

7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

Subpart 1. **Scope.** This part applies to hazardous wastes that are burned for energy recovery in a boiler or industrial furnace that is not regulated by the thermal treatment standards in part 7045.0542 or 7045.0640, except:

A. Gaseous emissions recovered from hazardous waste management activities when the gas is burned for energy recovery.

B. Used oil that exhibits a characteristic of hazardous waste as identified in part 7045.0131, provided that it has not been intentionally mixed with a characteristic hazardous waste, and is regulated as a used oil fuel in parts 7045.0790 to 7045.0990.

C. Hazardous wastes that are exempt from regulation under part 7045.0125, subparts 3a and 4, items D to J.

D. Mixtures of used oil and waste that is hazardous solely for the characteristic of ignitability in part 7045.0131, subpart 2, provided the waste is generated by a person who in a calendar month generates no more than 100 kilograms of hazardous waste. This mixture is regulated as provided in part 7045.0800. If the waste is generated by a person who in a calendar month generates more than 100 kilograms of hazardous waste, part 7045.0800 applies.

E. Used oil being burned for energy recovery as regulated in parts 7045.0790 to 7045.0990.

Subp. 2. Prohibitions.

A. A person may market hazardous waste fuel only:

(1) to persons who have notified the Environmental Protection Agency of their hazardous waste fuel activities and have an identification number; and

(2) if the fuel is to be burned, to persons who burn the fuel in boilers or industrial furnaces identified in item B.

B. Hazardous waste fuel may be burned for energy recovery only in industrial furnaces as defined in part 7045.0020, or boilers as defined in part 7045.0020, or as provided in part 7045.0075, subpart 4, that meet one of the following criteria:

(1) industrial boilers located on the site of an establishment engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(2) utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

C. Hazardous waste or a fuel that contains a hazardous waste may not be burned in a cement kiln unless the kiln fully complies with the thermal treatment standards of part 7045.0542.

Subp. 3. **Standards applicable to generators of hazardous waste fuel.** Generators of hazardous waste that is used as a fuel or used to produce a fuel are subject to parts 7045.0205 to 7045.0325. Generators who market hazardous waste fuel to a burner are also subject to subpart 5. Generators who are burners are also subject to subpart 6.

Subp. 4. **Standards applicable to transporters of hazardous waste fuel.** Transporters of hazardous waste fuel and hazardous waste that is used to produce a fuel are subject to parts 7045.0351 to 7045.0397.

Subp. 5. **Standards applicable to marketers of hazardous waste fuel.** Marketers are subject to the requirements in items A to F.

A. A marketer of hazardous waste that is used as a fuel or used to produce a fuel must notify the Environmental Protection Agency to identify hazardous waste fuel activities. Even if a marketer has previously notified the Environmental Protection Agency of hazardous waste management activities other than hazardous waste fuel activities, a marketer must renotify specifically to identify hazardous waste fuel activities.

B. A marketer must comply with the prohibitions in subpart 2, item A.

C. If a marketer is a generator, or becomes a generator by initiating a shipment of hazardous waste fuel, the marketer must comply with parts 7045.0205 to 7045.0320. If the marketer operates a facility, the marketer must comply with parts 7045.0450 to 7045.0551. If the marketer is operating a facility under interim status, the marketer must comply with parts 7045.0552 to 7045.0649. If the marketer stores hazardous waste, the marketer must comply with the agency's permitting procedures in chapter 7001 for storage of hazardous waste.

D. Before a marketer initiates the first shipment of hazardous waste fuel to a burner or another marketer, a one-time written and signed notice from the burner or marketer must be obtained certifying that:

(1) the burner or marketer has notified the Environmental Protection Agency and identified the waste-as-fuel activities; and

(2) if the recipient is a burner, the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in subpart 2, item B.

E. Before a marketer accepts the first shipment of hazardous waste fuel from another marketer, the receiving marketer must provide the other marketer with a one-time written and signed notice certifying that the receiving marketer has notified the

Environmental Protection Agency and identified the receiving marketer's hazardous waste fuel activities.

F. In addition to the applicable record keeping requirements of parts 7045.0205 to 7045.0320, 7045.0450 to 7045.0551, and 7045.0552 to 7045.0649, a marketer must keep a copy of each certification notice received or sent for three years from the date the marketer last engaged in a hazardous waste fuel marketing transaction with the person who sent or received the certification notice.

Subp. 6. **Standards applicable to burners of hazardous waste fuel.** Owners and operators of industrial furnaces and boilers identified in subpart 2, item B, that burn hazardous fuel are subject to the requirements in items A to F.

A. A burner must notify the Environmental Protection Agency of hazardous waste fuel activities and obtain an identification number. Even if a burner has previously notified the Environmental Protection Agency of the burner's hazardous waste management activities and obtained an identification number, the burner must renotify the Environmental Protection Agency to identify the burner's hazardous waste fuel activities.

B. Before a burner accepts the first shipment of hazardous waste fuel from a marketer, the burner must provide the marketer with a one-time written and signed notice certifying that:

(1) the burner has notified the Environmental Protection Agency and identified the burner's waste-as-fuel activities; and

(2) the burner will burn the fuel only in a boiler or furnace identified in subpart 2, item B.

C. In addition to the applicable record keeping requirements of parts 7045.0478 to 7045.0482 and 7045.0584 to 7045.0588, a burner must keep a copy of each certification notice that the burner sends to a marketer for three years from the date the burner last receives hazardous waste fuel from that marketer.

D. Generators who accumulate hazardous waste fuel before burning on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Small quantity generators who accumulate hazardous waste fuel before burning on site within the accumulation time period allowed in part 7045.0292 must comply with that part. Burning by the generator of a hazardous waste that is a sludge or is or contains a waste listed in part 7045.0135 for reasons other than ignitability or is or contains a waste that is lethal under part 7045.0131, subpart 6, is subject to the additional requirements of item E, subitem (2).

E. Generators who accumulate waste for longer than the time periods in item D, and burners who receive waste from off-site and store it, must comply with the following requirements:

(1) the agency's permitting procedures in chapter 7001 for hazardous waste storage facilities, parts 7045.0205 to 7045.0536, 7045.0544, 7045.0552 to 7045.0632, 7045.1000 to 7045.1030, and 7045.1390; and

(2) if the hazardous waste to be burned is a sludge or is or contains a waste listed in part 7045.0135 for reasons other than ignitability, or is or contains a waste that is toxic under part 7045.0131, subpart 6, then parts 7045.0542, excluding subparts 4, item C, and 7, item A, subitem (2); and 7045.0640 apply.

F. A burner must abide by Minnesota and federal air quality regulations, including obtaining a permit if necessary. Compliance with this part does not release a burner from any obligation to comply with local air quality ordinances or codes.

Statutory Authority: *MS s 14.07; 115.03; 116.07*

History: *14 SR 1718; 16 SR 2102; 20 SR 715; 22 SR 5; 31 SR 1277; 33 SR 2042*

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