

regulated by an EPA approved and effective State or Tribal plan. A small MWC unit is defined as any MWC unit

with a combustion design capacity of 35 to 250 tons per day of municipal solid waste (MSW) that commenced

construction on or before August 30, 1999. This Federal plan affects the following categories of sources:

Category	NAICS codes	SIC codes	Examples of regulated entities
Industry, Federal government, and State/local/Tribal governments.	562213, 92411	4953, 9511	Solid waste combustors or incinerators at waste-to-energy facilities that generate electricity or steam from the combustion of garbage (typically municipal waste); and solid waste combustors or incinerators at facilities that combust garbage (typically municipal waste) and do not recover energy from the waste.

This list is not intended to be exhaustive, but rather provides a guide regarding the entities potentially regulated by this Federal plan. The small MWC Federal plan primarily impacts facilities in North American Industrial Classification System (NAICS) codes 562213 and 92411, formerly Standard Industrial Classification (SIC) codes 4953 and 9511, respectively. Not all facilities classified under these codes will be affected. To determine whether a facility is regulated by this Federal plan, carefully examine the applicability criteria in §§ 62.15010 through 62.15035 of the Federal plan. If you have any questions regarding the applicability of this Federal plan to your small MWC unit contact the Regional Office listed in table 1.

Each small MWC unit will be subject to this Federal plan if any of the following is true on or after the effective date of the Federal plan:

(1) An applicable State or tribal plan has not become effective<sup>1</sup>;

(2) An applicable State or tribal plan was in effect but was subsequently vacated in whole or in part; or

(3) An applicable State or tribal plan was in effect but was subsequently revised such that it is no longer as protective as the emission guidelines.

Once an approved State or tribal plan is in effect, the Federal plan will no longer apply to a small MWC unit covered by such plan. An approved State or tribal plan is a plan that EPA has reviewed and approved based on the requirements in 40 CFR part 60, subpart B to implement and enforce 40 CFR part 60, subpart BBBB.

Today's adoption of this Federal plan does not preclude a State or tribe from submitting a State or tribal plan later. If a State or tribe submits a State or tribal plan after today's promulgation of the small MWC Federal plan, EPA will review and approve or disapprove the plan. Upon the effective date of EPA's approval of the State or tribal plan, the Federal plan will no longer apply, except those Federal plan provisions that may have been incorporated by reference under the section 111(d)/129 State or tribal plan, or delegated to the State by EPA.

If a small MWC unit was overlooked by a State and the State submitted a negative declaration letter, the small MWC unit will be subject to this Federal plan. The EPA believes that no small MWC units are located in Indian country. In the event that a small MWC unit is located in Indian country, the unit would be covered under this Federal plan, unless it is covered by an approved and effective tribal plan.

#### C. Status of State Plans

Twenty-two States have small MWC units and require State plans. (Depending on whether Pennsylvania's small MWC unit closes on schedule, Pennsylvania may not require a State plan.) A number of states have either submitted or are currently preparing their State plans. The EPA expects several State plans to be approved in the next few months. Table 2 summarizes the status of State plans as of today's date. The table is based on information provided by the EPA Regional Offices.

The following States have submitted State plans to the EPA: Connecticut, Florida, Maryland, Montana, New

Hampshire, and Utah. The small MWC units located in these States will be subject to the Federal plan until the State plan is approved and becomes effective. Small MWC units located in States with an approved and effective State plan will be subject to the Federal plan only in the event that the State plan is subsequently disapproved by EPA, in whole or in part.

The EPA has not received a State plan from the following states that are believed to have small MWC units: Alaska, Massachusetts, Maine, Michigan, Minnesota, New Jersey, New York, North Carolina, Oklahoma, Oregon, Tennessee, Texas, Virginia, Washington, and Wisconsin. Small MWC units located in these States are subject to this Federal plan until a State plan applicable to small MWC units is approved by the EPA and becomes effective.

As of today's date, the following States have submitted negative declaration letters: Alabama, Arizona, California, Colorado, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Nebraska, Nevada, North Dakota, Ohio, Puerto Rico, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and Wyoming. States that have not submitted a negative declaration letter but are believed to have no small MWC units include: American Samoa, Arkansas, Delaware, District of Columbia, Guam, Idaho, Louisiana, New Mexico, Northern Mariana Islands, and Virgin Islands. In the unlikely event that there are small MWC units located in any of these States, this Federal plan would automatically apply to them.

TABLE 2.—STATUS OF STATE PLANS

Region	State	Number of plants	Status
I .....	Connecticut .....	1	State plan has been submitted but is incomplete.
	Massachusetts .....	2	No State plan submitted.
	Maine .....	1	No State plan submitted.

<sup>1</sup> The effective date of a State or tribal plan from EPA's perspective (for purposes of State or tribal law, a State or tribal plan may have an earlier effective date) is 30 days after the State or tribal

plan final approval is published in the **Federal Register** if the final approval is via the regular regulatory procedure of proposal with opportunity for comment followed by promulgation. If the

approval is by direct final rulemaking, the effective date of the State or tribal plan is 60 days after the approval is published in the **Federal Register**, if no adverse comments are received.