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Federal Register**

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**Part II**

**Environmental  
Protection Agency**

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**40 CFR Part 60**

**Standards of Performance for Municipal  
Waste Combustors and Emission  
Guidelines; Final Rules, Proposed Rule  
and Notice**

**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 If significant adverse comments are received on any amendment in this rule, that amendment will be withdrawn by timely publication in the Federal Register.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 The amendments in question will be withdrawn from this direct final rule.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
  - G. Clarification of MWC Unit Load Measurement
- II. Judicial Review
- III. Administrative
  - A. Paperwork Reduction Act
  - B. Executive Order 12291 Review
  - C. Regulatory Flexibility Act

**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

the terms defined in subpart Eb. Several of these definitions are discussed below.

### 1. Definitions of Modification and Reconstruction

Two new terms, "modification" (or "modified municipal waste combustor") and "reconstruction", are being added to § 60.51a to incorporate the section 129 definition of "modified solid waste incineration unit." These definitions are very similar to the definitions of these two terms in §§ 60.14 and 60.15 of 40 CFR 60 subpart A (the NSPS general provisions). The addition of these definitions will clarify subpart Ea and make the terms used in subparts Ea, Eb, Cb, and section 129 relating to modification and reconstruction consistent with each other.

### 2. Definition of MSW and Calculation of MWC Unit Capacity

To avoid confusion and possible conflict with the pending medical waste incinerator (MWI) regulations which were proposed in February 1995 and are scheduled to be promulgated in the near future, the definition of MSW in § 60.51a of subpart Ea is being revised to be consistent with subparts Eb and Cb. Additionally, the determination of "MWC unit capacity" in § 60.58a(j)(4) and its definition in § 60.51a are being revised so that only a single heat input value is used for MSW. This change is being made so that subpart Ea will be consistent with subparts Eb and Cb. Section 60.59a(b)(15) is also being deleted.

In addition to the clarification concerning medical waste, the definition of MSW in § 60.51a is being revised to specify that "clean wood" is excluded, while refuse-derived fuel (RDF) and yard waste are included. To ensure clarity, definitions for "clean wood", "untreated lumber", and "yard waste" are being added to § 60.51a. Because the definition of MSW is being revised to clarify that RDF is a type of preprocessed MSW and not a different type of waste, the phrase "MSW or RDF" in several paragraphs is being replaced with "MSW" to avoid redundancy. These clarifications are consistent with the intent of subpart Ea, and will make the definition of MSW consistent with subparts Eb and Cb.

### 3. Definition of an MWC

The definition of an MWC in § 60.51a is being revised to be consistent with that in subpart Eb. The most significant difference is the addition of a description of the physical boundaries of an MWC. The clarification of the boundaries of the affected facility will

assist in considering cost for making reconstruction determinations.

### E. Clarification of the Carbon Monoxide Standard

The specifications for the carbon monoxide (CO) standards in §§ 60.56a(a) and 60.58(a) (h)(1) and (h)(2) are being revised to clarify the EPA's intent as to which standard applies to which combustor type. It was intended that the mass burn refractory unit CO standard apply to both mass burn refractory units and rotary mass burn refractory units. This was not clear in the promulgated regulation because the definition in § 60.51a of mass burn refractory units excluded rotary mass burn refractory units. In order to clarify this, the definition of mass burn refractory unit is being clarified to include rotary mass burn rotary refractory units.

It was also intended that the CO standard for coal/RDF mixed fuel-fired units be applicable to pulverized coal-type units, as opposed to spreader stoker-type units that would fall under the RDF stoker standard. Accordingly, the coal/RDF mixed fuel-fired combustor CO standard is being renamed the pulverized coal/RDF mixed fuel-fired combustor CO standard, and a CO standard for spreader stoker coal/RDF mixed fuel-fired combustors equivalent to the RDF stoker standard is being listed separately. Corresponding definitions are being added and revised in § 60.51a.

### F. Update of Operator Training Specifications

The operator training requirements in § 60.56a(d) specify that provisional or operator certification shall be obtained in accordance with the American Society of Mechanical Engineers (ASME) QRO-1-1989 requirements or an equivalent State-approved certification program. The ASME standard was updated in 1994 and so, to be consistent with subparts Eb and Cb, the reference is being updated to QRO-1-1994.

### G. Clarification of MWC Unit Load Measurement

The MWC unit load measurement specified in § 60.58a(h)(6) is being modified to include feedwater flow monitoring as an alternative to steam flow measurement. The wording of this section is being revised to match the wording in subparts Eb and Cb and a definition of "MWC unit load" is being added to § 60.51a.

## II. Judicial Review

Under section 307(b)(1) of the Act, judicial review of the actions taken by

this final rule is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this action. Under section 307(b)(2) of the Act, the requirements that are subject to today's rule may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

## III. Administrative

### A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NSPS were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (the ICR number is 1506.4, with an OMB approval number 2060-0210) may be obtained from Sandy Farmer, Regulatory Information Division (Code 2136), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 or by calling (202) 260-2740.

Today's changes to the NSPS will have no significant impact on the information collection burden estimates made previously. The burden will be reduced slightly. Consequently, the ICR has not been revised.

### B. Executive Order 12291 Review

The MWC NSPS promulgated on February 11, 1991 was considered a "major rule" under Executive Order 12291 and a regulatory impact analysis (RIA) was prepared. The amendments issued today clarify the rule and do not add any additional control requirements. The EPA concludes these amendments would have a negligible impact on the results of the RIA and the change is considered to be within the flexibility of the analysis.

### C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a regulatory flexibility analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, a regulatory flexibility analysis has not been prepared.

### List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: October 31, 1995.

Carol M. Browner,  
Administrator.

For reasons set out in the preamble, title 40, chapter I, part 60, subpart Ea of the Code of Federal Regulations is corrected as follows:

**PART 60—[AMENDED]**

1. The authority citation for part 60 is revised to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, 7429, and 7601.

**Subpart Ea Heading—[Revised]**

2. The heading for subpart Ea is revised to read as follows:

**Subpart Ea—Standards of Performance for Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994**

3. Section 60.17 of subpart A of part 60 is amended by revising paragraphs (h)(1), (h)(2), and (h)(3) to read as follows:

**§ 60.17 Incorporation by reference.**

\* \* \* \* \*

(h) \* \* \*

(1) ASME QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators, IBR approved for § 60.56a.

(2) ASME PTC 4.1-1964 (Reaffirmed 1991), Power Test Codes: Test Code for Steam Generating Units (with 1968 and 1969 Addenda), IBR approved for §§ 60.46b and 60.58a(h)(6)(ii).

(3) ASME Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th Edition (1971), IBR approved for § 60.58a(h)(6)(ii).

\* \* \* \* \*

4. Section 60.50a is amended by revising paragraphs (a), (c), (d), (e), and (f), removing paragraph (g), redesignating paragraph (h) as paragraph (l), redesignating paragraph (i) as paragraph (m), and adding new paragraphs (g), (h), (i), (j), and (k) to read as follows:

**§ 60.50a Applicability and delegation of authority.**

(a) The affected facility to which this subpart applies is each municipal waste combustor unit with a municipal waste combustor unit capacity greater than 225 megagrams per day (250 tons per day) of municipal solid waste for which construction, modification, or reconstruction is commenced as specified in paragraphs (a)(1) and (a)(2) of this section.

(1) Construction is commenced after December 20, 1989 and on or before September 20, 1994.

(2) Modification or reconstruction is commenced after December 20, 1989 and on or before June 19, 1996.

\* \* \* \* \*

(c) Any unit combusting a single-item waste stream of tires is not subject to this subpart if the owner or operator of the unit:

(1) Notifies the Administrator of an exemption claim; and

(2) Provides data documenting that the unit qualifies for this exemption.

(d) Any cofired combustor, as defined under § 60.51a, located at a plant that meets the capacity specifications in paragraph (a) of this section is not subject to this subpart if the owner or operator of the cofired combustor:

(1) Notifies the Administrator of an exemption claim;

(2) Provides a copy of the federally enforceable permit (specified in the definition of cofired combustor in this section); and

(3) Keeps a record on a calendar quarter basis of the weight of municipal solid waste combusted at the cofired combustor and the weight of all other fuels combusted at the cofired combustor.

(e) Any cofired combustor that is subject to a federally enforceable permit limiting the operation of the combustor to no more than 225 megagrams per day (250 tons per day) of municipal solid waste is not subject to this subpart.

(f) Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with emission guidelines under subpart Cb are not considered a modification or reconstruction and do not result in an existing municipal waste combustor unit becoming subject to this subpart.

(g) A qualifying small power production facility, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric energy is not subject to this subpart if the owner or operator of the facility notifies the Administrator of an exemption claim and provides data documenting that the facility qualifies for this exemption.

(h) A qualifying cogeneration facility, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), that burns homogeneous waste (such as automotive tires or used oil, but not including refuse-derived fuel) for the production of electric

energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes, is not subject to this subpart if the owner or operator of the facility notifies the Administrator of an exemption claim and provides data documenting that the facility qualifies for this exemption.

(i) Any unit required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this subpart.

(j) Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals is not subject to this subpart.

(k) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit (as defined in § 60.51a) are not subject to this subpart if the owner or operator of the plastics/rubber recycling unit keeps records of: the weight of plastics, rubber, and/or rubber tires processed on a calendar quarter basis; the weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis; and the name and address of the purchaser of the feedstocks. The combustion of 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 feedstocks produced by plastics/rubber recycling units are not subject to this subpart.

\* \* \* \* \*

5. Section 60.51a is amended:

a. by removing the definitions of "coal/RDF mixed fuel fired combustor", "large MWC plant", "mass burn refractory MWC", "mass burn rotary waterwall MWC", "mass burn waterwall MWC", "maximum demonstrated MWC unit load", "medical waste", "municipal-type solid waste or MSW", "municipal waste combustor or MWC unit", "MWC plant", "MWC plant capacity", and "MWC unit capacity", and;

b. by revising the definitions for "cofired combustor", "maximum demonstrated particulate matter control device temperature", and "standard conditions", and;

c. by adding new entries to the section. The revised entries and the new entries are set out to read as follows:

**§ 60.51a Definitions.**

\* \* \* \* \*

*Calendar quarter* means a consecutive 3-month period (nonoverlapping) beginning on January 1, April 1, July 1, and October 1.

\* \* \* \* \*

*Clean wood* means untreated wood or untreated wood products including clean untreated lumber, tree stumps (whole or chipped), and tree limbs (whole or chipped). Clean wood does not include yard waste, which is defined elsewhere in this section, or construction, renovation, and demolition wastes (which includes but is not limited to railroad ties and telephone poles), which are exempt from the definition of municipal solid waste in this section.

*Cofired combustor* means a unit combusting municipal solid waste with nonmunicipal solid waste fuel (e.g., coal, industrial process waste) and subject to a federally enforceable permit limiting the unit to combusting a fuel feed stream, 30 percent or less of the weight of which is comprised, in aggregate, of municipal solid waste as measured on a calendar quarter basis.

*Large municipal waste combustor plant* means a municipal waste combustor plant with a municipal waste combustor aggregate plant capacity for affected facilities that is greater than 225 megagrams per day (250 tons per day) of municipal solid waste.

*Mass burn refractory municipal waste combustor* means a field-erected combustor that combusts municipal solid waste in a refractory wall furnace. Unless otherwise specified, this includes combustors with a cylindrical rotary refractory wall furnace.

*Mass burn rotary waterwall municipal waste combustor* means a field-erected combustor that combusts municipal solid waste in a cylindrical rotary waterwall furnace.

*Mass burn waterwall municipal waste combustor* means a field-erected combustor that combusts municipal solid waste in a waterwall furnace.

*Maximum demonstrated municipal waste combustor unit load* means the highest 4-hour arithmetic average municipal waste combustor unit load achieved during four consecutive hours during the most recent dioxin/furan performance test demonstrating compliance with the applicable limit for municipal waste combustor organics specified under § 60.53a.

*Maximum demonstrated particulate matter control device temperature* means the highest 4-hour arithmetic average flue gas temperature measured at the particulate matter control device inlet during four consecutive hours during the most recent dioxin/furan performance test demonstrating compliance with the applicable limit for

municipal waste combustor organics specified under § 60.53a.

\* \* \* \* \*

*Modification or modified municipal waste combustor unit* means a municipal waste combustor unit to which changes have been made if the cumulative cost of the changes, over the life of the unit, exceed 50 percent of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or any physical change in the municipal waste combustor unit or change in the method of operation of the municipal waste combustor unit increases the amount of any air pollutant emitted by the unit for which standards have been established under section 129 or section 111. Increases in the amount of any air pollutant emitted by the municipal waste combustor unit are determined at 100-percent physical load capability and downstream of all air pollution control devices, with no consideration given for load restrictions based on permits or other nonphysical operational restrictions.

\* \* \* \* \*

*Municipal solid waste or municipal-type solid waste or MSW* means household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which includes but is not limited to railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff). Household, commercial/retail, and institutional wastes include:

- (1) Yard waste;
- (2) Refuse-derived fuel; and

(3) Motor vehicle maintenance materials limited to vehicle batteries and tires except as specified in § 60.50a(c).

*Municipal waste combustor, MWC, or municipal waste combustor unit:* (1) Means any setting or equipment that combusts solid, liquid, or gasified MSW including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam-generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Municipal waste combustors do not include pyrolysis/combustion units located at plastics/rubber recycling units (as specified in § 60.50a(k) of this section). Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

(2) The boundaries of an MWC are defined as follows. The MWC unit includes, but is not limited to, the MSW fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The MWC boundary starts at the MSW pit or hopper and extends through:

- (i) The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber;
- (ii) The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfer the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and
- (iii) The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.

(3) The MWC unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine generator set.

\* \* \* \* \*

*Municipal waste combustor plant* means one or more MWC units at the same location for which construction, modification, or reconstruction is commenced after December 20, 1989 and on or before September 20, 1994.

*Municipal waste combustor plant capacity* means the aggregate MWC unit capacity of all MWC units at a MWC plant for which construction, modification, or reconstruction of the units commenced after December 20,

1989 and on or before September 20, 1994. Any MWC units for which construction, modification, or reconstruction is commenced on or before December 20, 1989 or after September 20, 1994 are not included for determining applicability under this subpart.

*Municipal waste combustor unit capacity* means the maximum design charging rate of an MWC unit expressed in megagrams per day (tons per day) of MSW combusted, calculated according to the procedures under § 60.58a(j). Municipal waste combustor unit capacity is calculated using a design heating value of 10,500 kilojoules per kilogram (4,500 British thermal units per pound) for MSW. The calculational procedures under § 60.58a(j) include procedures for determining MWC unit capacity for continuous and batch feed MWC's.

*Municipal waste combustor unit load* means the steam load of the MWC unit measured as specified in § 60.58a(h)(6).

*Plastics/rubber recycling unit* means an integrated processing unit where plastics, rubber, and/or rubber tires are the only feed materials (incidental contaminants may be included in the feed materials) and they are processed into a chemical plant feedstock or petroleum refinery feedstock, where the feedstock is marketed to and used by a chemical plant or petroleum refinery as input feedstock. The combined weight of the chemical plant feedstock and petroleum refinery feedstock produced by the plastics/rubber recycling unit on a calendar quarter basis shall be more than 70 percent of the combined weight of the plastics, rubber, and rubber tires processed by the plastics/rubber recycling unit on a calendar quarter basis. The plastics, rubber, and/or rubber tire feed materials to the plastics/rubber recycling unit may originate from the separation or diversion of plastics, rubber, or rubber tires from MSW or

industrial solid waste, and may include manufacturing scraps, trimmings, and off-specification plastics, rubber, and rubber tire discards. The plastics, rubber, and rubber tire feed materials to the plastics/rubber recycling unit may contain incidental contaminants (e.g., paper labels on plastic bottles, metal rings on plastic bottle caps, etc.).

*Pulverized coal/refuse-derived fuel mixed fuel-fired combustor or pulverized coal/RDF mixed fuel-fired combustor* means a combustor that fires coal and RDF simultaneously, in which pulverized coal is introduced into an air stream that carries the coal to the combustion chamber of the unit where it is fired in suspension. This includes both conventional pulverized coal and micropulverized coal.

*Pyrolysis/combustion unit* means a unit that produces gases, liquids, or solids through the heating of MSW, and the gases, liquids, or solids produced are combusted and emissions vented to the atmosphere.

*Reconstruction* means rebuilding an MWC unit for which the cumulative costs of the construction over the life of the unit exceed 50 percent of the original cost of construction and installation of the unit (not including any cost of land purchased in connection with such construction or installation) updated to current costs (current dollars).

*Refractory unit or refractory wall furnace* means a combustion unit having no energy recovery (e.g., via a waterwall) in the furnace (i.e., radiant heat transfer section) of the combustor.

*Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor or spreader stoker coal/RDF mixed fuel-fired combustor* means a combustor that fires coal and refuse-derived fuel simultaneously, in which coal is introduced to the combustion zone by a mechanism that throws the fuel onto a

grate from above. Combustion takes place both in suspension and on the grate.

*Standard conditions* means a temperature of 20 °C (68 °F) and a pressure of 101.3 kilopascals (29.92 inches of mercury).

*Untreated lumber* means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Untreated lumber does not include wood products that have been painted, pigment-stained, or "pressure-treated." Pressure-treating compounds include, but are not limited to, chromate copper arsenate, pentachlorophenol, and creosote.

*Waterwall furnace* means a combustion unit having energy (heat) recovery in the furnace (i.e., radiant heat transfer section) of the combustor.

*Yard waste* means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that are generated by residential, commercial/retail, institutional, and/or industrial sources as part of maintenance activities associated with yards or other private or public lands. Yard waste does not include construction, renovation, and demolition wastes, which are exempt from the definition of MSW in this section. Yard waste does not include clean wood, which is exempt from the definition of MSW in this section.

6. Section 60.56a, paragraph (a), Table 1, is amended by removing the entry for "Coal/RDF mixed fuel-fired combustors" and adding entries for "Pulverized coal/RDF mixed fuel-fired combustor" and "Spreader stoker coal/RDF mixed fuel-fired combustor" to the end of the table; by revising paragraph (d); and by removing and reserving paragraph (f)(9) to read as follows:

**§ 60.56a Standards for municipal waste combustor operating practices.**

(a) \* \* \*

TABLE 1.—MWC OPERATING STANDARDS

MWC technology	Carbon monoxide emission limit (parts per million by volume) <sup>1</sup>
Pulverized coal/RDF mixed fuel-fired combustor .....	150
Spreader stoker coal/RDF mixed fuel-fired combustor .....	150

<sup>1</sup> Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent oxygen (dry basis). The averaging times are specified in § 60.58a(h).

\* \* \* \* \*

(d) Within 24 months from the date of start-up of an affected facility or before February 11, 1993, whichever is later, each chief facility operator and shift

supervisor of an affected facility located within a large MWC plant shall obtain and keep current either a provisional or operator certification in accordance with ASME QRO-1-1994 (incorporated by reference, see § 60.17) or an equivalent State-approved certification program.

\* \* \* \* \*  
 (f) \* \* \*  
 (9) [Reserved]  
 \* \* \* \* \*

7. Section 60.58a is amended by revising paragraphs (h)(1), (h)(2), (h)(6)(i), (h)(6)(ii), and (h)(10), redesignating paragraph (h)(6)(iii) as paragraph (h)(6)(v), adding new paragraphs (h)(6)(iii) and (h)(6)(iv), removing and reserving paragraph (j)(3), and revising paragraph (j)(4), to read as follows:

**§ 60.58a Compliance and performance testing.**

\* \* \* \* \*  
 (h) \* \* \*

(1) Compliance with the carbon monoxide emission limits in § 60.56a(a) shall be determined using a 4-hour block arithmetic average for all types of affected facilities except mass burn rotary waterwall MWC's, RDF stokers, and spreader stoker/RDF mixed fuel-fired combustors.

(2) For affected mass burn rotary waterwall MWC's, RDF stokers, and spreader stoker/RDF mixed fuel-fired combustors, compliance with the carbon monoxide emission limits in § 60.56a(a) shall be determined using a 24-hour daily arithmetic average.

\* \* \* \* \*  
 (6) \* \* \*

(i) The owner or operator of an affected facility with steam generation capability shall install, calibrate, maintain, and operate a steam flow meter or a feedwater flow meter; measure steam or feedwater flow in kilograms per hour (pounds per hour) on a continuous basis; and record the output of the monitor. Steam or feedwater flow shall be calculated in 4-hour block arithmetic averages.

(ii) The method included in "American Society of Mechanical Engineers Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1-1964", Section 4 (incorporated by reference, see § 60.17) shall be used for calculating the steam (or feedwater flow) required under paragraph (h)(6)(i) of this section. The recommendations of "American Society of Mechanical Engineers Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th edition (1971)," chapter 4

(incorporated by reference, see § 60.17) shall be followed for design, construction, installation, calibration, and use of nozzles and orifices except as specified in (h)(6)(iii) of this section.

(iii) Measurement devices such as flow nozzles and orifices are not required to be recalibrated after they are installed.

(iv) All signal conversion elements associated with steam (or feedwater flow) measurements must be calibrated according to the manufacturer's instructions before each dioxin/furan compliance and performance test, and at least once per year.

\* \* \* \* \*

(10) At a minimum, valid CEMS data for carbon monoxide, steam or feedwater flow, and particulate matter control device inlet temperature shall be obtained 75 percent of the hours per day for 75 percent of the days per month the affected facility is operated and combusting MSW.

\* \* \* \* \*

(j) \* \* \*

(3) [Reserved]

(4) The MWC unit capacity shall be calculated using a design heating value of 10,500 kilojoules per kilogram (4,500 British thermal units per pound) for all MSW.

\* \* \* \* \*

**§ 60.59a [Amended]**

8. Section 60.59a is amended by removing paragraphs (a)(1), (b)(14), (b)(15), and (m), and removing the third sentence of paragraph (e).

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**40 CFR Part 60**

[AD-FRL-5327-5]

RIN 2060-AD00

**Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources**

**Municipal Waste Combustors**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This action adds standards of performance for new municipal waste combustor (MWC) units and emission guidelines for existing MWC's. The standards and guidelines implement sections 111 and 129 of the Clean Air Act and are based on the

Administrator's determination that MWC's cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The standards and guidelines apply to MWC units at plants with aggregate capacities to combust greater than 35 megagrams per day (Mg/day) (approximately 40 tons per day) of municipal solid waste (MSW) and require sources to achieve emission levels reflecting the maximum degree of reduction in emissions of air pollutants that the Administrator determined is achievable, taking into consideration the cost of achieving such emission reduction, and any non-air-quality health and environmental impacts and energy requirements. The promulgated standards and guidelines establish emission levels for MWC organics (dioxins/furans), MWC metals (cadmium (Cd), lead (Pb), mercury (Hg), particulate matter (PM), and opacity), MWC acid gases (hydrogen chloride (HCl) and sulfur dioxide (SO<sub>2</sub>)), nitrogen oxides (NO<sub>x</sub>), and MWC fugitive ash emissions. Some of the pollutants being regulated are considered to be carcinogens and at sufficient concentrations can cause toxic effects following exposure. The standards and guidelines also establish requirements for MWC operating practices (carbon monoxide (CO), load, flue gas temperature at the PM control device inlet, and operator training/certification). Additionally, the standards for new MWC plants also require a siting analysis and materials separation plan.

**DATES: Effective Dates.** June 19, 1996 for the standards for new sources (§§ 60.50b through 60.59b) and December 19, 1995 for the emission guidelines for existing sources (§§ 60.30b through 60.39b). The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 19, 1996 for the standards for new sources. See table 3 of this preamble for a summary of the retrofit schedules for existing MWC sources. See **SUPPLEMENTARY INFORMATION** for a discussion of the schedule for judicial review.

**Comments.** Comments on the Information Collection Request (ICR) document associated with the final standards for new sources are requested, as discussed in section VI.B of this preamble. Comments on the ICR document must be received on or before February 20, 1996. Refer to Section VI.B for further information on this request for comment.

**ADDRESSES: Comments.** As noted above, comments on the ICR document