

**§ 60.23 Adoption and submittal of State plans; public hearings.**

(a) (1) Unless otherwise specified in the applicable subpart, within 9 months after notice of the availability of a final guideline document is published under § 60.22(a), each State shall adopt and submit to the Administrator, in accordance with § 60.4 of subpart A of this part, a plan for the control of the designated pollutant to which the guideline document applies.

(2) Within nine months after notice of the availability of a final revised guideline document is published as provided in § 60.22(d)(2), each State shall adopt and submit to the Administrator any plan revision necessary to meet the requirements of this subpart.

(c) (1) Except as provided in paragraphs (c)(2) and (c)(3) of this section, the State shall, prior to the adoption of any plan or revision thereof, conduct one or more public hearings within the State on such plan or plan revision.

(d) Any hearing required by paragraph (c) of this section shall be held only after reasonable notice. Notice shall be given at least 30 days prior to the date of such hearing and shall include:

(1) Notification to the public by prominently advertising the date, time, and place of such hearing in each region affected;

(2) Availability, at the time of public announcement, of each proposed plan or revision thereof for public inspection in at least one location in each region to which it will apply;

(3) Notification to the Administrator;

(4) Notification to each local air pollution control agency in each region to which the plan or revision will apply; and

(5) In the case of an interstate region, notification to any other State included in the region.

(f) The State shall submit with the plan or revision:

(1) Certification that each hearing required by paragraph (c) of this section was held in accordance with the notice required by paragraph (d) of this section; and

(2) A list of witnesses and their organizational affiliations, if any, appearing at the hearing and a brief written summary of each presentation or written submission.

**§ 60.6255 Am I affected by this subpart? What authorities does the EPA Administrator retain?**

(a) If you are the Administrator of an air quality program in a State or United States protectorate with one or more existing large municipal waste combustors that commenced construction on or before January 23, 2024, you must submit a State plan to the U.S. Environmental Protection Agency (EPA) that implements the emission guidelines contained in this subpart.

**§ 60.6305 Are any large municipal waste combustors exempt from my State plan?**

(a) *Small municipal waste combustors that combust less than 11 tons per day.* Units are exempt from your State plan if five requirements are met:

(1) The municipal waste combustor is subject to a federally enforceable permit limiting the amount of municipal solid waste combusted to less than 11 tons per day.

(2) You are notified by the owner or operator that the unit qualifies for the exemption.

(3) You receive from the owner or operator of the unit a copy of the federally enforceable permit.

(4) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.

(5) Beginning [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], the owner or operator of the unit submits the notification and data required by (a)(2) and (3) of this section as a portable document format (PDF) file electronically according to § 60.6605(e).

(b) ***Small power production units.*** Units are exempt from your State plan if five requirements are met:

(1) The unit qualifies as a small power production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(2) The unit combusts homogeneous waste (such as automotive tires or used oil, but excluding refuse-derived fuel) to produce electricity.

(3) You are notified by the owner or operator that the unit qualifies for the exemption.

(4) You receive documentation from the owner or operator that the unit qualifies for the exemption.

(5) Beginning [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], the owner or operator of the unit submits the notification and

data required by (b)(3) and (4) of this section as a PDF file electronically according to § 60.6605(e).

(c) ***Cogeneration units.*** Units are exempt from your State plan if five requirements are met:

(1) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(2) The unit combusts homogeneous waste (such as automotive tires or used oil, but excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(3) You are notified by the owner or operator that the unit qualifies for the exemption.

(4) You receive documentation from the owner or operator that the unit qualifies for the exemption.

(5) Beginning [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], the owner or operator of the unit submits the notification and data required by (c)(3) and (4) of this section as a PDF file electronically according to § 60.6605(e).

(d) ***Municipal waste combustors that combust only tires.*** Units are exempt from your State plan if four requirements are met:

(1) The municipal waste combustor combusts a single-item waste stream of tires.

(2) You are notified by the owner or operator that the unit qualifies for the exemption.

(3) You receive documentation from the owner or operator that the unit qualifies for the exemption.

(4) Beginning [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], the owner or operator of the unit submits the notification and data required by (d)(2) and (3) of this section as a PDF file electronically according to § 60.6605(e).

(g) ***Co-fired units.*** Units are exempt from your State plan if five requirements are met:

(1) The unit is a co-fired combustor as defined under § 60.6685 and has a federally enforceable permit limiting municipal solid waste combustion to 30 percent of the total fuel input by weight.

(2) You are notified by the owner or operator that the unit qualifies for the exemption.

(3) You receive from the owner or operator of the unit a copy of the federally enforceable permit.

(4) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.

(5) Beginning [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], the owner or operator of the unit submits the notification and data required by (g)(2) and (3) of this section as a PDF file electronically according to § 60.6605(e).

(h) ***Plastics/rubber recycling units.*** Units are exempt from your State plan if five requirements are met:

(1) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined under “Definitions” (§ 60.6685).

(2) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.

(3) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.

(4) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.

(5) Beginning [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], the owner or operator of the unit submits a notification that the pyrolysis/combustion is not subject to this subpart as a PDF file electronically according to § 60.6605(e).

(i) ***Units that combust fuels made from products of plastics/rubber recycling plants.***

Units are exempt from your State plan if two requirements are met:

(1) The unit combusts 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 feed stocks produced by plastics/rubber recycling units.

(2) The unit does not combust any other municipal solid waste.

**§ 60.6580 Where must I keep my records and for how long?**

(a) Keep all records onsite in paper copy or electronic format unless the Administrator approves another format. Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

**§ 60.6595 What records must I keep for continuously monitored pollutants or parameters?**

You must keep records of eight items.

(a) *Records of monitoring data.* Document eight parameters measured using continuous monitoring systems:

- (1) All 6-minute average levels of opacity.
- (2) All 1-hour average concentrations of sulfur dioxide emissions.
- (3) All 1-hour average concentrations of nitrogen oxides emissions.
- (4) All 1-hour average concentrations of carbon monoxide emissions.
- (5) All 1-hour average load levels of your municipal waste combustor.
- (6) All 1-hour average flue gas temperatures at the inlet of the particulate matter control device.
- (7) If you elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions instead of conducting performance testing, all 1-hour average concentrations of particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions.

(8) If you monitor emissions with a CEMS, you must indicate which data are CEMS data during warmup, startup, and shutdown.

(j) *Additional recordkeeping for continuous cadmium, lead, mercury, or hydrogen chloride monitoring systems.* In addition to the requirements of paragraphs (a) through (i), if you elect to install a continuous emission monitoring system for cadmium, lead, mercury, or hydrogen chloride, you must maintain the following additional records:

(4) Identify the date and time of commencement and completion of each period of excess emissions and parameter monitoring exceedances that occurs during warmups, startups, shutdowns, and malfunctions of the municipal waste combustor.

**§ 60.6605 What reports must I submit and in what form?**

(c) Within 60 days after the date of completing each performance test or continuous emissions monitoring systems (CEMS) performance evaluation that includes a relative accuracy test audit (RATA), you must submit the results following the procedures specified in paragraph (e) of this section. Data collected using test methods and performance evaluations of CEMS measuring RATA pollutants that are supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test or performance evaluation must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website. Data collected using test methods and performance evaluations of CEMS measuring RATA pollutants that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test or



performance evaluation must be included as an attachment in the ERT or an alternate electronic file.

(d) For the semiannual and annual reports specified under paragraph (a) of this section, beginning on [INSERT DATE 1 YEAR FROM THE DATE OF PUBLICATION IN THE FEDERAL REGISTER] or once the report template for this subpart has been available on the Compliance and Emissions Data Reporting Interface (CEDRI) website (<https://www.epa.gov/electronic-reporting-air-emissions/cedri>) for one year, whichever date is later, submit all subsequent reports using the appropriate electronic report template on the CEDRI website for this subpart and following the procedure specified in paragraph (e) of this section. The date report templates become available will be listed on the CEDRI website. Unless the Administrator or delegated state agency or other authority has approved a different schedule for submission of reports, the report must be submitted by the deadline specified in this subpart, regardless of the method in which the report is submitted.

(e) If you are required to submit notifications or reports following the procedure specified in this paragraph (e), you must submit notifications or reports to the EPA via the CEDRI, which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report or notification, you must submit a complete file in the format specified in this subpart, including information claimed to be CBI, to the EPA following the procedures in paragraphs (e)(1) and (2) of this section. Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without

prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in this paragraph (e).

(1) The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address *oaqps\_cbi@epa.gov*, and as described above, should include clear CBI markings. ERT files should be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should be flagged to the attention of the Large Municipal Waste Combustor Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email *oaqps\_cbi@epa.gov* to request a file transfer link.

(2) If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711. ERT files should be sent to the attention of the Group Leader, Measurement Policy Group, and all other files should be sent to the attention of the Large Municipal Waste Combustor Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.

**§ 60.6630 What must I include in my annual report?**

Summarize data collected for all pollutants and parameters regulated under this subpart.

Your summary must include twelve items:

(a) A list of the results achieved during the annual stack test, using appropriate units, for eight pollutants, as recorded under § 60.6590(a):

(1) Dioxins/furans.

(2) Cadmium.

(3) Lead

(4) Mercury.

(5) Particulate Matter.

(6) Opacity.

(7) Hydrogen chloride.

(8) Fugitive ash.

(b) Before [INSERT DATE 5 YEARS AFTER PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], a list of the highest average levels recorded, in the appropriate units, for the following pollutants or parameters:

(1) Sulfur dioxide emissions.

(2) Nitrogen oxides emissions.

(3) Carbon monoxide emissions.

(4) Load level of the municipal waste combustor.

(5) Temperature of the flue gases at the inlet of the particulate matter air pollution control device (4-hour block average).

(6) If you elect to continuously monitor particulate matter, cadmium, lead, mercury, hydrogen chloride, or dioxins/furans emissions instead of conducting performance testing:

(i) Particulate matter emissions.

(ii) Cadmium emissions.

(iii) Lead emissions.

(iv) Mercury emissions.

(v) Hydrogen chloride emissions.

(vi) Dioxins/furans emissions.

(c) On and after [INSERT DATE 5 YEARS AFTER PUBLICATION OF FINAL RULE IN FEDERAL REGISTER]:

(1) For all pollutants and parameters identified in paragraphs (b)(1) through (6) of this section, a list of the highest average level recorded during all operations and the annual arithmetic average of all hourly values recorded during all operations for the reporting year.

(2) For continuously monitored pollutants identified in paragraphs (b)(1) through (3) and (b)(6) of this section, a list of the block averages recorded during all operations for the reporting year, identifying measurements recorded during periods of warmup, startup, and shutdown as defined in this subpart.

(d) The highest 6-minute opacity level measured. Base the value on all 6-minute average opacity levels recorded by your continuous opacity monitoring system (§ 60.6595(a)(1)).

(e) The total number of hours per calendar quarter and hours per calendar year that you did not obtain valid data for the following pollutants or parameters. For each continuously monitored pollutant or parameter, the hours of valid emissions data per calendar quarter and per calendar year expressed as a percent of the hours per calendar quarter or year that the municipal waste combustor was operating and combusting municipal solid waste. Include data on:

(1) Sulfur dioxide emissions.

(2) Nitrogen oxides emissions.

(3) Carbon monoxide emissions.

(4) Load level of the municipal waste combustor.

(5) Temperature of the flue gases at the inlet of the particulate matter air pollution control device.

(6) If you elect to continuously monitor particulate matter, cadmium, lead, mercury, hydrogen chloride, or dioxins/furans emissions instead of conducting performance testing:

(i) Particulate matter emissions.

(ii) Cadmium emissions.

(iii) Lead emissions.

(iv) Mercury emissions.

(v) Hydrogen chloride emissions.

(vi) Dioxins/furans emissions.

(7) If you elect to use continuous automated sampling systems for dioxins/furans or mercury, the total number of hours per calendar quarter and hours per calendar year that the sampling systems were not operating or were not collecting a valid sample. Include the number of hours during which the continuous automated sampling system was operating and collecting a valid sample as a percent of hours per calendar quarter or year that the municipal waste combustor was operating and combusting municipal solid waste.

(f) The total number of hours you have excluded data from the calculation of average levels (include the reasons for excluding it). Include data for the following pollutants or parameters:

(1) Sulfur dioxide emissions.

(2) Nitrogen oxides emissions.

(3) Carbon monoxide emissions.

(4) Load level of the municipal waste combustor.

(5) Temperature of the flue gases at the inlet of the particulate matter air pollution control device.

(6) If you elect to continuously monitor particulate matter, cadmium, lead, mercury, hydrogen chloride, or dioxins/furans emissions instead of conducting performance testing:

(i) Particulate matter emissions.

(ii) Cadmium emissions.

(iii) Lead emissions.

(iv) Mercury emissions.

(v) Hydrogen chloride emissions.

(vi) Dioxins/furans emissions.

(7) If you elect to use continuous automated sampling systems for dioxins/furans or mercury, the total number of hours that the data for mercury and dioxins/furans were excluded from the calculation of average emission concentrations or parameters.

(g) A summary of the data in paragraphs (a) through (g), excluding (c)(2), of this section from the year preceding the reporting year which gives the Administrator a summary of the performance of the municipal waste combustor over a 2-year period.

(h) A summary of any emission or parameter level, including the information paragraphs (a) through (g) of this section, that did not meet the limits specified in this subpart.

(i) A notice of your intent to begin a reduced stack testing schedule for dioxins/furans emissions during the following calendar year if you are eligible for alternative scheduling (§ 60.6535(a) or (b)).

(j) A notice of your intent to apply the average carbon mass feed rate and associated carbon injection system operating parameter levels to similarly designed and equipped units on site. (§ 60.6535(c)).

(k) If you choose to monitor carbon dioxide instead of oxygen as a diluent gas, documentation of the relationship between oxygen and carbon dioxide, as specified in § 60.6485.

(l) Documentation of periods when all certified chief facility operators and certified shift supervisors are offsite for more than 12 hours.

(m) If you elect to install a continuous emission monitoring system for cadmium, lead, mercury, or hydrogen chloride, or you elect to install a continuous automated sampling system for dioxins/furans or mercury, submit information concerning all out-of-control periods for each continuous emission monitoring system or each continuous automated sampling system, including start and end dates and hours and descriptions of corrective actions taken.

**§ 60.6645 What must I include in the semiannual out-of-compliance reports?**

You must include three items in the semiannual report:

(a) Before [INSERT DATE 5 YEARS AFTER PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], for any of the following pollutants or parameters that exceeded the limits specified in this subpart, include the calendar date they exceeded the limits, the reasons for exceeding the limits, and your corrective actions. On and after [INSERT DATE 5 YEARS AFTER PUBLICATION OF FINAL RULE IN FEDERAL REGISTER] you must also include the averaged and recorded data for that date:

(1) Concentration of sulfur dioxide emissions.

(2) Concentration of nitrogen oxides emissions.

(3) Concentration of carbon monoxide emissions.

(4) Load level of your municipal waste combustor.

(5) Temperature of the flue gases at the inlet of your particulate matter air pollution control device.



(6) Average 6-minute opacity level. The data obtained from your continuous opacity monitoring system are not used to determine compliance with the limit on opacity emissions.

(7) If you elect to continuously monitor particulate matter, cadmium, lead, mercury, or hydrogen chloride emissions instead of conducting performance testing:

(i) Concentration of particulate matter emissions.

(ii) Concentration of cadmium emissions.

(iii) Concentration of lead emissions.

(iv) Concentration of mercury emissions.

(v) Concentration of hydrogen chloride emissions.

(8) If you elect to use a continuous automated sampling system to monitor mercury or dioxins/furans instead of conducting performance testing, the integrated 24-hour mercury concentrations or the integrated 2-week dioxins/furans concentration.

(b) Before [INSERT DATE 5 YEARS AFTER PUBLICATION OF FINAL RULE IN FEDERAL REGISTER], if the results of your annual stack tests (as recorded in § 60.6590(a)) show emissions above the limits specified in table 3 of this subpart as applicable for dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash, include a copy of the test report that documents the emission levels and your corrective actions. On and after [INSERT DATE 5 YEARS AFTER PUBLICATION OF FINAL RULE IN FEDERAL REGISTER] the semiannual report shall also contain a statement indicating that pollutant levels were exceeded during the performance test and list the pollutants whose limits were exceeded.

(c) For municipal waste combustors that apply activated carbon to control dioxins/furans or mercury emissions, include documentation of all dates when the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate (e.g., screw feeder speed) are below the levels established during the most recent mercury and dioxins/furans stack test (as specified in § 60.6600(a)(1)). Include five items:

(1) The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated for each hour of operation.

(2) Carbon injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon feed rate (e.g., screw feeder speed).

(3) Reasons for occurrences of low carbon feed rates.

(4) The corrective actions you have taken to meet the carbon feed rate requirement.

(5) The calendar date.

(d) If you elect to install a continuous emission monitoring system for cadmium, lead, mercury, or hydrogen chloride, or you elect to install a continuous automated sampling system for dioxins/furans or mercury, submit information concerning all out-of-control periods for each continuous emission monitoring system or each continuous automated sampling system, including start and end dates and hours and descriptions of corrective actions taken.