

the names of the qualified MWI operators and dates of qualification.

Under the proposed emission guidelines owners or operators are required to submit the results of the initial maintenance inspection and any subsequent inspections completed prior to demonstrating initial compliance with the emission limits. This documentation must include a discussion of any repairs performed in response to the inspection and when the repairs occurred. Additionally, MWI owners or operators are required to submit to the Administrator the results of the initial performance test and all subsequent performance tests. Also, reports on emission rates or operating parameters that have not been obtained or that exceed applicable limits must be submitted within 30 days after the end of the quarter of occurrence. If no exceedances occur during a quarter, the owner of the designated facility is required to submit a letter stating so. All reports submitted to comply with the requirements of the emission guidelines must be signed by the facilities manager—the individual responsible for purchasing, maintaining, and, in many cases, operating the MWI. This individual is likely to have different titles at different facilities, for example, director of facilities or vice president of support services.

The reporting and recordkeeping requirements in the proposed guidelines are necessary to inform enforcement personnel of the compliance status of existing MWI's. In addition, they would provide the data and information necessary to ensure continued compliance of these MWI's with the proposed guidelines. At the same time, these requirements would not impose an unreasonable burden on MWI owners or operators.

R. Compliance Times

1. New MWI's

As stated in section 129, the effective date of standards for new MWI's is to be the date 6 months after promulgation of the standards. Consequently, while any MWI for which construction is commenced after today's date will be subject to the standards, they will not be subject to the standards until the effective date of the standards.

2. Existing MWI's

Under section 129, States are required to submit to the Administrator a plan implementing the emission guidelines within 1 year after promulgation of the guidelines. Section 129 also requires that a State plan shall provide that each unit subject to the guidelines shall be in

compliance with all requirements of the proposed guidelines within 3 years after the State plan is approved by the EPA but in no case later than 5 years after promulgation of the emission guidelines. The compliance schedule in today's proposal would supersede and is more comprehensive than the compliance schedule specified in section 129.

The proposal requires that a State plan shall provide that each source subject to the emission guidelines shall be in compliance with all requirements of the guidelines within 1 year after EPA approval of the State plan. The proposal allows two exceptions to this compliance schedule. First, State plans may allow facilities that are planning to install the necessary air pollution control equipment up to three years after EPA approval of the State plan (but not later than 5 years after promulgation of the guidelines) to comply if the State plan specifies that the facility submit measurable and legally enforceable incremental steps of progress towards compliance. Suggested incremental steps of progress to be included in the State plans are specified in the emission guidelines.

Second, State plans may include provisions allowing designated facilities to petition the State for extensions for compliance. Under the proposed emission guidelines, State plans that include such provisions must require that the designated facility requesting an extension submit information to assist the State in deciding whether to grant or deny the extension. The schedule for submittal of this information must allow the State sufficient time to grant or deny the extension within one year after EPA approval of the State plan.

This information must include documentation of the analyses undertaken to support the need for an extension, including an explanation of why up to 3 years after EPA approval of the State plan is sufficient time to comply with the State plan while one year after EPA approval of the State plan is not sufficient time to comply. The documentation must also include an evaluation of the option to send the waste offsite to a commercial medical waste treatment and disposal facility, either in the interim, while the facility is taking steps towards achieving compliance, or on a permanent basis.

State plans that allow extensions must also include procedures for granting or denying an extension. Under the proposed guidelines, if an extension is granted, compliance shall be required within 3 years after EPA approval of the State plan, but not later than 5 years

after the date of promulgation of the emission guidelines.

While the EPA expects that States will grant extensions for facilities planning to install the necessary air pollution control equipment, the Agency does not expect many extensions will be granted for facilities planning to switch to an alternative method of treatment and disposal. Alternatives to onsite incineration include either offsite contract treatment and disposal or onsite alternative treatment technologies, such as autoclaves.

It is expected that facilities choosing to switch to an alternative could do so within the 1 year following EPA approval of the State plan. The commercial waste disposal industry has indicated that sufficient excess capacity currently exists to handle the amount of waste that would no longer be treated onsite and that commercial facilities are located such that most areas could be served by this excess capacity. Also, they have indicated that short term contracts are available.

As a result, if a facility chooses to install an alternative onsite treatment technology and the installation takes longer than the time allowed for compliance, offsite contract disposal could be used as a temporary means of compliance while the alternative technology is installed and made operational. The provision for extensions is included only to address cases where absolutely no other options are available and is not intended to allow up to three years for any facility that requests an extension.

Regardless of the status of the State plans, all designated facilities must be in compliance within 5 years after promulgation of the emission guidelines. To ensure that each designated facility is in compliance with the provisions of the emission guidelines within 5 years, the EPA will develop, implement, and enforce a plan for any State that has not submitted an approvable plan within 2 years after promulgation of the emission guidelines.

The proposed emission guidelines also require that, for approval, a State plan provide that each designated facility must be in compliance with the operator training and qualification requirements and the inspection requirements within 1 year after EPA approval of the State plan. The rationale for not granting extensions for these requirements is presented in sections V.L and V.N.

S. Permit Requirements

Section 129 of the Act requires MWI's subject to the standards and guidelines