

documents should make an appointment with the EPA Region 6 Office at least two working days in advance.

Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2833.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth W. Boyce, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-7259.

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever “we”, “us”, or “our” are used we mean the EPA.

**I. What Is the Background for This Action?**

Section 129 of the CAA requires us to develop new source performance standards (NSPS) and emission guidelines (EG) for each category of solid waste incineration units which includes these categories addressed in today’s notice: (1) Existing large municipal waste combustion units; (2) existing hospital/medical/infectious waste incinerator units, (3) existing small municipal waste combustion units, and (4) existing commercial and industrial solid waste incinerator units. Such standards shall include emissions limitations and other requirements applicable to new units and guidelines required by section 111(d) of the CAA.

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines for such existing sources. A designated pollutant is “any air pollutant, emissions of which are subject to a standard of performance for new stationary sources but for which no air quality criteria has been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA.” 40 CFR 60.21(a).

Section 129(b) of the CAA also requires us to develop an EG for each category of existing solid waste incineration units. Under section 129 of the CAA, the EG is not federally enforceable. Section 129(b)(2) requires states to submit State Plans to EPA for approval. State Plans must be at least as

protective as the EG, and they become Federally enforceable upon EPA approval.

Emission guidelines and compliance times for large municipal waste combustion units constructed on or before September 20, 1994, were promulgated on December 19, 1995 (60 FR 65387) at 40 CFR part 60, subpart Cb. The Federal plan was promulgated on November 12, 1998 (63 FR 63191) at 40 CFR Part 62, subpart FFF.

Emission guidelines and compliance times for hospital/medical/infectious waste incinerators constructed on or before June 20, 1996, were promulgated on September 17, 1997 (62 FR 48348) at 40 CFR part 60, subpart Ce. The Federal plan was promulgated on August 15, 2000 (65 FR 49868) at 40 CFR Part 62, subpart HHH.

Emission guidelines and compliance standards for small municipal waste combustion units constructed on or before August 30, 1999, were promulgated on December 6, 2000 (65 FR 76350) at 40 CFR part 60, subpart BBBB. The Federal plan was promulgated on January 31, 2003 (68 FR 5144) at 40 CFR part 62, subpart JJJ.

The emission guidelines and compliance times for existing commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999, were promulgated December 1, 2000 (65 FR 75338) at 40 CFR part 60, subpart DDDD. The Federal plan has not been promulgated as of the date of this notice. EPA proposed approval of the Federal plan on November 25, 2002 (67 FR 70640).

The status of our approvals of State plans for designated facilities (often referred to as “111(d) plans” or “111(d)/129 plans”) is given in separate subparts in 40 CFR part 62, “Approval and Promulgation of State Plans for Designated Facilities and Pollutants.” The Federal plan requirements for existing solid waste incineration units are also codified in separate subparts at the end of part 62.

Procedures and requirements for development and submission of state plans for controlling designated pollutants are given in 40 CFR part 60, “Standards of Performance for New Stationary Sources,” subpart B, “Adoption and Submittal of State Plans for Designated Facilities” and in 40 CFR part 62, subpart A, “General Provisions.” If a State does not have any

existing sources of a designated pollutant located within its boundaries, 40 CFR 62.06 provides that the State may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of 40 CFR Part 60, subpart B, for that designated facility. In the event that a designated facility is located in a State after a negative declaration has been approved by EPA, 40 CFR 62.13 requires that the Federal plan for the designated facility, as required by section 129 of the CAA and 40 CFR 62.02(g), will automatically apply to the facility.

This **Federal Register** action approves negative declarations for the following: existing large municipal waste combustion units, existing hospital/medical/infectious waste incinerators, existing small municipal waste combustion units, and existing commercial and industrial solid waste incineration units.

**II. State Submittals**

*A. Existing Large Municipal Waste Combustion Units Negative Declaration From the City of Albuquerque (Bernalillo County), New Mexico*

The City of Albuquerque (Bernalillo County) submitted a letter dated September 10, 2002 certifying there are no existing municipal waste combustion units in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board subject to 40 CFR part 60, subpart Cb. This negative declaration meets the requirements of 40 CFR 62.06.

*B. Hospital/Medical/Infectious Wastes Incinerators Negative Declarations From the State of New Mexico and the City of Albuquerque (Bernalillo County), New Mexico*

The New Mexico Environment Department and the City of Albuquerque (Bernalillo County) have submitted letters certifying that there are no existing hospital/medical/infectious waste incinerators subject to 40 CFR part 62, subpart Ce, under their jurisdictions in the State of New Mexico, and Bernalillo County, New Mexico. These negative declarations meet the requirements of 40 CFR 62.06. The dates that these letters were submitted are identified in the table below.

State agency that submitted the negative declaration	Date of letter to EPA Region 6 Office
New Mexico Environment Department .....	September 14, 1998.