

**8121.0500 EXEMPTIONS.**

Subpart 1. **Energy and resource recovery facilities.** Facilities seeking exemption must apply to the commissioner before solid waste is taken to a mixed municipal solid waste disposal facility.

In order for an energy and resource recovery facility to qualify for this exemption, the energy and resource recovery facility shall make application to the commissioner, providing the commissioner with records showing volume of waste received, amount of recycled product, and the amount of disposal solid waste residue.

When the commissioner has approved the exemption of an energy and resource recovery facility in consultation with the Pollution Control Agency, the energy and resource recovery facility shall present to the operator of a mixed municipal solid waste disposal facility a statement of exemption requesting the 50 percent reduction. The statement must be on a form designed by the commissioner.

The statement of exemption must be signed and dated by the operator and attached to the report upon which the exemption is taken. The exemption must be claimed on the report for the month that it is allowed to the energy and resource recovery facility.

Subp. 2. [Repealed, L 1995 c 233 art 3 s 8; L 1995 c 248 art 3 s 8]

Subp. 3. **Operating waste.** When solid waste that is accepted at a mixed municipal solid waste facility is not disposed of in the body of the facility, but is to be used in the operation of the facility, the solid waste may be exempt from the amount of fee charged. The generator of waste qualifying for this exemption must first obtain approval of the Minnesota Pollution Control Agency as to the suitability of the material for the intended use.

Upon receipt of authorization for the exemption from the Pollution Control Agency, the commissioner will provide the generator with an appropriate statement of exemption. The commissioner may revoke an exemption upon a finding that the use of the material is not consistent with the use for which the exemption was granted.

**Statutory Authority:** *MS s 270C.06; 473.843*

**History:** *9 SR 2298; L 1995 c 233 art 3 s 8; L 1995 c 248 art 3 s 8; L 2005 c 151 art 1 s 114*

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