

the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

*J. Executive Order 13211—Energy Effects*

This Federal plan is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

**List of Subjects in 40 CFR Part 62**

Environmental protection, Air pollution control, Incorporation by reference, Municipal waste combustion.

Dated: December 19, 2002.

**Christine Todd Whitman,**  
*Administrator.*

For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

**PART 62—[AMENDED]**

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

**Authority:** 42 U.S.C. 7401—7671q.

2. Section 62.02 is amended by revising paragraph (b) to read as follows:

**§ 62.02 Introduction.**

\* \* \* \* \*

(b)(1) If a State does not submit a complete, approvable plan, the Administrator may then promulgate a substitute plan or part of a plan. The promulgated provision, plus the approved parts of the State plan, constitute the applicable plan for purposes of the act.

(2) The part 60 subpart A of this chapter general provisions and appendices to part 60 apply to part 62, except as follows: 40 CFR 60.7(a)(1), 60.7(a)(3), and 60.8(a) and where special provisions set forth under the applicable subpart of this part shall apply instead of any conflicting provisions.

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3. Section 62.13 is amended by adding paragraphs (d) and (e) to read as follows:

**§ 62.13 Federal plans.**

\* \* \* \* \*

**(d) [Reserved]**

(e) The substantive requirements of the small municipal waste combustion unit Federal plan are contained in subpart JJJ of this part. These

requirements include emission limits, compliance schedules, testing, monitoring, and reporting and recordkeeping requirements.

4. Part 62 is amended by adding subpart JJJ to read as follows:

**Subpart JJJ—Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999**

**Introduction**

Sec.

62.15000 What is the purpose of this subpart?

62.15005 What are the principal components of this subpart?

**Applicability of This Subpart**

62.15010 Is my municipal waste combustion unit covered by this subpart?

62.15015 Can my small municipal waste combustion unit be covered by both a State plan and this subpart?

62.15020 Can my small municipal waste combustion unit be exempt from this subpart?

62.15025 How do I determine if my small municipal waste combustion unit is covered by an approved and currently effective State or Tribal plan?

62.15030 What are my obligations under this subpart if I reduce my small municipal waste combustion unit's combustion capacity to less than 35 tons per day?

62.15035 Is my small municipal waste combustion unit subject to different requirements based on plant capacity?

**Compliance Schedule and Increments of Progress**

62.15040 What are the requirements for meeting increments of progress and achieving final compliance?

62.15045 When must I complete each increment of progress?

62.15050 What must I include in the notifications of achievement of my increments of progress?

62.15055 When must I submit the notifications of achievement of increments of progress?

62.15060 What if I do not meet an increment of progress?

62.15065 How do I comply with the increment of progress for submittal of a final control plan?

62.15070 How do I comply with the increment of progress for awarding contracts?

62.15075 How do I comply with the increment of progress for initiating onsite construction?

62.15080 How do I comply with the increment of progress for completing onsite construction?

62.15085 How do I comply with the increment of progress for achieving final compliance?

62.15090 What must I do if I close my municipal waste combustion unit and then restart my municipal waste combustion unit?

62.15095 What must I do if I plan to permanently close my municipal waste combustion unit and not restart it?

**Good Combustion Practices: Operator Training**

62.15100 What types of training must I do?

62.15105 Who must complete the operator training course? By when?

62.15110 Who must complete the plant-specific training course?

62.15115 What plant-specific training must I provide?

62.15120 What information must I include in the plant-specific operating manual?

62.15125 Where must I keep the plant-specific operating manual?

**Good Combustion Practices: Operator Certification**

62.15130 What types of operator certification must the chief facility operator and shift supervisor obtain and by when must they obtain it?

62.15135 After the required date for operator certification, who may operate the municipal waste combustion unit?

62.15140 What if all the certified operators must be temporarily offsite?

**Good Combustion Practices: Operating Requirements**

62.15145 What are the operating practice requirements for my municipal waste combustion unit?

62.15150 What happens to the operating requirements during periods of startup, shutdown, and malfunction?

**Emission Limits**

62.15155 What pollutants are regulated by this subpart?

62.15160 What emission limits must I meet?

62.15165 What happens to the emission limits during periods of startup, shutdown, and malfunction?

**Continuous Emission Monitoring**

62.15170 What types of continuous emission monitoring must I perform?

62.15175 What continuous emission monitoring systems must I install for gaseous pollutants?

62.15180 How are the data from the continuous emission monitoring systems used?

62.15185 How do I make sure my continuous emission monitoring systems are operating correctly?

62.15190 Am I exempt from any 40 CFR part 60 appendix B or appendix F requirements to evaluate continuous emission monitoring systems?

62.15195 What is my schedule for evaluating continuous emission monitoring systems?

62.15200 What must I do if I choose to monitor carbon dioxide instead of oxygen as a diluent gas?

62.15205 What minimum amount of monitoring data must I collect with my continuous emission monitoring systems and is this requirement enforceable?

62.15210 How do I convert my 1-hour arithmetic averages into appropriate averaging times and units?