

IV. Summary of the Federal Plan Limits and Requirements

The small MWC Federal plan contains the same subcategories, emission limits, and other requirements as the emission guidelines promulgated on December 6, 2000 (65 FR 76378). Refer to the attached regulation, 40 CFR part 62, subpart JJJ for the entire set of requirements. The major requirements are summarized in the following sections.

A. Subcategories of Small MWC Units

The small MWC unit population is subcategorized based on aggregate capacity of the plant where the individual small MWC unit is located. The resulting subcategories are as follows: Class I units are small MWC units located at plants with an aggregate plant capacity greater than 250 tons per day of municipal solid waste (MSW); Class II units are small MWC units located at plants with an aggregate plant capacity less than or equal to 250 tons per day of MSW.

B. Emission Limits and Operating Practice Requirements

In accordance with section 129(a)(4) of the Clean Air Act, the Federal plan contains emission limits for dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, sulfur dioxide, hydrogen chloride, nitrogen oxides, and carbon monoxide. The emission limits for Class I and Class II small MWC units are listed in tables 2 through 5 of subpart JJJ. The emission limits in the small MWC Federal plan are the same as those contained in the emission guidelines (40 CFR part 60, subpart BBBB). In addition to emission limits, the Federal plan contains the emission guideline requirements for unit operating load, flue gas temperature at the particulate matter control device inlet, and carbon feed rate as part of the required good combustion practices. The Federal plan also includes requirements for the control of fugitive ash emissions.

C. Compliance Schedules

The Federal plan includes required increments of progress for MWC units with compliance schedules that are longer than 12 months. The increments of progress in the Federal plan are the same as those in the emission guidelines and the primary mechanism for ensuring progress toward final compliance. Each increment of progress has a specified date for achievement.

This Federal plan includes five increments of progress for Class I units and two increments of progress for Class II units. The increments of progress for

Class I units are: Submitting a final control plan; awarding contracts for control systems or process modifications or orders for purchase of components; beginning on-site construction or installation of the air pollution control device(s) or process changes; completing on-site construction or installation of the air pollution control device(s) or process changes; and final compliance. For Class II units, dates for only the first and last increments are specified.

The MWC owner or operator is responsible for meeting each of the increments of progress for each MWC unit no later than the applicable date. The owner or operator must notify the EPA Regional Office as each increment of progress is achieved (or missed). (See table 1 under the **SUPPLEMENTARY INFORMATION** section of this notice for a list of Regional Offices.) Class I and Class II small MWC units are required to follow the generic compliance schedule in table 1 of subpart JJJ, unless the State or owner/operator submitted a site-specific compliance schedule that was approved by EPA and included in table 9 of subpart JJJ. Under the generic compliance schedule, Class I units are required to reach final compliance by November 6, 2005. Class II units are required to reach final compliance by May 6, 2005.

In the proposed Federal plan, EPA provided States or MWC owners or operators with the opportunity to submit to EPA a site-specific compliance schedule as negotiated between the State and an MWC owner or operator. This site-specific compliance schedule was included by EPA to allow flexibility for the award contract date, the start construction date, and the finish construction date. Site-specific schedules for Dutchess County RRF and Islip-Mac Arthur RRF in New York State, and Harrisburg Materials, Energy, Recycling and Recovery Facility in Pennsylvania have been included in table 9 of the final Federal plan.

D. Operator Training and Certification Requirements

In the Federal plan, ASME operator certification and the EPA MWC operator training course are required. The emission guidelines require ASME or a comparable State program for operator certification for chief facility operators and shift supervisors, and an EPA or comparable State MWC operator training course for chief facility operators. Therefore, the proposed Federal plan included the opportunity for States to submit a comparable State program for operator certification and

comparable State MWC training courses for inclusion in the final Federal plan. The States were required to submit this information before November 14, 2001. As of June 5, 2002, no States have submitted a comparable State program for operator certification or comparable State MWC training courses, so no such programs are included in the final Federal plan.

E. Testing, Monitoring, Recordkeeping, and Reporting

The small MWC Federal plan includes the same testing, monitoring, recordkeeping, and reporting requirements specified in 40 CFR part 60, subpart BBBB. Small MWC units subject to this Federal plan are required to conduct initial and annual stack testing to measure the emission levels of dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash. Continuous emission monitoring systems are required for monitoring oxygen (or carbon dioxide), sulfur dioxide, carbon monoxide, and nitrogen oxides. The owner or operator must also monitor the load level, the temperature of the flue gases at the inlet to the particulate matter air pollution control device, and the carbon feed rate if activated carbon is used to control dioxins/furans or mercury emissions.

In addition to the testing and monitoring requirements, the Federal plan includes recordkeeping and reporting requirements, which are intended to document compliance with the emission limits and operating requirements.

V. Implementation of the Federal Plan and Delegation

A. Background of Authority

Under sections 111(d) and 129(b) of the CAA, EPA is required to adopt emission guidelines that are applicable to existing solid waste incineration sources. These emission guidelines are not enforceable until a Federal plan or an EPA-approved State or tribal plan becomes effective. As discussed above, the Federal plan regulates small MWC units in a State or tribal area that does not have an EPA-approved plan.

Congress has determined that the primary responsibility for air pollution prevention and control rests with State and local agencies. See section 101(a)(3) of the CAA. Consistent with that overall determination, Congress established sections 111 and 129 of the CAA with the intent that the States and local agencies take the primary responsibility for ensuring that the emission limitations and other requirements in