

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Hazardous Waste; Burning of
4 Hazardous Waste and Used Oil

5

6 Rules as Adopted

7 7001.0520 PERMIT REQUIREMENTS.

8 Subpart 1. and 2. [Unchanged.]

9 Subp. 3. Permits by rule. The owner or operator of the
10 following facilities shall be deemed to have obtained a
11 hazardous waste facility permit without making application for
12 it unless the commissioner finds that the following conditions
13 are not met:

14 A. to D. [Unchanged.]

15 E. Containers or tanks where generators mix
16 characteristic hazardous waste as identified in part 7045.0131,
17 subpart 2, with used oil if:

18 (1) the generators who produce at least 1,000
19 kilograms per calendar month of hazardous waste meet the
20 requirements of part 7045.0292, subpart 1; or

21 (2) the generators who produce less than 1,000
22 kilograms per calendar month of hazardous waste meet the
23 requirements of part 7045.0219, subpart 4, item A.

24 Subp. 4. [Unchanged.]

25 7045.0020 DEFINITIONS.

26 Subpart 1. to 6. [Unchanged.]

27 Subp. 6a. Boiler. "Boiler" means an enclosed device using
28 controlled flame combustion and having the characteristics
29 specified in item A or B. If used oil or hazardous waste is to
30 be used as a fuel in an industrial boiler or a utility boiler,
31 these boilers must meet the additional criteria in items C and D.

32 A. and B. [Unchanged.]

33 C. An industrial boiler burning used oil or hazardous
34 waste as a fuel must be located on the site of an establishment
35 engaged in a manufacturing process where substances are



1 transformed into new products, including the component parts of
2 products, by mechanical processes.

3 D. A utility boiler burning used oil or hazardous
4 waste as a fuel must be one that is used to produce electric
5 power, steam, or heated or cooled air or other gases or fluids
6 for sale.

7 Subp. 6b. [Unchanged.]

8 Subp. 6c. Burner. "Burner" means an owner or operator of
9 an industrial furnace, industrial boiler, or utility boiler
10 meeting the definition of industrial furnace in subpart 43a or
11 boiler in subpart 6a.

12 Subp. 7. to 9. [Unchanged.]

13 Subp. 9a. Collector. "Collector" means an initial
14 transporter who receives used oil only from generators and does
15 not market the used oil directly to a person who burns it for
16 energy recovery.

17 Subp. 9b. Combustible liquid. "Combustible liquid" means
18 ~~a liquid that has a flash point below 200 degrees Fahrenheit and~~
19 ~~equal to or greater than 100 degrees Fahrenheit, as defined~~ has
20 the meaning given in Code of Federal Regulations, title 49,
21 section 173.115.

22 Subp. 9c. Commissioner. "Commissioner" means the
23 commissioner of the Minnesota Pollution Control Agency or the
24 commissioner's designee.

25 Subp. 9d. Component. "Component" means either the tank or
26 ancillary equipment of a tank system.

27 Subp. 10. to 21a. [Unchanged.]

28 Subp. 21b. EPA identification number. "EPA identification
29 number" means the number assigned by the Environmental
30 Protection Agency to each generator, transporter, and treatment,
31 storage and disposal facility.

32 Subp. 22. to 24a. [Unchanged.]

33 Subp. 24b. Flammable liquid. "Flammable liquid" means ~~a~~
34 ~~liquid exhibiting a flash point below 100 degrees Fahrenheit, as~~
35 defined has the meaning given in Code of Federal Regulations,
36 title 49, section 173.115.

1 Subp. 25. to 34. [Unchanged.]

2 Subp. 34a. **Hazardous waste fuel.** "Hazardous waste fuel"
3 means a hazardous waste that is burned for energy recovery and
4 includes fuel that is produced from hazardous waste by
5 processing, blending, or other treatment, except for those
6 blended fuels described in part 7045.0102, subpart 3.

7 Subp. 35. to 40. [Unchanged.]

8 Subp. 40a. **Incidental burner.** "Incidental burner" means a
9 person who burns some used oil fuel for purposes of processing
10 other used oil or treating other used oil to produce used oil
11 fuel for marketing. These persons are considered to be burning
12 incidentally to processing.

13 Subp. 41. to 55. [Unchanged.]

14 Subp. 55a. **Marketer.** "Marketer" means a generator who
15 markets hazardous waste fuel or used oil fuel directly to a
16 burner; a person who receives hazardous waste or used oil from
17 generators and produces, processes, or blends hazardous waste
18 fuel from these hazardous wastes, or blends used oil from these
19 oils; a person who distributes but does not process or blend
20 hazardous waste fuel or used oil; and a person who sends blended
21 or processed used oils to brokers or other intermediaries.

22 Subp. 56. to 58. [Unchanged.]

23 Subp. 58a. **Mixed municipal solid waste.** "Mixed municipal
24 solid waste" has the meaning given it in Minnesota Statutes,
25 section 115A.03, subdivision 21.

26 Subp. 59. and 59a. [Unchanged.]

27 Subp. 59b. **Off-specification used oil.** "Off-specification
28 used oil" means a used oil fuel that exceeds any of the
29 specification levels for the following constituents or has a
30 flash point less than 100 degrees Fahrenheit.

31 Constituent	Allowable level
32 Arsenic, total	5 parts per million maximum
33 Cadmium, total	2 parts per million maximum
34 Chromium, total	10 parts per million maximum
35 Lead, total	100 parts per million maximum
36 Total Halogens	4,000 parts per million maximum

1 Subp. 59c. **Onground tank.** "Onground tank" means a device
2 meeting the definition of "tank" in subpart 90 and that is
3 situated in such a way that the bottom of the tank is on the
4 same level as the adjacent surrounding surface so that the
5 external tank bottom cannot be visually inspected.

6 Subp. 60. [Unchanged.]

7 Subp. 60a. **On-specification used oil.** "On-specification
8 used oil" means used oil fuel that does not exceed the
9 specification levels for the constituents in subpart 59b, and
10 has a flash point equal to or greater than 100 degrees
11 Fahrenheit.

12 Subp. 61. to 100a. [Unchanged.]

13 Subp. 100b. **Used oil fuel.** "Used oil fuel" means used oil
14 that is burned for energy recovery, and includes fuel produced
15 from used oil by processing, blending, or other treatment,
16 except for those blended fuels described in part 7045.0102,
17 subpart 3.

18 Subp. 101. to 109. [Unchanged.]

19 7045.0102 MIXTURES OF WASTES.

20 Subpart 1. **Scope.** Except as provided in part 7045.0665,
21 subpart 5 1, mixtures of wastes are listed in subparts 2 and 3.

22 Subp. 2. **Mixtures of hazardous and nonhazardous wastes.**

23 A. to G. [Unchanged.]

24 Subp. 3. **Mixtures of used oil and hazardous waste.** Items
25 A and B apply to used oil that is intentionally mixed with
26 hazardous waste.

27 A. Used oil mixed with a hazardous waste that
28 exhibits any of the characteristics of part 7045.0131, subparts
29 2 to 7, is regulated as hazardous waste. If it is burned for
30 energy recovery, it is regulated as a hazardous waste fuel under
31 part 7045.0692 provided the mixture continues to exhibit any of
32 those characteristics. If the mixture no longer exhibits any of
33 those characteristics and is to be burned for energy recovery,
34 it is regulated as a used oil fuel under part 7045.0695. If the
35 mixture no longer exhibits any of those characteristics and is

1 not burned for energy recovery, it is subject to the
2 requirements of part 7045.0125.

3 B. Used oil mixed with hazardous waste listed in part
4 7045.0135 is a hazardous waste. If it is to be burned for
5 energy recovery, it is regulated as a hazardous waste fuel under
6 part 7045.0692.

7 7045.0120 EXEMPT WASTES.

8 The following wastes may be stored, labeled, transported,
9 treated, processed, and disposed of without complying with the
10 requirements of this chapter:

11 A. to L. [Unchanged.]

12 M. a sample of waste, water, soil, or air, which is
13 collected for the sole purpose of testing to determine its
14 characteristics or composition when:

15 (1) to (6) [Unchanged.]

16 N. pulping liquors (for example, black liquor) that
17 are reclaimed in a pulping liquor recovery furnace and then
18 reused in the pulping process, unless they are accumulated
19 speculatively as defined in part 7045.0020;

20 O. spent sulfuric acid used to produce virgin
21 sulfuric acid, unless it is accumulated speculatively as defined
22 in part 7045.0020; or

23 P. secondary materials that are reclaimed and
24 returned to the original process or processes in which they were
25 generated where they are reused in the production process
26 provided that:

27 (1) to (4) [Unchanged.]

28 7045.0125 MANAGEMENT OF WASTE BY USE, REUSE, RECYCLING, AND
29 RECLAMATION.

30 Subpart 1. Scope. This part regulates hazardous waste and
31 used oil that is to be recycled except for use constituting
32 disposal as provided in part 7045.0665, hazardous waste used for
33 precious metals recovery as provided in part 7045.0675; spent
34 lead-acid batteries being reclaimed as provided in part
35 7045.0685; hazardous waste fuel being burned for energy recovery

1 as provided in part 7045.0692; or used oil fuel being burned for
2 energy recovery as provided in part 7045.0695.

3 Subp. 3. [Unchanged.]

4 Subp. 3a. Management requirements for used oil.

5 A. Used oil that is recycled in some other manner
6 than being burned for energy recovery is not subject to the
7 requirements of parts 7045.0205 to 7045.0695 and 7045.1300 to
8 7045.1380.

9 B. Used oil that is not recycled is regulated as a
10 hazardous waste and is subject to the applicable requirements of
11 parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.

12 C. Used oil that is to be burned for energy recovery
13 is regulated under part 7045.0695. Used oil that is mixed with
14 hazardous waste and is burned for energy recovery is regulated
15 under part 7045.0692 and the applicable requirements of part
16 7045.0102.

17 Subp. 4. Management of specific hazardous wastes.

18 Management of the following wastes when recycled, is not subject
19 to regulation under parts 7045.0205 to 7045.0695 and 7045.1300
20 to 7045.1380:

21 A. industrial ethyl alcohol that is reclaimed, except
22 as provided in subpart 12;

23 B. used batteries or used battery cells returned to a
24 battery manufacturer for regeneration;

25 C. scrap metal;

26 D. fuels produced from the refining of oil-bearing
27 hazardous wastes along with normal process streams at a
28 petroleum refining facility if the wastes result from normal
29 petroleum refining, production, and transportation practices;

30 E. oil that is reclaimed from hazardous wastes that
31 are generated from normal petroleum refining, production, and
32 transportation practices, and that is to be refined along with
33 normal process streams at a petroleum refining facility;

34 F. coke and coal tar from the iron and steel industry
35 that contain EPA Hazardous Waste No. K087 listed under part
36 7045.0135, subpart 3, item L, subitem (2), (decanter tank tar

1 sludge from coking operations) from the iron and steel
2 production process;

3 G. hazardous waste fuel produced from oil-bearing
4 hazardous wastes from petroleum refining, production, or
5 transportation practices, or produced from oil reclaimed from
6 the hazardous wastes, where the hazardous wastes are
7 reintroduced into a process that does not use distillation or
8 does not produce products from crude oil if the resulting fuel
9 meets the used oil specification under part 7045.0695, subpart
10 1, item B, subitem (1), and no other hazardous wastes are used
11 to produce the hazardous waste fuel;

12 H. hazardous waste fuel produced from oil-bearing
13 hazardous waste from petroleum refining, production, and
14 transportation practices, where the hazardous wastes are
15 reintroduced into a refining process after a point at which
16 contaminants are removed, if the fuel meets the used oil fuel
17 specification under part 7045.0695, subpart 1, item B, subitem
18 (1);

19 I. oil that is reclaimed from oil-bearing hazardous
20 wastes from petroleum refining, production, and transportation
21 practices, and is burned as a fuel without reintroduction to a
22 refining process, if the reclaimed oil meets the used oil fuel
23 specification under part 7045.0695, subpart 1, item B, subitem
24 (1); and

25 J. petroleum coke produced from petroleum refinery
26 hazardous wastes containing oil at the same facility at which
27 the wastes were generated, unless the resulting coke product
28 exhibits one or more of the characteristics of hazardous waste
29 in part 7045.0131.

30 Subp. 5. Requirements for use of hazardous wastes as
31 feedstock.

32 A. Except as provided in items B to D, hazardous
33 wastes that are shown to be recycled by being used in a manner
34 specified in subitems (1) to (3), are not subject to regulation
35 under parts 7045.0205 to 7045.0695 and 7045.1300 to 7045.1380.
36 This subpart does not apply to wastes being accumulated

1 speculatively as defined in part 7045.0020, or being managed by
2 use constituting disposal as regulated under part 7045.0665 or
3 burning for energy recovery, as regulated in part 7045.0692.

4 Hazardous wastes are considered to be used as feedstock if they
5 are:

6 (1) to (3) [Unchanged.]

7 B. to D. [Unchanged.]

8 Subp. 6. Requirements for reclamation of specific
9 hazardous wastes.

10 A. [Unchanged.]

11 B. This subpart does not apply to hazardous wastes
12 being accumulated speculatively as defined in part 7045.0020 or
13 being managed by use constituting disposal, as regulated under
14 part 7045.0665 or being burned for energy recovery as regulated
15 by part 7045.0692.

16 Subp. 7. Generator requirements. Except as provided in
17 subpart 3a, 4, 5, or 6, or part 7045.0695, generators of
18 hazardous waste destined for recycle are subject to the
19 requirements of parts 7045.0205 to 7045.0304.

20 Subp. 8. Transporter requirements. Except as provided in
21 subpart 3a, 4, 5, or 6, or part 7045.0695, transporters of
22 hazardous waste destined for recycle are subject to the
23 requirements of parts 7045.0351 to 7045.0397.

24 Subp. 9. Facility requirements. Except as provided in
25 subpart 3a, 4, 5, or 6, or parts 7045.0692 and 7045.0695, owners
26 or operators of facilities which recycle hazardous waste are
27 subject to the following requirements:

28 A. and B. [Unchanged.]

29 Subp. 10. and 11. [See Repealer.]

30 Subp. 12. [Unchanged.]

31 7045.0214 EVALUATION OF WASTES.

32 Subpart 1. and 2. [Unchanged.]

33 Subp. 3. Wastes generated by treatment, storage, or
34 disposal. Wastes generated by treatment, storage, or disposal
35 of hazardous waste are as follows:

1 A. Except as provided in items B, C, and D, any waste
2 generated from the treatment, storage, or disposal of hazardous
3 waste, including any sludge, spill residue, ash, emission
4 control dust or leachate, but not including precipitation
5 run-off, is a hazardous waste if it meets the criteria of
6 subpart 2 or if it is derived from a waste that is listed in
7 part 7045.0135.

8 B. [Unchanged.]

9 C. Materials that have been reclaimed from hazardous
10 wastes and from wastes that have been reclaimed that are
11 beneficially used are not hazardous wastes unless the reclaimed
12 material is used in a manner constituting disposal under part
13 7045.0665 or burned for energy recovery under part 7045.0692.

14 D. Wastes from burning any of the materials exempted
15 from regulation by part 7045.0125, subpart 4, items D to J, are
16 not hazardous wastes.

17 7045.0219 SPECIAL REQUIREMENTS FOR SMALL QUANTITY GENERATORS OF
18 HAZARDOUS WASTE.

19 Subpart 1. **Applicability; quantities.** A generator is a
20 small quantity generator subject to the requirements of subparts
21 2 to 6 if, in a calendar month, he or she generates less than:

22 A. to C. [Unchanged.]

23 Subp. 2. and 3. [Unchanged.]

24 Subp. 4. **Accumulation on-site.** A small quantity generator
25 who does not have a permit or interim status may accumulate
26 hazardous waste on-site under the following conditions: if the
27 quantity of hazardous waste accumulated at any time exceeds the
28 quantities in item A or B, whichever applies, the small quantity
29 generator must manage all of the accumulated waste in accordance
30 with all the generator requirements in parts 7045.0205 to
31 7045.0304, excluding this part, but does not lose the small
32 quantity generator status.

33 A. The following provisions apply to waste not listed
34 as acute hazardous waste:

35 (1) A small quantity generator who in a calendar

1 month generates at least 100 kilograms of waste not listed as
2 acute hazardous waste in part 7045.0135, subpart 2, 3, or 4,
3 item E, may accumulate that waste on-site for 180 days or less
4 if the quantity of waste accumulated on-site never exceeds 3,000
5 kilograms and the small quantity generator meets all the
6 requirements of subpart 5. For purposes of this subitem, the
7 time period for accumulation begins when the generator begins
8 accumulation in a container or tank. If the small quantity
9 generators regulated under this subitem mix used oil with
10 hazardous waste, they must meet the requirements under part
11 7045.0102, subpart 3.

12 (2) A small quantity generator who in a calendar
13 month generates less than 100 kilograms of waste not listed as
14 acute hazardous waste in part 7045.0135, subpart 2, 3, or 4,
15 item E may accumulate that waste on-site indefinitely until
16 1,000 kilograms of waste are accumulated, at which point the
17 small quantity generator may only store the waste on-site for a
18 period of 180 days following the date the 1,000 kilogram limit
19 is reached. A small quantity generator accumulating waste under
20 this subitem must meet the requirements of subpart 5, except for
21 subpart 5, item B, subitems (2) to (5). If the small quantity
22 generators regulated under this subitem mix used oil with
23 characteristic hazardous waste, they must meet the requirements
24 under subpart 6. Small quantity generators regulated under this
25 subitem who mix used oil with listed hazardous waste must meet
26 the hazardous waste fuel requirements under part 7045.0692 if
27 the waste is to be burned for energy recovery.

28 (3) [Unchanged.]

29 B. [Unchanged.]

30 Subp. 5. Management requirements.

31 A. Small quantity generators shall comply with the
32 following requirements of this chapter:

33 (1) to (5) [Unchanged.]

34 (6) parts 7045.0566 and 7045.0568;

35 (7) parts 7045.0626 and 7045.0629; and

36 (8) as applicable, parts 7045.0692 and 7045.0695.

1 B. and C. [Unchanged.]

2 Subp. 6. Mixtures. A small quantity generator's hazardous
3 waste may be mixed as specified in items A to C and be subject
4 to the reduced requirements of this rule.

5 A. Hazardous waste may be mixed with nonhazardous
6 waste pursuant to part 7045.0102 and remain subject to these
7 reduced requirements even though the resultant mixture exceeds
8 the quantity generation and accumulation limitations identified
9 in this rule unless the resultant mixture is hazardous pursuant
10 to part 7045.0102.

11 B. A waste that is hazardous solely for the
12 characteristic of ignitability may be mixed with used oil that
13 is generated on-site and regulated as used oil fuel under part
14 7045.0695 if the waste mixed is hazardous solely for the
15 characteristic of ignitability under part 7045.0131, subpart 2,
16 and the following conditions are met:

17 (1) the ignitable waste is generated by a small
18 quantity generator who in a calendar month generates a total of
19 less than 100 kilograms of hazardous waste;

20 (2) the ignitable waste has a flash point of 100
21 degrees Fahrenheit or greater, is not a metal bearing paint
22 waste, or is not gasoline; and

23 (3) the concentration of ignitable waste in the
24 used oil does not exceed ten percent by volume.

25 C. Mixtures that do not meet the criteria in item B
26 are subject to part 7045.0102, subpart 3.

27 7045.0665 USE CONSTITUTING DISPOSAL.

28 Subpart 1. [Unchanged.]

29 Subp. 1a. Land application prohibition.

30 A. The following materials may not be placed in mixed
31 municipal solid waste or applied as a dust suppressant or used
32 for road treatment:

33 (1) waste oil;

34 (2) used oil;

35 (3) hazardous waste; and

1 (4) a mixture of hazardous waste and other
2 material, waste oil, or used oil.

3 B. A person may not otherwise place used or waste oil
4 in or on the land, unless approved by the commissioner. The
5 application of used or waste oil in or on the land shall only be
6 approved in the case of an accidental ~~oil~~ spill.

7 Subp. 2. to 4. [Unchanged.]

8 7045.0692 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY.

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

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

15 B. Used oil that exhibits a characteristic of
16 hazardous waste as identified in part 7045.0131, provided that
17 it has not been intentionally mixed with a characteristic
18 hazardous waste, and is regulated as a used oil fuel in part
19 7045.0695.

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

22 D. Mixtures of used oil and waste that is hazardous
23 solely for the characteristic of ignitability in part 7045.0131,
24 subpart 2, provided the waste is generated by a person who in a
25 calendar month generates less than 100 kilograms of hazardous
26 waste. This mixture is regulated as provided in part 7045.0219,
27 subpart 6. If the waste is generated by a person who in a
28 calendar month generates at least 100 kilograms of hazardous
29 waste, part 7045.0102, subpart 3, item A, applies.

30 E. Used oil being burned for energy recovery as
31 regulated in part 7045.0695.

32 Subp. 2. **Prohibitions.**

33 A. A person may market hazardous waste fuel only:

34 (1) to persons who have notified the

35 Environmental Protection Agency of their hazardous waste fuel

1 activities and have an EPA identification number; and

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

5 B. Hazardous waste fuel may be burned for energy
6 recovery only in industrial furnaces as defined in part
7 7045.0020, or boilers as defined in part 7045.0020, or as
8 provided in part 7045.0075, subpart 4, that meet one of the
9 following criteria:

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

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

18 C. Hazardous waste or a fuel that contains a
19 hazardous waste may not be burned in a cement kiln unless the
20 kiln fully complies with the thermal treatment standards of part
21 7045.0542.

22 Subp. 3. Standards applicable to generators of hazardous
23 waste fuel. Generators of hazardous waste that is used as a
24 fuel or used to produce a fuel are subject to parts 7045.0205 to
25 7045.0304. Generators who market hazardous waste fuel to a
26 burner are also subject to subpart 5. Generators who are
27 burners are also subject to subpart 6.

28 Subp. 4. Standards applicable to transporters of hazardous
29 waste fuel. Transporters of hazardous waste fuel and hazardous
30 waste that is used to produce a fuel are subject to parts
31 7045.0351 to 7045.0397.

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

35 A. A marketer of hazardous waste that is used as a
36 fuel or used to produce a fuel must notify the Environmental

1 Protection Agency to identify hazardous waste fuel activities.
2 Even if a marketer has previously notified the Environmental
3 Protection Agency of hazardous waste management activities other
4 than hazardous waste fuel activities, a marketer must renotify
5 specifically to identify hazardous waste fuel activities.

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

8 C. If a marketer is a generator, or becomes a
9 generator by initiating a shipment of hazardous waste fuel, the
10 marketer must comply with parts 7045.0205 to 7045.0304. If the
11 marketer operates a facility, the marketer must comply with
12 parts 7045.0450 to 7045.0534. If the marketer is operating a
13 facility under interim status, the marketer must comply with
14 parts 7045.0552 to 7045.0632. If the marketer stores hazardous
15 waste, the marketer must comply with the agency's permitting
16 procedures in chapter 7001 for storage of hazardous waste.

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

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

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

27 E. Before a marketer accepts the first shipment of
28 hazardous waste fuel from another marketer, the receiving
29 marketer must provide the other marketer with a one-time written
30 and signed notice certifying that the receiving marketer has
31 notified the Environmental Protection Agency and identified the
32 receiving marketer's hazardous waste fuel activities.

33 F. In addition to the applicable record keeping
34 requirements of parts 7045.0205 to 7045.0304, 7045.0450 to
35 7045.0534, and 7045.0552 to 7045.0632, a marketer must keep a
36 copy of each certification notice received or sent for three

1 years from the date the marketer last engaged in a hazardous
2 waste fuel marketing transaction with the person who sent or
3 received the certification notice.

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

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

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

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

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

24 C. In addition to the applicable record keeping
25 requirements of parts 7045.0478 to 7045.0482 and 7045.0584 to
26 7045.0588, a burner must keep a copy of each certification
27 notice that the burner sends to a marketer for three years from
28 the date the burner last receives hazardous waste fuel from that
29 marketer.

30 D. Generators who accumulate hazardous waste fuel
31 before burning on-site within the accumulation time period
32 allowed in part 7045.0292 must comply with that part. Small
33 quantity generators who accumulate hazardous waste fuel before
34 burning on-site within the accumulation time period allowed in
35 part 7045.0219 must comply with that part. Burning by the
36 generator of a hazardous waste that is a sludge or is or

1 contains a waste listed in part 7045.0135 for reasons other than
2 ignitability or is or contains a waste that is toxic under part
3 7045.0131, subpart 6, is subject to the additional requirements
4 of item E, subitem (2).

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

9 (1) the agency's permitting procedures in chapter
10 7001 for hazardous waste storage facilities, parts 7045.0205 to
11 7045.0536, 7045.0544, 7045.0552 to 7045.0632, 7045.1000 to
12 7045.1030, and 7045.1300 to 7045.1380; and

13 (2) if the hazardous waste to be burned is a
14 sludge or is or contains a waste listed in part 7045.0135 for
15 reasons other than ignitability, or is or contains a waste that
16 is toxic under part 7045.0131, subpart 6, then parts 7045.0542,
17 excluding subparts 4, item C, and 7, item A, subitem (2); and
18 7045.0640 apply.

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

23 7045.0695 USED OIL BURNED FOR ENERGY RECOVERY.

24 Subpart 1. Scope. The requirements of this part apply to
25 used oil that is burned for energy recovery in a boiler or
26 industrial furnace that is not regulated under part 7045.0542 or
27 7045.0640. Burning used oil as a fuel is prohibited except as
28 provided in this part. Used oil burned for energy recovery is
29 subject to regulation under this part rather than as hazardous
30 waste fuel under part 7045.0692, even if it exhibits a
31 characteristic of hazardous waste identified in part 7045.0131,
32 provided that it has not been intentionally mixed with a
33 characteristic hazardous waste. Used oil intentionally mixed
34 with a characteristic hazardous waste as identified in part
35 7045.0131 is regulated as specified in part 7045.0102, subpart 3.

1 A. The requirements of this part do not apply to
2 subitems (1) and (2), which are regulated as specified.

3 (1) Used oil that has been intentionally mixed
4 with a hazardous waste listed in part 7045.0135 is regulated
5 under part 7045.0692 if it is to be burned for energy recovery.

6 (2) Used oil containing more than 1,000 parts per
7 million of total halogens is presumed to have been mixed with a
8 halogenated hazardous waste listed in part 7045.0135 and is a
9 hazardous waste. It is subject to the requirements of part
10 7045.0692 if it is to be burned for energy recovery. This
11 presumption may be rebutted by a demonstration that the used oil
12 does not contain hazardous waste.

13 B. Used oil burned for energy recovery, and any fuel
14 produced from used oil by processing, blending, or other
15 treatment, is subject to regulation as off-specification used
16 oil fuel if it exceeds any of the allowable levels of the
17 constituents and properties in subitem (1). On-specification
18 used oil fuel as defined in part 7045.0020, subpart 60a, is
19 subject only to the analysis and record keeping requirements
20 under subpart 3, item B, subitems (1) and (8).

21 (1) Used oil exceeding any of the following
22 allowable levels, for the constituent or property listed, is
23 subject to full regulation under this part when burned for
24 energy recovery:

Constituent/property	Allowable level
Arsenic, total	5 parts per million maximum
Cadmium, total	2 parts per million maximum
Chromium, total	10 parts per million maximum
Lead, total	100 parts per million maximum
Flash Point	100 degrees Fahrenheit minimum
Total Halogens	4,000 parts per million maximum

32 (2) The specifications in subitem (1) do not
33 apply to used oil fuel mixed with a listed hazardous waste
34 identified in part 7045.0135. Such wastes are regulated under
35 part 7045.0692.

36 (3) If the presumption of mixing is not

1 successfully rebutted, used oil containing more than 1,000 ppm
2 total halogens is presumed to be a hazardous waste under the
3 rebuttable presumption provided in item A, subitem (2). This
4 used oil is subject to part 7045.0692 rather than this part when
5 burned for energy recovery. If the presumption of mixing is
6 successfully rebutted and the oil is on-specification used oil,
7 it is subject only to the reduced requirements identified in
8 subpart 3, item B, subitems (1) and (8).

9 Subp. 2. Standards applicable to generators of used oil to
10 be burned for energy recovery. Except as provided in items A
11 and B, generators of used oil are not subject to this subpart.

12 A. Generators who market used oil directly to a
13 burner are subject to subpart 3.

14 B. Generators who burn used oil are subject to
15 subpart 4.

16 Subp. 3. Standards applicable to marketers of used oil to
17 be burned for energy recovery.

18 A. The following persons are not marketers:

19 (1) Used oil generators, and collectors who
20 transport used oil received only from generators, unless the
21 generator or collector markets the used oil directly to a person
22 who burns it for energy recovery. Generators and collectors who
23 market to incidental burners are not marketers subject to this
24 subpart.

25 (2) Persons who market only on-specification used
26 oil fuel and who are not the first person to claim the used oil
27 meets the specifications of subpart 1, item B.

28 B. Marketers are subject to the following
29 requirements:

30 (1) Used oil fuel is subject to regulation as
31 off-specification used oil fuel under this part unless the
32 marketer obtains analyses or other information documenting that
33 the used oil is on-specification used oil fuel.

34 (2) A person may market off-specification used
35 oil for energy recovery only:

36 (a) to burners or other marketers who have

1 notified the Environmental Protection Agency of their used oil
2 management activities stating the location and general
3 description of those activities, and who have an EPA
4 identification number; and

5 (b) to burners who burn the used oil in an
6 industrial furnace or boiler identified in subpart 4, item A,
7 subitems (1) and (2).

8 (3) Even if a marketer has previously notified
9 the Environmental Protection Agency of the marketer's hazardous
10 waste management activities and obtained an EPA identification
11 number, the marketer must renotify the Environmental Protection
12 Agency to identify the marketer's used oil management activities.

13 (4) When a marketer initiates a shipment of
14 off-specification used oil fuel, the marketer must prepare and
15 send the receiving facility an invoice containing the following
16 information:

17 (a) a unique invoice number;

18 (b) the marketer's own EPA identification
19 number and the EPA identification number of the receiving
20 facility;

21 (c) the names and addresses of the shipping
22 and receiving facilities;

23 (d) the quantity of off-specification used
24 oil fuel to be delivered;

25 (e) the dates of shipment or delivery; and

26 (f) the following statement: "This used oil
27 is subject to EPA regulation under Code of Federal Regulations,
28 title 40, section 266."

29 (5) Used oil that meets the definition of
30 combustible liquid or flammable liquid is subject to the United
31 States Department of Transportation hazardous materials
32 regulations in Code of Federal Regulations, title 49, sections
33 100 to 177.

34 (6) Before a marketer initiates the first
35 shipment of off-specification used oil fuel to a burner or other
36 marketer, the marketer must obtain a one-time written and signed

1 notice from the burner or marketer certifying that:

2 (a) the burner or marketer has notified the
3 Environmental Protection Agency stating the location and general
4 description of the marketer's used oil management activities;
5 and

6 (b) if the recipient is a burner, the burner
7 will burn the off-specification used oil fuel only in an
8 industrial furnace or boiler identified in subpart 4, item A,
9 subitems (1) and (2).

10 (7) Before a marketer accepts the first shipment
11 of off-specification used oil fuel from another marketer subject
12 to the requirements of this part, the first marketer must
13 provide the other marketer with a one-time written and signed
14 notice certifying that the first marketer has notified the
15 Environmental Protection Agency of the first marketer's used oil
16 management activities.

17 (8) A marketer who first claims under item B,
18 subitem (1), that used oil fuel meets the specifications must
19 keep copies of analysis, or other information used to make the
20 determination, for three years from the date of analysis. That
21 marketer must also record in an operating log and keep for three
22 years the information in units (a) to (d) on each shipment of
23 on-specification used oil fuel. On-specification used oil fuel
24 is not subject to further regulation, unless it is subsequently
25 mixed with hazardous waste or unless it is mixed with used oil
26 so that it no longer meets the specifications:

27 (a) the name and address of the facility
28 receiving the shipment;

29 (b) the quantity of used oil fuel delivered;

30 (c) the date of shipment and delivery; and

31 (d) a cross-reference to the record of used
32 oil analysis or other information used to make the determination
33 that the oil meets the specifications required under this
34 subitem.

35 (9) A marketer who receives or initiates an
36 invoice under the requirements of this subpart must keep a copy

1 of each invoice for three years from the date the invoice is
2 received or prepared. In addition, a marketer must keep a copy
3 of each certification notice that the marketer received or sent
4 for three years from the date that the marketer last engaged in
5 an off-specification used oil fuel marketing transaction with
6 the person who sent or received the certification notice.

7 Subp. 4. Standards applicable to burners of used oil
8 burned for energy recovery. Owners and operators of devices
9 that burn used oil fuel are subject to the requirements in items
10 A to G.

11 A. Off-specification used oil fuel may be burned for
12 energy recovery only in industrial furnaces defined in part
13 7045.0020, or in boilers as defined in part 7045.0020, or as
14 provided in part 7045.0075, subpart 4, that meet the following
15 criteria:

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

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

23 (3) used oil-fired space heaters provided that:

24 (a) the heater burns only used oil that the
25 owner or operator generates or used oil received from
26 do-it-yourself oil changers who generate used oil as household
27 waste;

28 (b) the heater is designed to have a maximum
29 capacity of not more than 0.5 million Btu per hour; and

30 (c) the combustion gases from the heater are
31 vented to the out-of-doors.

32 B. Burners of off-specification used oil fuel and
33 burners of on-specification used oil fuel who are the first to
34 claim that the oil meets the specifications provided in subpart
35 1, item B, must notify the Environmental Protection Agency
36 stating the location and general description of used oil

1 management activities. Burners who meet the following criteria
2 are not required to notify the Environmental Protection Agency:

3 (1) burners of on-specification used oil fuel who
4 receive the oil from a marketer who has previously notified the
5 Environmental Protection Agency;

6 (2) owners and operators of used oil-fired space
7 heaters that burn used oil fuel under item A, subitem (3); and

8 (3) burners who burn on-specification used oil
9 that they generate.

10 C. Before a burner accepts the first shipment of
11 off-specification used oil fuel from a marketer, the burner must
12 provide the marketer with a one-time written and signed notice
13 certifying that:

14 (1) the burner has notified the Environmental
15 Protection Agency stating the location and general description
16 of the burner's used oil management activities; and

17 (2) the burner will burn the used oil only in an
18 industrial furnace or boiler identified in item A, subitems (1)
19 and (2).

20 D. A person who burns used oil fuel that has been
21 generated on-site is subject to regulation under this subpart
22 unless that person obtains analysis or other information
23 documenting that the oil is on-specification used oil.

24 E. Burners who process, blend, or otherwise manage
25 off-specification used oil to meet the specifications provided
26 under subpart 1, item B, must obtain analyses or other
27 information documenting that the oil is on-specification used
28 oil.

29 F. A burner must retain a copy of the invoice given
30 from a marketer for three years from the date the invoice is
31 received. Burners must also keep for three years copies of all
32 analyses of used oil fuel as may be required by items D and E.
33 In addition, the burner must keep a copy of each certification
34 notice that the burner sends to a marketer for three years from
35 the date the burner last received off-specification used oil
36 fuel from that marketer.

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

5

6 REPEALER. Minnesota Rules, parts 7045.0100; and 7045.0125,
7 subparts 10 and 11, are repealed.