

(b) The owner or operator of a designated facility must submit notification to the EPA Regional Office within 10 business days of completing each increment of progress. Each notification must indicate which increment of progress specified in § 62.14356(a)(1) through (a)(5) of this subpart has been achieved. The notification must be signed by the owner or operator of the landfill.

(1) For the first increment of progress, the final control plan (collection and control system design plan) must be submitted in addition to the notification. A copy of the design plan must also be kept on site at the landfill.

(2) For the second increment of progress, a signed copy of the contract(s) awarded must be submitted in addition to the notification.

(c) The owner or operator of a designated facility who fails to meet any increment of progress specified in § 62.14356(a)(1) through (a)(5) of this subpart according to the applicable schedule in § 62.14356 of this subpart must submit notification that the owner or operator failed to meet the increment to the EPA Regional Office within 10 business days of the applicable date in § 62.14356.

(d) The owner or operator (or the State or Tribal air pollution control authority) that is submitting alternative dates for increments 2 and 3 according to § 62.14356(d) of this subpart must do so by the date specified for submitting the final control plan. The date for submitting the final control plan is specified in § 62.14356(c)(1) and (c)(2) of this subpart, as applicable. The owner or operator (or the State or Tribal air pollution control authority) must submit a justification if any of the alternative dates are later than the increment dates in table 3 of this subpart. In addition to submitting the alternative dates to the appropriate EPA Regional Office, the owner or operator must also submit the alternative dates to the State.

**§ 62.14356 Compliance schedules and increments of progress.**

(a) *Increments of progress.* The owner or operator of a designated facility that has a design capacity equal to or

greater than 2.5 million megagrams and 2.5 million cubic meters and a nonmethane organic compound emission rate greater than or equal to 50 megagrams per year must achieve the increments of progress specified in paragraphs (a)(1) through (a)(5) of this section to install air pollution control devices to meet the emission standards specified in § 62.14353(b) of this subpart. (Refer to § 62.14351 for a definition of each increment of progress.)

(1) *Submit control plan:* Submit a final control plan (collection and control system design plan) according to the requirements of § 62.14353(b) of this subpart and 40 CFR 60.752(b)(2).

(2) *Award contract(s):* Award contract(s) to initiate on-site construction or initiate on-site installation of emission collection and/or control equipment.

(3) *Initiate on-site construction:* Initiate on-site construction or initiate on-site installation of emission collection and/or control equipment as described in the EPA-approved final control plan.

(4) *Complete on-site construction:* Complete on-site construction and installation of emission collection and/or control equipment.

(5) *Achieve final compliance:* Complete construction in accordance with the design specified in the EPA-approved final control plan and connect the landfill gas collection system and air pollution control equipment such that they are fully operating. The initial performance test must be conducted within 180 days after the date the facility is required to achieve final compliance.

(b) *Compliance date.* For each designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a nonmethane organic compound emission rate greater than or equal to 50 Mg per year, planning, awarding of contracts, and installation of municipal solid waste landfill air emission collection and control equipment capable of meeting the standards in § 62.14353(b) must be accomplished within 30 months after the date the initial emission rate report (or the annual emission rate report) first shows that the nonmethane organic compounds

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emission rate equals or exceeds 50 megagrams per year.

(c) *Compliance schedules.* The owner or operator of a designated facility that has a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters and a non-methane organic compound emission rate greater than or equal to 50 megagrams per year must achieve the increments of progress specified in paragraphs (a)(1) through (a)(5) of this section according to the schedule specified in paragraph (c)(1) or (c)(2) of this section, unless a site-specific schedule is approved by EPA.

(1) The owner or operator of a designated facility must achieve the increments of progress according to the schedule in table 3 of this subpart, except for those affected facilities specified in paragraph (c)(2) of this section. Once this subpart becomes effective on January 7, 2000, any designated facility to which this subpart applies will remain subject to the schedule in table 3 if a subsequently approved State or Tribal plan contains a less stringent schedule, (*i.e.*, a schedule that provides more time to comply with increments 1, 4 and/or 5 than does this Federal plan).

(2) The owner or operator of the specified designated facility in table 4 of this subpart must achieve the increments of progress according to the schedule in table 4 of this subpart.

(d) For designated facilities that are subject to the schedule requirements of paragraph (c)(1) of this section, the owner or operator (or the State or Tribal air pollution control authority) may submit to the appropriate EPA Regional Office for approval alternative dates for achieving increments 2 and 3.

**TABLE 1 TO SUBPART GGG OF PART 62— STATES THAT HAVE AN APPROVED AND EFFECTIVE STATE PLAN<sup>a</sup>**

State plan	Effective date of state plan <sup>b</sup>
Alabama .....	12/07/98

State plan	Effective date of state plan <sup>b</sup>
Allegheny County, Pennsylvania .....	04/16/99
Arizona .....	11/19/99
California .....	11/22/99
Colorado .....	09/28/98
Delaware .....	11/16/99
Florida .....	08/03/99
Georgia .....	01/12/99
Illinois .....	01/22/99
Iowa .....	06/22/98
Kansas .....	05/19/98
Kentucky .....	06/21/99
Louisiana .....	10/28/97
Maryland .....	11/8/99
Minnesota .....	09/25/98
Missouri .....	06/23/98
Montana .....	09/08/98
Nashville, Tennessee .....	02/16/99
Nebraska .....	06/23/98
Nevada .....	11/19/99
New Mexico .....	02/10/98
New York .....	09/17/99
North Dakota .....	02/13/98
Ohio .....	10/06/98
Oklahoma .....	05/18/99
Oregon .....	08/25/98
South Carolina .....	10/25/99
South Dakota .....	08/02/99
Tennessee .....	11/29/99
Texas .....	08/16/99
Utah .....	03/16/98
Wyoming .....	07/31/98

<sup>a</sup> This table is provided as a matter of convenience and is not controlling in determining whether a MSW landfill is subject to the Federal plan. A MSW landfill is subject to this Federal plan if it commenced construction before May 30, 1991 and has not been modified or reconstructed on or after that date and is not covered by an approved and currently effective State or Tribal plan.

<sup>b</sup> The State plan is expected to become effective on the date indicated. However, if the State plan does not become effective on the date indicated, the Federal plan applies until the State plan becomes effective.

**TABLE 2 TO SUBPART GGG OF PART 62— STATES THAT SUBMITTED A NEGATIVE DECLARATION LETTER<sup>a</sup>**

State, locality, or portion of Indian country	Date of negative declaration
District of Columbia .....	09/11/97
New Hampshire .....	07/22/98
Philadelphia, Pennsylvania .....	02/27/96
Rhode Island .....	05/27/98
Vermont .....	08/20/96

<sup>a</sup> A MSW landfill with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters located in an area for which a negative declaration letter was submitted is subject to the Federal plan, notwithstanding the negative declaration letter and this table 2.

TABLE 3 TO SUBPART GGG OF PART 62—GENERIC COMPLIANCE SCHEDULE AND INCREMENTS OF PROGRESS <sup>A</sup>

Increment	Date
Increment 1—Submit final control plan .....	1 year after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions ≥ 50 Mg/yr. <sup>b</sup>
Increment 2—Award Contracts .....	20 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions ≥ 50 Mg/yr. <sup>b</sup>
Increment 3—Begin on-site construction .....	24 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions ≥ 50 Mg/yr. <sup>b</sup>
Increment 4—Complete on-site construction .....	30 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions ≥ 50 Mg/yr. <sup>b</sup>
Increment 5—Final compliance .....	30 months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions ≥ 50 Mg/yr. <sup>b</sup>

<sup>a</sup>Table 3 of subpart GGG applies to landfills with design capacities ≥2.5 million megagrams and 2.5 million cubic meters that are subject to this subpart except those with site-specific compliance schedules shown in table 4 of subpart GGG.  
<sup>b</sup>NMOC = nonmethane organic compounds Mg/yr = megagrams per year

TABLE 4 TO SUBPART GGG OF PART 62—  
 SITE-SPECIFIC COMPLIANCE SCHEDULES AND INCREMENTS OF PROGRESS [RESERVED]

APPLICABILITY

**§ 62.14400 Am I subject to this subpart?**

**Subpart HHH—Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996**

(a) You are subject to this subpart if paragraphs (a)(1), (2), and (3) of this section are all true:

- (1) You own or operate an HMIWI that is not covered by an EPA approved and effective State or Tribal plan;
- (2) Construction of the HMIWI commenced on or before June 20, 1996; and
- (3) You do not meet any of the exemptions in paragraph (b) of this section.

SOURCE: 65 FR 49881, Aug. 15, 2000, unless otherwise noted.

(b) The following exemptions apply:

If you . . .	And you . . .	And you . . .	Then you . . .
(1) Own or operate an HMIWI that combusts only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR 62.14490).	Notify the EPA Administrator (or delegated enforcement authority) of an exemption claim.	Keep records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is combusted, and you submit such records to the EPA Administrator (or delegated enforcement authority) upon request.	Are not subject to the other sections of this subpart during periods when only pathological, low-level radioactive, and/or chemotherapeutic wastes are combusted.