

**7011.1360 EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS; COMPLIANCE REQUIREMENTS.**

Subpart 1. **Applicability.** Except as provided in items A to K, the owners or operators of a commercial or industrial solid waste incineration unit as defined in Code of Federal Regulations, title 40, section 60.2875, that commenced construction on or before June 4, 2010, or modification or reconstruction on or before August 7, 2013, must comply with this part and part 7011.1365. The following units are not commercial and industrial solid waste incineration units:

A. pathological waste units, provided that the owner or operator complies with the notification and record-keeping requirements of Code of Federal Regulations, title 40, section 60.2555;

B. units subject to Code of Federal Regulations, title 40, part 60, subparts Ea, Eb, Cb, AAAA, and BBBB, standards of performance for existing or new municipal waste combustors or a federal plan for municipal waste incinerators;

C. units subject to Code of Federal Regulations, title 40, part 60, subpart Ec or Ce, standards of performance for existing or new medical waste incinerators or a federal plan for medical waste incinerators;

D. small power production units, if:

(1) the unit is a qualifying small power production facility under section 3(17)(C) of the Federal Power Act, United States Code, title 16, section 796(17)(C);

(2) the unit burns homogeneous wastes, not including refuse-derived fuel, to produce electricity; and

(3) the administrator approves a determination that the qualifying small power production facility is combusting homogeneous wastes, as defined in Code of Federal Regulations, title 40, section 60.2875. The owner or operator must maintain the records required under Code of Federal Regulations, title 40, section 60.2740(v). The request for a determination must include sufficient information to document that the unit meets the criteria of a qualifying small power production facility and that the waste material the unit is proposing to burn is homogeneous;

E. cogeneration facility units, if:

(1) the unit is a qualifying cogeneration facility under section 3(18)(B) of the Federal Power Act, United States Code, title 16, section 796(18)(B);

(2) the unit burns homogeneous waste, not including refuse-derived fuel, to produce electricity and steam or other forms of energy used for industrial solid waste, commercial, heating, or cooling purposes; and

(3) the administrator approves a determination that the qualifying cogeneration facility is combusting homogeneous waste, as defined in Code of Federal Regulations, title 40, section 60.2875. The owner or operator must maintain the records required under Code of Federal Regulations, title 40, section 60.2740(v). The request for a determination must include sufficient

information to document that the unit meets the criteria of a qualifying cogeneration facility and that the waste material the unit is proposing to burn is homogeneous;

F. hazardous waste incineration units that are required to obtain a permit under section 3005 of the Solid Waste Disposal Act, United States Code, title 42, section 6925;

G. material recovery units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters;

H. air curtain incinerators, as defined under Code of Federal Regulations, title 40, section 60.2875, provided that the incinerators meet the requirements of Code of Federal Regulations, title 40, sections 60.2810 to 60.2870, and burn only 100 percent wood waste, 100 percent clean lumber, or 100 percent mixture of clean lumber, wood waste, or yard waste;

I. sewage treatment plants with incinerators subject to Code of Federal Regulations, title 40, part 61, subpart O;

J. sewage sludge incinerators subject to Code of Federal Regulations, title 40, part 60, subpart LLLL or MMMM; and

K. other solid waste incinerators subject to Code of Federal Regulations, title 40, part 60, subpart EEEE or FFFF.

Subp. 2. **Compliance deadline.** The owners or operators of a commercial or industrial solid waste incinerator shall demonstrate compliance with part 7011.1365 no later than March 16, 2016, or three years after the United States Environmental Protection Agency approves a 111(d) plan incorporating this part, whichever is earlier. Commercial and industrial solid waste incinerators operating on September 29, 2014, shall submit a control plan to the commissioner within 180 days after September 29, 2014.

Subp. 3. **Modifications.** If the owners or operators of a commercial or industrial solid waste incineration unit make changes after June 4, 2010, that meet the definition of modification in Code of Federal Regulations, title 40, section 60.2875:

A. the commercial or industrial solid waste incineration unit becomes subject to part 7011.1370; and

B. this part no longer applies to the commercial or industrial solid waste incineration unit.

Subp. 4. **Physical or operational changes.** Physical or operational changes made by owners or operators to a commercial or industrial solid waste incineration unit for which construction commenced on or before June 4, 2010, or reconstruction or modification commenced on or before August 7, 2013, to comply with this part:

A. are not considered modifications or reconstructions; and

B. do not result in a commercial or industrial solid waste incineration unit becoming subject to part 7011.1370.

Subp. 5. **Exceeding emission limits.** Owners and operators of a commercial or industrial solid waste incineration unit must comply with part 7011.1340.

**Statutory Authority:** *MS s 116.07*

**History:** *39 SR 386*

**Published Electronically:** *September 17, 2020*