWC Federal plan could be established by option 1 (generic compliance schedule proposed by EPA), option 2 (facility-specific schedule consistent with the State plan submitted to EPA by the State), or option 3 (facility-specific schedule submitted to EPA by the owner or operator of the MWC unit or the State). Under all three options the five increment dates would be defined and are enforceable.

In cases where option 2 or 3 has not been exercised, the owner or operator of an affected facility would be subject to option 1 (generic schedule). However, if the State or the MWC owner or operator submits a schedule that EPA approves (option 2 or 3), the owner or operator would be subject to that alternative schedule. Under option 2, States may submit increment schedules to EPA prior to the end of the comment period for this proposal March 24, 1998. Under option 3, an MWC owner or operator or the State may submit a schedule to EPA at the time the final control plan is due under the option 1 generic compliance schedule September 21, 1998. In options 2 and 3, EPA would review the schedules and incorporate them into the Federal plan. Each of the options is discussed in detail below.

Option 1. Generic Compliance Schedule. Option 1 is the generic default alternative. For MWC units covered by the Federal plan where State plans or compliance schedules have not been submitted, EPA is proposing generic compliance schedules and increments of progress. Alone, option 1 could be unnecessarily inflexible and reflects past approaches to regulatory compliance. However, option 1 is necessary to establish a baseline where neither option 2 nor 3 is exercised. Within option 1, the same generic schedule would apply to each MWC unit for all pollutants except dioxin and mercury. The compliance schedule for dioxin and mercury depends on the date of the MWC unit's construction, as described below.

The emission guidelines and section 129(b)(2) allow MWC units to complete retrofits or close no later than December 19, 2000. To be consistent with the emission guidelines, the final compliance date (for all pollutants except mercury and dioxin) in the proposed Federal plan is December 19, 2000. Because many MWC units are expected to retrofit combustion controls, as well as acid gas, PM, mercury, and/or NO_X controls to meet the emission limits (e.g., spray dryer/fabric filter or ESP, carbon injection, and/or SNCR), under this proposal they are given the maximum time (until December 19, 2000) to complete retrofits.

The emission guidelines require MWC units that commenced construction, reconstruction, or modification after June 26, 1987 to achieve compliance with the mercury and dioxin limits within 1 year after State plan approval (or 1 year after a revised construction permit or a revised operating permit is issued, if a permit modification is required, whichever is later). The EPA is, therefore, proposing to require compliance with the mercury and dioxin limits within 1 year after promulgation of the MWC Federal plan (or 1 year after a revised construction permit or a revised operating permit is issued, if a permit modification is required, whichever is later).

The EPA is proposing increments of progress as part of the generic compliance schedule. Tables in subpart FFF show the proposed increments of progress for pre-1987 units (December 19, 2000 schedule for all pollutants) and post-1987 units (1 year schedule for dioxin and mercury, December 19, 2000 schedule for all other pollutants).

While the generic compliance schedule is ambitious, EPA believes it is achievable because MWC owners and operators and States have known that they would need to install controls by December 19, 2000 as a result of the promulgation of the emission guidelines on December 19, 1995. Thus, MWC units already should have been developing their final control plans and should be ready to begin retrofits quickly. Furthermore, EPA believe that the generic compliance schedules are necessary to ensure final compliance by December 19, 2000.

The generic compliance schedule and increments of progress are based on case studies of four MWC plants that either completed or are in the process of completing retrofits of the controls needed to meet the subpart Cb emission limits. The EPA reviewed the retrofit schedules for MWC units at four MWC plants containing 12 MWC units. The retrofit case studies are documented in docket A–97–45 (II–A–1 through II–A–5).

The EPA compared the four retrofits to the increments of progress required by subpart B and determined appropriate time intervals for each increment. To provide maximum flexibility, the first three Federal plan increments are based on the maximum time required by any of the retrofits studied. The fourth increment was established to provide the maximum time to complete retrofits and still meet the final compliance date. The final increment (final compliance by December 19, 2000) is dictated by the Act.

The generic compliance schedule would apply to all MWC units subject to this MWC Federal plan, except those units that are subject to site-specific compliance schedules as submitted under option 2 or 3. If a large MWC unit will not complete construction and achieve final compliance by December 19, 2000, the guidelines allow and this proposed Federal plan would allow the unit to cease operation by December 19, 2000, complete the retrofit while not operating, and comply upon restarting. (See section IV of this preamble for a discussion of closed and closing units.)

Option 2. Site-specific Compliance Schedules Submitted by States. Under option 2, States would submit increment dates as negotiated with MWC owners or operators to EPA before the end of the comment period of this proposal. Following review and approval of these schedules, EPA would add them to the Federal plan. This assures the Federal plan is fully consistent with State plans that are approved after the Federal plan is promulgated. In some cases the State already has negotiated a retrofit schedule with the MWC owner or operator, determined what retrofit schedule is feasible, held public hearings, and considered public comments.

Several States have already submitted compliance schedules to EPA and these site-specific compliance schedules are included in this proposed Federal plan. The following States have submitted compliance schedules as of December 19, 1997: Georgia, New York, New Jersey, Maine, Maryland, Michigan, Minnesota, Pennsylvania, Tennessee, and Virginia. Some schedules have already been reviewed by EPA. Other schedules have not yet been reviewed because of their late arrival. The EPA will review these schedules concurrently with other compliance schedules submitted under this option. The site-specific compliance schedule table in subpart FFF contains the site-specific compliance schedules submitted to EPA. Some MWC units have already met some of their increments of progress.

Option 3. Site-specific Compliance Schedules Submitted by MWC Owners or Operators or the State. The third option for determining the compliance dates is for the MWC owner or operator or the State to submit a site-specific date for achieving increments 2, 3, and 4 to EPA for approval. The dates for increment 1 (submitting a final control plan) and increment 5 (achieving final compliance) would be the same as option 1. As documented in the retrofit studies (docket A–97–45), the date for achieving the first increment (September 21, 1998) reflects the maximum time required by any of the retrofits studied. The final increment compliance date (December 19, 2000) is dictated by the Act.

The EPA recognizes that flexibility may be needed for the award contract date, the start construction date, and the finish construction date given facility-specific retrofit considerations and constraints. Therefore, under option 3, EPA is requesting facility-specific compliance schedules from MWC owners or operators or the State.

The State or the MWC owner or operator (preferably after consulting with the State) would submit alternative dates for increments 2, 3, and 4 to EPA on September 21, 1998, at the time the final control plan is due. The MWC owner or operator would submit a copy of the compliance schedule to both EPA and the State. The EPA would review the schedule and coordinate with the owner or operator and the State. Following EPA approval, EPA would add the schedule to the site-specific compliance schedule table in subpart FFF as a technical amendment.

In summary, the proposed MWC Federal plan includes three options for defining the five increment dates. The EPA believes including all three options in the Federal plan maximizes flexibility and increases regulatory efficiency. The EPA specifically requests comments on each of the options provided in this proposal, as well as comments on the desirability of including only a subset of the options in the final Federal plan.

F. Record of Public Hearings

As a required element of a State plan, a State must include opportunity for public participation in developing, adopting, and implementing the State plan. For this MWC Federal plan, a public hearing will be held in Washington, DC, if individuals request to speak. In addition, a public hearing will be held in any State with an MWC unit covered by the proposed MWC Federal plan, if individuals request to speak. (See the Dates section of this preamble.) The hearing record will appear in docket A–97–45. A hearing would be held in Washington, DC because most of the MWC units affected by the Federal plan are located in the eastern United States and Washington, DC is easily accessible. Written public comments also are solicited. (See the Addresses section of this document.) The EPA will review and consider the oral and written comments in developing the final Federal plan.

G. Testing, Monitoring, Recordkeeping, and Reporting

As a required element, a State plan must include the test methods listed in 40 CFR 60.58b of subpart Eb and the recordkeeping and reporting requirements listed in 40 CFR 60.59b of subpart Eb. The proposed MWC Federal plan includes the same provisions.

H. Progress Reports

As a required element of a State plan, a State must submit to EPA annual reports on progress in the implementation of the emission guidelines. Emissions data would be reported to the Aerometric Emissions Information Retrieval System Facility Subsystem as specified in 40 CFR part 60, appendix D. If a State has been delegated authority to implement and enforce the proposed Federal plan, the State would submit annual progress reports to EPA, as required by 40 CFR 60.25(e) of subpart B. These reports can be combined with the State Implementation Plan report required by 40 CFR 51.32 of subpart Q, in order to avoid duplicative reporting. Each progress report should include compliance status, enforcement actions, increments of progress, identification of sources that have ceased operation or started operation, updated emission inventory and compliance information, and copies of technical reports on any performance testing and monitoring. For MWC units in States where authority has not been delegated, EPA intends to prepare annual progress reports.

III. Proposed Amendments to General Provisions of 40 CFR Part 62

The proposed Federal plan would be added as a new subpart to 40 CFR part 62. Part 62 currently contains approvals and promulgations of State plans developed under section 111(d) of the Act. The MWC Federal plan is developed under both sections 111(d) and 129 of the Act. This proposal would amend the general provisions (subpart A) of part 62 to specify that Federal plans are contained in part 62. It would also amend the introductory text in § 62.02 to refer to section 129, as applicable, in addition to section 111(d). This is necessary because MWC State plans that are approved and published in part 62, as well as the proposed Federal plan, are developed to meet the requirements of both sections 111(d) and 129 of the Act.

IV. Implications for Closed Units, Units That Plan To Close, and Units That Plan To De-Rate

The emission guidelines (40 CFR part 60, subpart Cb) require MWC units to comply with the emission limits or close within 3 years following approval of a State plan, but no later than December 19, 2000. Units subject to the Federal plan would also be required to comply or close by December 19, 2000. The Federal plan, consistent with the emission guidelines, would further require that if the owner or operator of a large MWC unit is planning to cease operation of the unit, the owner or operator must either cease operation of the unit within 1 year of promulgation of this Federal plan or submit a ''closure agreement'' (i.e., a cease operation agreement) that defines the date operation will cease. Cease operation agreements must be legally enforceable.

This section describes how this Federal plan addresses various categories of closed MWC units and de-rated MWC units, including:

- Dismantled MWC units;
- MWC units that have ceased operation;
- MWC units that will cease operation within 1 year of Federal plan promulgation;
- MWC units that will cease operation later than 1 year after Federal plan promulgation;
- MWC units that will cease operation and plan to restart after December 19, 2000; and
- MWC units that will de-rate (reduce capacity).

A. Dismantled Units

Units that are partially or fully dismantled are not required to be included in the MWC unit inventory that is an element of a State plan or this Federal plan. MWC units are partially or fully dismantled if they have been physically altered so they cannot operate. Dismantled units cannot be restarted without extensive work; and if they were restarted, they would be considered a new unit and would be subject to the subpart Eb new source performance standard (NSPS) rather than to the State or Federal plan for existing units.

B. Units That Have Ceased Operation

MWC units that are known to have ceased operation already (but are not known to be dismantled) are included in the inventory element of this proposed Federal plan. Such units must

also be identified in any State plans submitted to EPA. If the owner or operator of these inactive MWC units plans to restart these units before December 19, 2000, the units would be required to achieve the same compliance schedule required for other MWC units and final compliance would be achieved for all pollutants no later than December 19, 2000. In order to assure compliance by the required date, the owner or operator of units that have ceased operation, but who plans to restart the units before December 19, 2000, must submit a final control plan and the units must comply with the five increments of progress on the same generic schedule as other MWC units subject to this Federal plan. (See section II.E for a discussion of compliance schedules and increments of progress.)

If inactive MWC units will not be restarted until after December 19, 2000, a control plan would not be needed. However, the proposed Federal plan specifies that any units that have ceased operation and are planned to be restarted after December 19, 2000, must complete retrofit and comply with the emission limits and operational requirements immediately upon restarting. Performance testing to demonstrate compliance would be required within 180 days after restarting. The dates for increments of progress that lead to final compliance (e.g., awarding contracts, initiating on-site construction, completing on-site construction) would not need to be specified for units that have ceased operation and plan to restart after December 19, 2000, because these activities would occur before restart while the units are closed and have no emissions. If a unit was operated after December 19, 2000 without complying, it would be a violation of the Federal plan.

C. Units That Will Cease Operation Within 1 Year of Federal Plan Promulgation

The owner or operator of currently operating MWC units subject to this Federal plan who will cease operation of the units rather than comply with the emission limits would be required to notify EPA at the time that final control plans are due. The owner operator would specify whether the MWC units will cease operation within 1 year or at a later date. If the owner or operator notifies EPA that the MWC units will cease operation within 1 year of promulgation of this Federal plan, the owner or operator would not be required to enter into a cease operation agreement. However, if the owner or operator does not cease operation of the units by the date 1 year after promulgation, it would be a violation of the Federal plan.

D. Units That Will Cease Operation Later Than 1 Year After Federal Plan Promulgation

The owner or operator of an MWC unit that will cease operations more than 1 year after promulgation of the Federal plan would be required to notify EPA at the time the final control plan is due that the owner or operator will cease operation of the unit. The owner or operator of such an MWC unit also would need to enter into a legally enforceable cease operation agreement with EPA by the date the final control plan is due. The cease operation agreement would include the date that operation will cease. The owner or operator of an affected MWC unit that is ceasing operation more than 1 year after promulgation of this Federal plan would also submit data for dioxin/furan emission tests by the date 1 year after promulgation of this Federal plan per § 62.14109 of the proposed Federal plan rule. This requirement is consistent with subpart Cb. The cease operation agreement ensures that the MWC unit will cease operation by an agreed-upon enforceable date. In all cases, this date would be no later than December 19, 2000.

E. Units That Will Cease Operation and Plan to Restart After December 19, 2000

MWC units covered by this Federal plan that will cease operation can be restarted after December 19, 2000 if the units achieve compliance upon restarting. The proposed Federal plan allows for MWC units that cease operation by December 19, 2000 and then restart as part of their retrofit schedule, because it may not be feasible for the owner or operator of every MWC unit at every MWC plant to complete every unit's retrofit by December 19, 2000. Some owners or operators will wish to stagger retrofit of their units to maintain service. For example, an MWC plant owner or operator may complete retrofits on two of three MWC units before December 19, 2000 and those two units could remain in operation. The owner or operator could cease operation of the third unit on December 19, 2000 and complete the unit's retrofit prior to restarting. (Performance testing on the third unit would be conducted within 180 days of restarting the retrofitted MWC unit.)

If the owner or operator of MWC units covered by this Federal plan wishes to include ceasing operations as part of the retrofit schedule, the owner or operator would be required to notify EPA at the time the final control plan is due. The owner or operator would also enter into a cease operation agreement if the unit ceases operation later than 1 year after Federal plan promulgation as described in section IV.D. The proposed Federal plan specifies that when an MWC unit restarts after December 19, 2000, it must comply with the Federal plan emission limits and operational requirements upon restarting. There would be no need to establish and meet specific dates for the remaining increments of progress (i.e., awarding contracts, initiating on-site construction, completing on-site construction, and final compliance) because these increments would be completed while the unit is closed and there are no emissions. The proposed Federal plan specifies that the unit must achieve final compliance with the Federal plan emission limits and operating requirements as soon as it is restarted. The performance test to demonstrate compliance would be required within 180 days after restarting.

F. Units That Plan To De-rate

The proposed Federal plan would allow the owner or operator of an MWC unit to de-rate the capacity of an MWC unit to below 250 tons per day. Therefore, the MWC unit would be no longer be subject to the MWC Federal plan. De-rating means a permanent change that physically reduces the capacity of the MWC unit to less than 250 tons per day of MSW. (De-rating cannot be a permit provision, but must be a permanent physical restriction). The owner or operator that plans to de-rate an MWC unit would de-rate the unit on the same schedule and increments that the MWC unit would have had to follow if it were to be retrofit to meet the emission limits. For example, the owner or operator of an MWC unit that commenced construction before June 1987 that is subject to the proposed generic compliance schedule would need to submit a plan describing the specific physical changes and schedule for accomplishing the de-rating on the date the final control plan is due. The owner or operator would need to award a contract for the physical changes to the units to accomplish the de-rating by the date MWC units are required to award contracts for retrofit of air pollution control equipment. The owner or operator would need to initiate on-site construction and complete on-site construction to accomplish the de-rating by the dates for these increments specified in the proposed generic compliance schedule. Once the MWC unit physically is unable to combust

more than 250 tons per day, it would no longer subject to the MWC Federal plan.

V. Summary of Federal Plan Emission Limits and Requirements

The proposed MWC Federal plan (40 CFR part 62, subpart FFF), which will implement the emission guidelines, includes emission limits, operating practice requirements, operator training and certification requirements, and compliance and performance testing requirements. These emission limits and requirements are the same as those in the emission guidelines (40 CFR part 60, subpart Cb), as amended. Table 4 summarizes the requirements of the Federal plan rule (40 CFR part 62, subpart FFF).

TABLE 4.—SUMMARY OF FEDERAL PLAN REQUIREMENTS FOR EXISTING MWCS[a]

Applicability:

The Federal plan would apply to existing MWC units with capacities to combust greater than 250 tons per day of municipal solid waste unless the unit is subject to a section 111(d)/129 State plan that has been approved by EPA.

Unit size (MSW combustion capacity)	Requirement
> 250 tons per day (referred to as a large MWC unit)	Subject to provisions listed below.

Good Combustion Practices:

- A site-specific operator training manual would be required to be developed and made available for MWC personnel.
- The EPA or a State MWC operator training course would be required to be completed by the MWC chief facility operator, shift supervisors, and control room operators.
- The ASME (or State-equivalent) provisional and full operator certification would be required to be obtained by the MWC chief facility operator (mandatory), shift supervisors (mandatory), and control room operators (optional).
- The MWC load level would be required to be measured and not to exceed 110 percent of the maximum load level measured during the most recent dioxin/furan performance test.
- The maximum PM control device inlet flue gas temperature would be required to be measured and not to exceed the temperature 17°C above the maximum temperature measured during the most recent dioxin/furan performance test.
- The CO level would be required to be measured using a CEMS, and the concentration in the flue gas would be required not to exceed the following:

MWC type	CO level	Averaging time
Modular starved-air and excess-air	50 ppmv	4-hour.
Mass burn waterwall and refractory	100 ppmv	4-hour.
Mass burn rotary refractory	100 ppmv	24-hour.
Fluidized-bed combustion	100 ppmv	4-hour.
Pulverized coal/RDF mixed fuel-fired	150 ppmv	4-hour.
Spreader stoker coal/RDF mixed fuel-fired	200 ppmv	24-hour.
RDF stoker	200 ppmv	24-hour.
Mass burn rotary waterwall	250 ppmv	24-hour.

MWC Organic Emissions (measured as total mass dioxins/furans):

- Dioxins/furans (performance test by EPA Reference Method 23)

MWC units utilizing an ESP-based air pollution control system	60 ng/dscm total mass (mandatory) or 15 ng/dscm total mass (optional to qualify for less frequent testing).[b]
MWC units utilizing a nonESP-based air pollution control system	30 ng/dscm total mass (mandatory) or 15 ng/dscm total mass (optional to qualify for less frequent testing).[b]

- Basis for dioxin/furan limits GCP and SD/ESP or GCP and SD/FF, as specified above.

MWC Metal Emissions:

- PM (performance test by EPA Reference Method 5)
  27 mg/dscm (0.012 gr/dscf).
- Opacity (performance test by EPA Reference Method 9).
  10 percent (6-minute average).
- Cd (performance test by EPA Reference Method 29).
  0.040 mg/dscm (18 gr/million dscf).
- Pb (performance test by EPA Reference Method 29).
  0.44 mg/dscm (200 gr/million dscf).
- Hg (performance test by EPA Reference Method 29).
  0.080 mg/dscm (35 gr/million dscf) or 85-percent reduction in Hg emissions.
- Basis for PM, opacity, Cd, Pb, and Hg limits GCP and SD/ESP/CI or GCP and SD/FF/CI.

MWC Acid Gas Emissions:

- SO_2 (performance test by CEMS).
  29 ppmv or 80-percent reduction in SO_2 emissions.
- HCl (performance test by EPA Reference Method 26).
  29 ppmv or 95-percent reduction in HCl emissions.
- Basis for SO_2 and HCl limits.
  See basis for MWC metals.

Nitrogen Oxides Emissions:

- NO_X (performance test by CEMS):

Mass burn waterwall	205 ppmv.
Mass burn rotary waterwall	250 ppmv.
Refuse-derived fuel combustor	250 ppmv.
Fluidized bed combustor	180 ppmv.
Mass burn refractory	No NO_X control requirement.

• Basis for NO_X limits:	
MWC units except refractory	SNCR.
Refractory MWC units	No NO_X control requirement.
Fugitive Ash Emissions:	
• Fugitive Emissions (performance test by EPA Reference Method 22).	
Visible emissions 5 percent of the time from ash transfer systems except for maintenance and repair activities.	
• Basis for fugitive emission limit	Wet ash handling or enclosed ash handling.
Performance Testing and Monitoring Requirements:	
• Reporting frequency	Annual (semiannual if violation).
• Load, flue gas temperature	Continuous monitoring, 4-hour block arithmetic average.
• CO	CEMS, 4-hour block or 24-hour daily arithmetic average, as applicable.
• Dioxins/furans, PM, Cd, Pb, HCl, and Hg	Annual stack test.
• Opacity	COMS (6-minute average) and annual stack test.
• SO_2	CEMS, 24-hour daily geometric mean.
Fugitive ash emissions	Annual test
• NO_X	CEMS, 24-hour daily arithmetic average.
Compliance Schedule:	
See Section II.E of this preamble.	

[a] All concentration levels in the table are converted to 7 percent O_2, dry basis.
[b] Although not part of the dioxin/furan limit, the dioxin/furan total mass limits of 30 ng/dscm and 60 ng/dscm are equal to about 0.3 to 0.8 ng/dscm TEQ and 0.7 to 1.4 ng/dscm TEQ, respectively. The optional reduced testing limit of 15 ng/dscm total mass is equal to about 0.1 to 0.3 ng/dscm TEQ.

VI. Implementation of Federal Plan and Delegation

The EPA is required to promulgate emission guidelines that are applicable to existing solid waste incineration sources under sections 111(d) and 129 of the Act. However, the emission guidelines are not enforceable until EPA approves a State plan or promulgates a Federal Plan. In cases where a State has not submitted an approvable plan, the EPA must promulgate a MWC Federal plan for sources in the State as a ''stop-gap'' measure to implement the emission guidelines.

Congress has determined that the primary responsibility for air pollution control rests with State and local agencies. *See* the Act 101(a)(3). Sections 111 and 129 of the Act also intend for the States to take the primary responsibility for ensuring that emission reduction targets are met. The daily administration of a comprehensive air pollution control initiative, such as this MWC Federal plan, cannot be easily accomplished by EPA. Unnecessary Federal intrusion would inevitably result if EPA were to assume the primary burden of enforcing the MWC Federal plan. Accordingly, the EPA has designed the MWC Federal plan to facilitate the transfer of authority from EPA to State and local agencies. For example, the EPA has encouraged States to help determine compliance schedules and to provide operator training and certification requirements for this MWC Federal plan. The EPA has encouraged States to participate in the development of the MWC Federal plan to facilitate the transfer of implementation responsibility.

There are four mechanisms for transferring implementation responsibility to State and local agencies: (1) If EPA approves a State plan submitted to EPA after the Federal plan is promulgated, the State would automatically have authority to enforce and implement the State plan upon EPA approval; (2) if a State does not submit a State plan and does not have a State rule, EPA can use general delegation authority to delegate to State agencies authority to perform certain implementation responsibilities for this Federal plan to the extent allowed by State law; (3) if a State does not submit a State plan but adopts a State rule that is identical to, or as protective as, this Federal plan, then EPA can delegate implementation responsibilities to the State, and (4) if a State plan is modified such that it is no longer as protective as the emission guidelines, then EPA may delegate a portion of the Federal plan. Each of these different options is described in more detail below.

A. State Submits a State Plan After Large MWC Units Located in the State Are Subject to the Federal Plan—Full Transfer of Authority Through State Plan Approval

Even after an MWC unit in a particular State becomes subject to the Federal plan, the State or a local agency may still adopt and submit to EPA for approval a State plan (i.e., a State plan containing a State rule or other enforceable mechanism, inventories, records of public hearings, and all other required elements of a State plan). The EPA will determine if the State plan is as protective as the emission guidelines. If EPA determines that the State plan is as protective as the emission guidelines, EPA will approve the State plan. Upon approval of the State plan, the Federal plan will no longer apply to MWC units covered by the State plan and the State will implement and enforce the State plan in lieu of the Federal plan. (The EPA will periodically amend the Federal plan to identify MWC units that are covered in the approved State plan and, therefore, are not subject to the Federal plan.) Making the State plan effective immediately upon approval expedites a State's assumption of responsibility for implementing the 1995 emission guidelines through the State plan mechanism as intended by Congress. However, if EPA determines that the State plan is not as protective as the guidelines, EPA cannot approve the State plan.

B. State Takes Delegation of the Federal Plan (No State Plan or State Rule)—Partial Transfer of Authority Through Delegation

The State may assume implementation responsibilities even if there is no State plan or State rule in effect. To the extent authorized by State law, the EPA believes it is advantageous for State agencies to agree to undertake, on the EPA's behalf, administrative and substantive roles in implementing the Federal plan. These roles could include: procedural and engineering review of certain permit applications, administration and oversight of compliance reporting and recordkeeping requirements, conduct of source inspections, and preparation of draft notices of violation. The EPA would

retain responsibility for bringing enforcement actions against sources violating Federal plan provisions, as well as the authority to terminate, modify, or revoke permits. A Memorandum of Agreement between the appropriate EPA Regional Office and the air pollution control officer or executive officer of the responsible State agency would be used to transfer partial authority. The EPA would announce the terms of the partial delegation in a **Federal Register** notice, and would inform affected sources.

C. State Adopts a State Rule and Does Not Submit a State Plan—Full Transfer of Authority Through Delegation

A State may adopt a State rule that is identical to, or as protective as, the MWC Federal plan. The State can then be delegated authority to enforce the State rule, which serves to implement the Federal plan. Such a State can be delegated authority without submitting a full State plan (i.e., without a plan containing an inventory of emissions, public hearings, and all of the other State plan elements) because these elements would be included in the Federal plan that is being delegated to the State. The EPA would evaluate the State rule and, if it is identical to or as protective as the Federal plan, EPA will delegate authority to the State to implement the Federal plan by implementing and enforcing the approved State rule.

To assure timely transfer of implementation authority to States, it is desirable that each State (in which MWC units subject to the MWC Federal plan are located) quickly adopt a State rule that is identical to, or as protective as, the MWC Federal plan. If a State adopts an essentially indistinguishable rule, the EPA intends to delegate full implementation responsibilities to that State immediately following State adoption. The EPA would publish a notice of this delegation of the MWC Federal plan in the **Federal Register** and would, in conjunction with the State, make efforts to ensure that affected sources are aware that a State has assumed responsibility for implementing the MWC Federal plan.

In the event that the State fails to implement its own State rule or subsequently amends the State rule so that it is not as protective as the MWC Federal plan, the EPA will resume direct enforcement of the affected provisions of the MWC Federal plan and withdraw the delegation in whole or in part, as appropriate.

D. An Approved State Plan Is No Longer as Protective as the Emission Guidelines—Partial Transfer of Authority Through Delegation

The EPA could also delegate portions of the Federal Plan to a State under certain circumstances. An example would be a State with an approved State Plan that contains the 1995 emission limits. A State plan must incorporate the revised emission limits by 1 year after promulgation of the amendments. If a State plan does not incorporate the amended emission limits by August 25, 1998 (1 year after the promulgation of the amendments to the emission guidelines), then the State plan would no longer be as protective as the emission guidelines. Rather than withdrawing its approval of the entire State plan, the EPA could (to the extent authorized by State law) delegate that portion of the Federal Plan containing the revised emission limits (from the August 25, 1997 amendments) to the State. The State would retain responsibilities for all implementation and enforcement.

VII. Title V Operating Permits

All MWC sources subject to this MWC Federal plan must obtain a title V permit. Title V permits issued to sources subject to this MWC Federal plan must include all applicable requirements of this plan. Permitting authorities will enforce these requirements.

VIII. Units Subject to This Federal Plan and New Source Performance Standards

This section describes the relationship between the Federal plan and the three NSPS in terms of applicability and emission limits. The MWC emission guidelines apply and this proposed Federal plan would apply to MWC units larger than 250 tons per day in combustion capacity that commenced construction before September 20, 1994. There are also three new source performance standards (NSPS) that apply to MWC units.

The first NSPS for MWC units, 40 CFR part 60 subpart E, was promulgated in 1971. It applies to incinerators charging more than 45 Mg per day (50 tons per day) of MSW that were constructed or modified after August 17, 1971. Subpart E units that combust greater than 225 mg per day (250 tons per day) could also be subject to the Federal plan. The only pollutant regulated by subpart E is PM, and the PM limit is higher than the limit in the proposed Federal plan. Thus, MWC units complying with the Federal plan PM limit would also comply with the subpart E NSPS emission limit for PM.

The second NSPS, subpart Ea, was promulgated on February 11, 1991 and revised on December 19, 1995. This NSPS applies to MWC units with capacities to combust greater than 250 tons per day, that:

- Commenced construction after December 20, 1989 and on or before September 20, 1994; or
- Commenced modification or reconstruction after December 20, 1989 and on or before June 19, 1996. (''Modification'' and ''reconstruction'' are defined in 40 CFR part 60, subpart A.)

MWC units that started construction between December 20, 1989 and September 20, 1994 could be subject to both this proposed Federal plan (or an approved State plan) and the subpart Ea NSPS. MWC units must comply with the more stringent emission limit. The emission limits in the subpart Ea NSPS are as stringent or more stringent than the Federal plan (limits for the same pollutants) except for the PM and SO_2 limits. The PM and SO_2 limits in this Federal plan are slightly more stringent, but could be met using the same controls. Also this Federal plan has limits for three metals and fugitive ash that are not regulated by subpart Ea. Units already complying with subpart Ea also should be meeting the Federal plan emission limits, but will need to verify that they are indeed in compliance with the slightly more stringent PM, SO_2, and metals limits contained in the Federal plan.

The third NSPS, subpart Eb, applies to MWC units that:

(1) Commence construction after September 20, 1994, or

(2) Commence modification or reconstruction after June 19,1996. There is no overlap between the proposed Federal plan and the subpart Eb NSPS sources would not be subject to both rules. The emission limits in subpart Eb are as stringent or more stringent than the proposed Federal plan.

IX. Administrative Requirements

This section addresses the following administrative requirements: Docket, Paperwork Reduction Act, Executive Order 12866, Unfunded Mandates Reform Act, and Regulatory Flexibility Act. Many of these administrative requirements were addressed in the preamble to the 1995 emission guidelines (60 FR 65404–65413). Since today's proposed rule merely would implement the emission guidelines promulgated on December 19, 1995 (40 CFR part 60, subpart Cb) as they apply to large MWC units and does not impose any new requirements, many of the

following administrative requirements refer to the administrative requirements in the preamble to the 1995 rule.

A. Docket

As discussed above, a docket has been prepared for this action pursuant to the procedural requirements of section 307(d) of the Act, 42 U.S.C. 7607(d). Docket numbers A–89–08 and A–90–45 contain the supporting information for the December 19, 1995 promulgated emission guidelines. Because this proposed rule implements the emission guidelines, these same dockets also contain the supporting information for this proposed rule. Additional supporting information for this proposed rule is contained in docket number A–97–45.

B. Paperwork Reduction Act

The information collection requirements in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1847.01) and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, DC 20460 or by calling (202) 260–2740.

The information required by the Federal plan would be used by the Agency to ensure that the MWC Federal plan requirements are implemented and are complied with on a continuous basis. Required records and reports are necessary for EPA to identify MWC units that may not be in compliance with the MWC Federal plan requirements. Based on reported information, EPA would decide which units should be inspected and what records or processes should be inspected. The records that owners and operators of units maintain would indicate to EPA whether MWC personnel are operating and maintaining control equipment properly.

Because the MWC Federal plan is an interim action, EPA is presenting a range of estimated burden. The maximum burden reflects a worst-case scenario in which no additional State plans are approved within 3 years of the Federal plan promulgation. The minimum estimate reflects a more likely scenario in which all remaining State plans are in place at some point within 3 years following promulgation of the MWC Federal plan.

Based on a 1995 MWC inventory and recent information from EPA Regional Offices, this Federal plan is projected to affect a maximum of 143 MWC units at 59 plants in 23 States. A number of additional State plans will be approved by the time the Federal plan is promulgated, or within the year following promulgation. When a State plan is approved, the Federal plan no longer applies to MWC units covered in that State plan. Thus, the rule will more likely affect about 53 units at 21 plants as of June 1998 and 13 units at 4 plants as of June 1999. The burden has been estimated under both scenarios and is presented as a range.

The maximum estimated average annual burden for industry for the first 3 years after the implementation of the Federal plan would be 40,132 hours annually at a cost of $15,463,317 (including $1,561,654 in labor costs) per year to meet the monitoring, recordkeeping, and reporting requirements. The maximum estimated average annual burden, over the first 3 years, for the Agency would be 7,254 hours at a cost of $327,844 (including travel expenses) per year.

The minimum estimated average annual burden for industry for the first 3 years after the implementation of the Federal plan would be 2,677 hours annually at a cost of $1,285,000 (including $104,185 in labor costs) per year to meet the monitoring, recordkeeping and reporting requirements. The minimum estimated average annual burden for the first 3 years for the Agency would be 827 hours at a cost of $36,000 (including travel expenses) per year. The minimum burden is calculated for affected facilities in 5 States for the first year. The minimum burden is reduced to affected facilities in two States for the second year and no states are affected in the third year.

Burden means total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR part 15.

C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and, therefore, subject to OMB review and the requirements of the Executive Order. The EPA and OMB determined that this regulatory action is ''not significant'' under Executive Order 12866. The proposed Federal plan would simply implement the 1995 guidelines and does not result in any additional control requirements or impose any additional costs above those previously considered during promulgation of the 1995 emission guidelines. The EPA considered the 1995 emission guidelines and standards to be significant and the rules were reviewed by OMB in 1995 (*see* 60 FR 65405).

D. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a statement to accompany any rule where the estimated costs to State, local, or tribal governments, or to the private sector will be $100 million or more in any 1 year. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly impacted by the rule. An unfunded mandates statement was prepared and published in the 1995 promulgation notice (*see* 60 FR 65405 to 65412).

The EPA has determined that the proposed Federal plan does not include any new Federal mandates or additional requirements above those previously considered during promulgation of the 1995 emission guidelines. Therefore, the requirements of the Unfunded Mandates Act do not apply to this proposed rule.

E. Regulatory Flexibility Act (RFA)

Section 605 of the RFA requires Federal agencies to give special consideration to the impacts of regulations on small entities, which are defined as small businesses, small organizations, and small governments. During the 1995 rulemaking, EPA estimated that few, if any, small entities would be affected by the promulgated guidelines and standards, and therefore, a regulatory flexibility analysis was not required (*see* 60 FR 65413). This proposed Federal plan would not establish any new requirements; therefore, pursuant to the provisions of

5 U.S.C. 605(b), EPA certifies that this Federal plan will not have a significant impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Incorporation by reference.

Dated: January 14, 1997.

Carol M. Browner,

Administrator.

For reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is proposed to be amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Amend § 62.02 by revising paragraph (a) and adding paragraph (g) to read as follows:

§ 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.

* * * * *

(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 limits, compliance schedules, recordkeeping and reporting, performance testing, and monitoring requirements.

3. Amend subpart A by adding § 62.13.

§ 62.13 Federal plans.

The Federal plans apply to owners and operators of affected facilities that are not covered by an approved State plan, are located in any State for which a State plan has not been approved, or are located in any State whose State plan has been vacated in whole or in part. Affected facilities are defined in each Federal plan.

(a) The Federal plan for municipal waste combustors is contained in subpart FFF of this part.

(b) Landfills Federal plan. [Reserved]

(c) Medical waste incinerator Federal plan. [Reserved]

4. Amend part 62 by adding and by reserving subparts DDD and EEE as follows:

Subpart DDD—[Reserved]

Subpart EEE—[Reserved]

5. Amend part 62 by adding subpart FFF consisting of §§ 62.14100 through 62.14109 to read as follows:

Subpart FFF—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994

Sec.

62.14100 Scope.
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 operator 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.
Table 1 of Subpart FFF—Units Excluded From Subpart FFF
Table 2 of Subpart FFF—Nitrogen Oxides Requirements for Affected Facilities
Table 3 of Subpart FFF—Municipal Waste Combustor Operating Requirements
Table 4 of Subpart FFF—Generic Compliance Schedules and Increments of Progress (Pre-1987)
Table 5 of Subpart FFF—Generic Compliance Schedules and Increments of Progress (Post-1987)
Table 6 of Subpart FFF—Site-specific Compliance Schedules and Increments of Progress

Subpart FFF—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994

§ 62.14100 Scope.

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, subpart B. This municipal waste combustor Federal plan applies to each affected facility as defined in § 62.14102 that is not covered by a currently approved State plan.

§ 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 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.)

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.

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.

§ 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, in all States and protectorates except for the affected facilities listed in table 1 of this subpart. Notwithstanding the exclusions in table 1 of this subpart applies to affected facilities in any State that does not have a State plan currently approved.

(b) A municipal waste combustor unit regulated by an EPA approved State 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 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.

(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 facility 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 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 of subpart Eb, 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 of subpart Eb) 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, liquified 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.

§ 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 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).

§ 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) through (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 (incorporated by reference—see 40 CFR 60.17(h)(1) of subpart A)] or a State certification program in Connecticut and Maryland (if the affected facility is located in the respective State).

(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 (incorporated by reference—see 40 CFR 60.17(h)(1) of subpart A)] or a State certification program in Connecticut and Maryland (if the affected facility is located in the respective State).

(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;

(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 readily accessible location for 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.

§ 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 discharged 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 [date of publication of the 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. On and after the date the initial performance test is completed or is required to be completed, whichever is earlier, no pollutant may be discharged into the atmosphere from the affected facility in excess of the emission limits of this subpart.

(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 [date of publication of final rule] (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 that is submitting these alternative dates must meet the reporting requirements of § 62.14109(l).

(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 § 62.14109(j). After de-rating is accomplished, the municipal waste combustor affected facility is no longer subject to this subpart.

§ 62.14109 Reporting and recordkeeping 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, 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) and the notification of construction requirements under 40 CFR 60.59b (b) and (c) do not apply.

(2) 40 CFR 60.54b and 60.56b 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 40 CFR 60.58b(g)(5)(iii) 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 (instead of 7 nanograms specified in § 60.58b(g)(5)(iii) of Subpart Eb).

(e) The owner or operator of an affected facility that is taking longer than 1 year after [date of publication of the final rule] to comply with the emission limits of this subpart must submit notification to 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 [date of publication of the final rule] 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 [date of publication of the final rule] 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 the items in paragraphs (g)(1) through (g)(4) of this section.

(1) A complete analysis of the applicable regulatory requirements and methods of compliance and selected control technology options available to meet the requirements.

(2) 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.

(3) Engineering specifications and drawings of the air pollution control equipment and/or process changes that will be employed to comply with the emission limits and other requirements of this subpart.

(4) The same information that will be used to solicit bids to install the air pollution control devices or initiate the process changes.

(h) The owner or operator of an affected facility that is taking longer than 1 year after [date of publication of the final rule] 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 plans to cease operation of an affected facility on or before December 19, 2000 rather than comply 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 [date of publication of the final rule], 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.

(j) 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 contain the information in paragraphs (j)(1)(i) through (j)(1)(iv) of this section rather than the information in paragraph (g)(1) through (g)(4) 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.)

(iii) Engineering specifications and drawings of the physical changes that will be made to accomplish the de-rating.

(iv) The same information that will be used to solicit bids to initiate the physical changes.

(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.

(k) The owner or operator of an affected facility that is ceasing operation more than 1 year following [date of publication of the final rule] must submit performance test results by the date 1 year after the [date of publication of the final rule] for dioxin/furan emissions conducted during or after 1990 for each affected facility. The performance test shall be conducted according to the procedure in paragraph (b) of this section.

(l) 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 must also submit the alternative dates to the State.

Tables to Subpart FFF

TABLE 1 OF SUBPART FFF—MUNICIPAL WASTE COMBUSTOR UNITS (MWC UNITS) EXCLUDED FROM SUBPART FFF

State	MWC units
Oregon	MWC units at the following MWC sites: (a) Ogden Martin Systems, Marion County Oregon. (b) Coos County, Coos Bay, Oregon.
Florida	All affected facilities, as defined in § 62.14102, located in Florida.

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

Municipal waste combustor technology	Nitrogen oxides emission limit (parts per million by volume) [a]
Mass burn waterwall	205.
Mass burn rotary waterwall	250.
Refuse-derived fuel combustor	250.
Fluidized bed combustor	180.
Mass burn refractory combustors	No limit.

[a] Corrected to 7 percent oxygen, dry basis.

TABLE 3 OF SUBPART FFF—MUNICIPAL WASTE COMBUSTOR OPERATING REQUIREMENTS

Municipal waste combustor technology	Carbon monoxide emissions level (parts per million by volume) [a]	Averaging time (hrs) [b]
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
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

[a] 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.
[b] Averaging times are 4-hour or 24-hour block averages.

TABLE 4 OF SUBPART FFF—GENERIC COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS (PRE-1987) [a, b]

Affected facilities	Submit final control plan Increment 1	Award contracts Increment 2	Begin on-site construction Increment 3	Complete on-site construction Increment 4	Final compliance Increment 5
Affected facilities that commenced construction, modification, or reconstruction on or before June 26, 1987 (All pollutants).	[Insert date 240 days after publication in the **Federal Register**].	[Insert date 480 days after publication in the **Federal Register**].	[Insert date 660 days after publication in the **Federal Register**].	11/19/00	12/19/00

[a] 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.
[b] 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.

TABLE 5 OF SUBPART FFF—GENERIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS (POST-1987) [a, b]

Affected facilities	Submit final control plan Increment 1	Award contracts Increment 2	Begin on-site construction Increment 3	Complete on-site construction Increment 4	Final compliance Increment 5
Affected facilities that commenced construction modification, or reconstruction after June 26, 1987:					
1. Emission limits for Hg, dioxin/furan.	NA [c]	NA [c]	NA [c]	NA [c]	1 year after promulgation of this subpart or 1 year after permit issuance. [d]

TABLE 5 OF SUBPART FFF—GENERIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS (POST-1987)[a, b]—Continued

Affected facilities	Submit final control plan Increment 1	Award contracts Increment 2	Begin on-site construction Increment 3	Complete on-site construction Increment 4	Final compliance Increment 5
2. Emission limits for SO_2, HCl, PM, Pb, Cd, opacity CO, NO_X.	[Insert date 240 days after publication in the FEDERAL REGISTER].	[Insert date 480 days after publication in the FEDERAL REGISTER].	[Insert date 660 days after publication in the FEDERAL REGISTER].	11/19/00	12/19/00.

[a] 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.
[b] 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.
[c] Because final compliance is achieved in 1 year, no increments of progress are required.
[d] Permit issuance is issuance of a revised construction permit or revised operating permit, if a permit modification is required to retrofit controls.

TABLE 6 OF SUBPART FFF—SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS

Affected facilities at the following MWC sites	City, State	Submit final control plan Increment 1	Award contracts Increment 2	Begin construction Increment 3	Complete on-site compliance Increment 4	Final compliance Increment 5
Group A						
Savannah Energy Systems Co.	Savannah, Georgia.	NA	NA	NA	12/31/97	02/28/98.
Nashville Thermal Transfer Corp.	Nashville, Tennessee.	NA	NA	NA	05/01/99	07/01/99.
Group B [a]						
All large MWC units.	Maine	10/01/98	01/01/99	07/01/99	09/01/00	12/19/00.
Baltimore Resco	Baltimore, Maryland.	NA	NA	04/01/98	09/01/00	12/19/00.
Hennepin Energy Resource Corp.	Minneapolis, Minnesota.	NA	NA	NA	NA	04/30/98.
United Power Association.	Elk River, Minnesota.	NA	NA	12/30/99	06/30/99	12/19/00.
Northern States Power—Wilmarth.	Mankato, Minnesota.	10/30/98	03/01/99	09/01/99	11/19/00	12/19/00.
Northern States Power—Red Wing.	Red Wing, Minnesota.	01/30/99	07/30/99	04/30/00	11/19/00	12/19/00.
All large MWC units.	Michigan	03/01/99	09/01/99	12/01/99	11/19/00	12/19/00 [b].
Any facility complying by use of NO_X trading [c].	New Jersey	12/15/99	01/15/00	03/15/00	07/15/00	12/19/00.
Westchester RESCO.	Westchester County, New York.	NA	NA	01/01/98	12/19/00	12/19/00.
Adirondack Resource Recovery Facility.	Hudson Falls, New York.	10/16/98	01/15/00	04/08/00	11/14/00	12/19/00.
Onandaga County Resource Recovery Facility.	Onandaga County, New York.	No date required [d]	No date required [d]	No date required [d]	No date required [d]	Within 1 year after State plan approval [or Federal plan promulgation].
Niagra Resource Recovery Facility.	Niagra Falls, New York.	No date required [d]	No date required [d]	No date required [d]	No date required [d]	Within 1 year after State plan approval [or Federal plan promulgation].
Huntington Resource Recovery Facility.	East Northport, New York.	10/01/99	10/15/99	03/15/00	07/15/00	08/01/00.
Babylon Resource Recovery Facility.	West Babylon, New York.	09/15/99	10/15/99	2/15/00	07/01/00	07/19/00.

TABLE 6 OF SUBPART FFF—SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS—Continued

Affected facilities at the following MWC sites	City, State	Submit final control plan	Award contracts	Begin construction	Complete on-site compliance	Final compliance
		Increment 1	Increment 2	Increment 3	Increment 4	Increment 5
Hempstead Resource Recovery Facility.	Westbury, New York.	05/09/98	TBD [e]	TBD [e]	TBD [e]	12/19/00.
Whellabrator Falls; Harrisburg Authority; American Ref-Fuel; Lancaster Resource Energy; Monteney Energy Resource of Montgomery County; York County Solid Waste and Refuse Authority.	Pennsylvania	3 months after issuance of FESOP [f] [or Federal plan promulgation].	3 months after issuance of FESOP [f] [or Federal plan promulgation].	18 months after issuance of FESOP [f] [or Federal plan promulgation].	30 months after issuance of FESOP [f] [or Federal plan promulgation].	12/19/00.[g]
I–95 Energy/Resource Recovery Facility.	Lorton, Virginia	06/01/98	08/01/98	12/01/98	10/01/99	11/01/99.
Alexandria/ Arlington Resource Recovery Facility.	Alexandria, Virginia.	06/01/98	08/01/98	12/01/98	10/01/99	11/01/99.

NA=not applicable; increment already met.
TBD=to be determined.

[a] The schedules from Group B have not been reviewed by EPA due to their recent arrival. They will be examined for acceptability at the same time as those received during the comment period of this proposal. All schedules contained in the final Federal plan will be reviewed and approved by EPA.

[b] For mercury and dioxins, combustors that commenced construction after June 26, 1987, must comply by 09/01/99 or within 12 months of issuance of permit to install, whichever is later.

[**Note:** 09/01/99 date may be modified to 1 year after Federal plan promulgation].

[c] Applies only to NO_X emission limits. Other pollutants would follow Federal plan generic schedule.

[d] Because final compliance is achieved in 1 year, no increments of progress are required.

[e] The facility will propose these increments in the control plan to be submitted on 05/09/98.

[f] Pennsylvania is implementing their State plan through Federally Enforceable State Operating Permits (FESOP).

[g] Pennsylvania proposes 08/26/02 final compliance date for supplemental emission limits in 40 CFR 60, subpart Cb promulgated August 25, 1997. For mercury and dioxins, 1 year after State plan approval [or Federal plan promulgation] or 1 year after issuance of a revised permit if a permit modification is required.

[FR Doc. 98–1521 Filed 1–22–98; 8:45 am]
BILLING CODE 6560–50–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Parts 51–5, 51–6, 51–8, 51–9, and 51–10

Miscellaneous Amendments to Committee Regulations

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed rule.

SUMMARY: The Committee is proposing to make changes to its regulations to clarify them and improve the efficiency of operation of the Committee's Javits-Wagner-O'Day (JWOD) Program. The Committee is also proposing to make changes in its regulations to correct its mailing address after a recent office move.

DATES: Submit comments on or before March 24, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: G. John Heyer (703) 603–0665. Copies of this notice will be made available on request in computer diskette format.

SUPPLEMENTARY INFORMATION: The Committee is proposing to amend 41 CFR 51–5.2 to add a new paragraph (e) to its mandatory source requirement. The new paragraph will require Government contracting activities which have bundled JWOD services into larger contract requirements to require their prime contractors to contract with the JWOD nonprofit agencies for performance of those services. The provision would place the same obligation on Government contracting activities and their prime contractors if the Committee added a bundled service to the Procurement List after the bundling occurred. A similar regulatory provision for JWOD commodities appears at 41 CFR 51–5.2(c).

The Committee is also proposing a set of regulatory revisions to create a provision (new 41 CFR 51–6.14) for addition of replacement services to the Procurement List, similar to the provision at 41 CFR 51–6.13 on replacement commodities. This new provision is a response to service relocations which are part of current Government downsizing initiatives.

Lastly, the Committee is proposing to amend those provisions of its regulations which state its mailing address, as the address changed in November 1997. The provisions appear in the Committee's Freedom of Information Act, Privacy Act, and nondiscrimination regulations at 41 CFR