

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 60**

[AD-FRL-5327-3]

**Standards of Performance for Municipal Waste Combustors****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

**SUMMARY:** This action amends the "Standards of Performance for Municipal Waste Combustors" (subpart Ea). These amendments are being made to improve the clarity of subpart Ea and to make subpart Ea consistent with subparts Eb and Cb.

**DATES:** The direct final rule §§ 60.17, 60.50a, 60.51a, 60.56a, 60.58a, and 60.59a will be effective January 29, 1996 unless significant adverse comments are received by January 18, 1996. If significant adverse comments are received on any amendment in this rule, that amendment will be withdrawn by timely publication in the Federal Register. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of January 29, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Walter Stevenson at (919) 541-5264 or Mr. Fred Porter at (919) 541-5251, Combustion Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** If significant adverse comments are received on any amendment of this direct final rule, the comments will be addressed in a subsequent rulemaking in the Federal Register based on those provisions of the proposed rule contained in the Proposed Rules Section of this Federal Register that is identical to this direct final rule. The amendments in question will be withdrawn from this direct final rule. Amendments of the direct final rule that do not receive any significant adverse comments will become final 40 days from today's Federal Register notice. If no significant adverse comments are filed on any provision of this direct final rule, then the entire direct final rule will become effective 40 days from today's Federal Register notice and no further action is contemplated on the parallel proposal published today.

On February 11, 1991 (56 FR 5488), the EPA promulgated in the Federal Register new source performance standards (NSPS) for municipal waste

combustors (MWC's) for which construction, modification, or reconstruction is commenced after December 20, 1989. The regulations were promulgated as subpart Ea in 40 CFR part 60.

Today's action modifies the applicability and definitions sections of the final regulation to improve clarity and make them consistent with those of subparts Eb (standards of performance for new MWC's for which construction commenced after September 20, 1994 or modification or reconstruction commenced after June 19, 1996, and Cb (emission guidelines for existing MWC's for which construction commenced on or before September 20, 1994) that are being promulgated in a separate section of today's Federal Register. Today's changes do not significantly modify the requirements of the regulation. The revisions are discussed in the order in which they appear in the subpart Ea regulation.

**Preamble Outline:** The following outline is provided to aid in locating information in this preamble.

- I. Description of Changes
  - A. Dates of Applicability
  - B. Applicability of Cofired Combustors and Tire-Burning Facilities
  - C. Applicability of Subpart Ea to Certain Other Facilities
  - D. Definitions
    - 1. Definitions of Modification and Reconstruction
    - 2. Definition of MSW and Calculation of MWC Unit Capacity
    - 3. Definition of an MWC
  - E. Clarification of the Carbon Monoxide Standard
  - F. Update of Operator Training Specifications
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- III. Administrative
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  - B. Executive Order 12291 Review
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**I. Description of Changes****A. Dates of Applicability**

Subpart Ea is applicable to MWC units with capacities greater than 225 megagrams per day (Mg/day) of municipal solid waste (MSW) for which construction, modification, or reconstruction was commenced after December 20, 1989. To avoid overlap with the subpart Eb NSPS, the dates for applicability for subpart Ea specified in § 60.50a(a) are being changed to apply to MWC's (1) commencing construction after December 20, 1989 and on or before September 20, 1994 or (2) commencing modification or reconstruction after December 20, 1989 and on or before June 19, 1996. The

MWC plants that commence construction after September 20, 1994 or that commence modification or reconstruction after June 19, 1996 are subject to subpart Eb, which is more stringent than subpart Ea. The change is also being made to subpart Ea to avoid the same MWC plant being subject to duplicative requirements under two NSPS (subparts Ea and Eb). This change is reflected in the definitions for "MWC plant" and "MWC plant capacity" in § 60.51a. It should be noted that plants that are subject to subpart Ea will also be subject to the emission guidelines contained in subpart Cb, which apply to plants constructed on or before September 20, 1994.

**B. Applicability to Cofired Combustors and Tire-Burning Facilities**

The wording in § 60.50a (c), (d), and (e) is being changed so that cofired facilities and facilities that only burn tires are clearly defined as not being subject to any sections of subpart Ea. Currently, they are exempt from all requirements of subpart Ea except recordkeeping requirements. This change will make subpart Ea consistent with subparts Eb and Cb. It will also clarify that, for purposes of the title V operating permits program, such facilities are not considered subject to subpart Ea. In addition, because the applicability to cofired combustors has been clarified, the definition of "cofired combustor" has been revised in § 60.51a. Relative to these changes, § 60.58(j)(3) is being removed and items in § 60.59a (a)(1), (b)(14), and (m) are being moved to § 60.50a(d).

**C. Applicability of Subpart Ea to Certain Other Facilities**

Section 129 of the Clean Air Act (Act) specifies that qualifying cogeneration facilities, qualifying small independent power producers, Solid Waste Disposal Act section 3005 permitted facilities, and materials recovery facilities recovering metals are not MWC's and are not regulated under section 129. Subparts Eb and Cb specify that these units are not subject to subparts Eb and Cb. Additionally, subparts Eb and Cb specify that pyrolysis/combustion units that are an integrated part of a plastics/rubber processing unit are not subject to the MWC regulations. These exemptions are being incorporated into subpart Ea (§ 60.50a (g), (h), (i), (j), and (k)) to be consistent with subparts Eb and Cb.

**D. Definitions**

Revisions are being made to 13 definitions, 13 new definitions are being added, and 2 are being deleted to clarify subpart Ea and make it consistent with