

CHAPTER 7002

MINNESOTA POLLUTION CONTROL AGENCY

PERMIT FEES

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AIR EMISSION PERMIT FEES

7002.0005 SCOPE.

Parts 7002.0005 to 7002.0085 apply to all persons required to obtain an air emission permit or an indirect source permit from the Minnesota Pollution Control Agency under chapter 7007 and parts 7023.9000 to 7023.9050.

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 18 SR 1059*

7002.0010 [Repealed, 17 SR 440]

7002.0015 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7002.0005 to 7002.0085, the terms defined in this part have the meanings given them. The definitions in the state air pollution control rules as defined in part 7005.0100 apply unless the terms are defined in this part.

Subp. 2. **Affected facility.** "Affected facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under chapter 7007.

Subp. 3. **Emission inventory.** "Emission inventory" means the inventory of actual emissions required under part 7019.3000.

Subp. 4. **Regulated pollutant.** "Regulated pollutant" means the following:

A. Nitrogen oxides (NO_x) or any volatile organic compound.

B. Any pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 18 SR 1059*

7002.0020 [Repealed, 17 SR 440]

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of fee.** Operators of affected facilities shall pay an annual emission fee for each ton of a regulated pollutant emitted to the air by the facility. The fee shall be based on the actual emission tonnages as established in the most recent available emission inventory. The fees shall be \$X for each ton of any regulated pollutant. The value of "X" is as determined in part 7002.0045.

Subp. 2. **New facilities.** New emission facilities that have been issued a permit, but have not yet been required to submit emissions data, shall pay a fee of \$770.

Subp. 3. **Estimated potential to emit.** If an emission facility fails to submit actual emissions data as required by part 7019.2000, subpart 4, or 7019.3000, whichever is in effect when the inventory is due, the annual emission fee for that facility shall be based on the estimated potential-to-emit of that facility, as defined in part 7005.0100, subpart 35a.

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 18 SR 614*

7002.0030 [Repealed, 17 SR 440]

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A, B, and C.

A. For fiscal year 1993, the unadjusted fee target shall be \$5,093,000.

B. For fiscal year 1994 and thereafter, the unadjusted fee target shall be the greater of the following:

(1) the sum of:

(a) the amount directly appropriated to the Air Quality Division from the environmental fund for that fiscal year; and

(b) the Air Quality Division's portion of the appropriation from the environmental fund to the agency's general support program, as determined by using the indirect cost allocation plan approved by the Minnesota Department of Finance under Minnesota Statutes, section 16A.127, subdivision 4; or

(2) the amount calculated by multiplying \$25 per ton, adjusted for inflation since 1989, times the number of tons of each regulated pollutant listed in the most recent available emission inventory. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described by the United States Environmental Protection Agency in rules adopted under title V of the federal Clean Air Act Amendments of 1990, Public Law Number 101-549, Statutes at Large, volume 104, pages 2399, et seq.

C. The amounts described in items A and B must be adjusted as follows:

(1) if the agency failed to collect its fee target the previous year, after making reasonable efforts to do so, the shortfall must be added to the next year's fee target;

(2) if the agency collected more than its fee target the previous year, the excess must be subtracted from the next year's fee target; and

(3) for any year, the commissioner may increase the fee target by up to five percent to reflect the anticipated fee nonpayment rate. This increase must not be considered for purposes of calculating a deficit or surplus under subitems (1) and (2).

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7002.0040 [Repealed, 17 SR 440]

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "X" used in part 7002.0025 shall be computed as follows:

$$X = (F - I - P)/T$$

where:

X = Dollars per ton.

F = Total annual fee target, as determined in this part.

I = Total amount to be billed as indirect source permit fees for the previous calendar year, part 7002.0055.

P = Total amount to be billed as new permit fees for the previous calendar year, part 7002.0025, subpart 2.

T = Total number of tons of all regulated pollutants listed in the most recent annual emissions inventory.

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7002.0050 [Repealed, 17 SR 440]

7002.0055 INDIRECT SOURCE PERMIT FEES.

Subpart 1. **Schedule.** A person who applies for a permit to construct, modify, or reconstruct an indirect source as defined in part 7023.9005, subpart 5, shall be assessed fees according to the following schedule. Surcharges apply to new permit applications if the basis

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for the surcharge is present in the proposed project. Surcharges apply to modified permit applications if the basis for the surcharge is present in the proposed modification.

| Basic charges | Fee |
|---|---------|
| New permit application | \$1,605 |
| Permit modification application | \$1,205 |
| Surcharges | |
| Involves 5,000 or more parking spaces or 700,000 or more square feet | \$2,005 |
| Noise variance applied for | \$3,265 |
| On-site contamination affects facility | \$800 |
| Requires binding commitments for new roadway improvements | \$1,205 |
| Requires involvement of more than one governmental unit or roadway authority | \$400 |
| New permit application that involves more than one owner, except governmental coapplicants acting in regulatory capacity | \$2,005 |
| Permit application formally amended during application review process to change size or scope of project, except minor changes as defined in subpart 3 | \$1,205 |
| Contains an entertainment or sports facility with a peak attendance level of 10,000 or more people or 10,000 or more parking spaces | \$1,605 |
| Involves a change in ownership except from single owner to single owner | \$1,205 |

Subp. 2. **Fees nonrefundable.** The fees in subpart 1 shall be determined by the division manager upon application for an indirect source permit, or when it becomes apparent that a surcharge shall apply. A bill for the amount due shall be sent after January 1 of the following calendar year. Fees paid under this part are nonrefundable, regardless of whether a permit is eventually issued.

Subp. 3. **Minor changes.** The amendment of a permit application during the application review process shall be considered minor for purposes of this part if it would have been considered a minor modification under part 7001.1350 or if an agency approved trip analysis shows that the change would not increase vehicle trips in any intersection in any hour by 100 trips or more.

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7002.0060 [Repealed, 17 SR 440]

7002.0065 PAYMENT OF FEES.

A person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager. The fee shall be paid within 60 days of receipt of an invoice from the division manager.

Statutory Authority: *MS s 116.07.*

History: *17 SR 440*

7002.0070 [Repealed, 17 SR 440]

7002.0075 NOTIFICATION OF ERROR.

A person who thinks that the assessed fee is in error shall provide a written explanation of the person's position to the commissioner along with the assessed fee. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7002.0080 [Repealed, 17 SR 440]

7002.0085 LATE PAYMENT FEE.

An owner or operator of an affected facility shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of the payment due date, and shall pay an additional ten percent of the original payment due for each additional 30-day period that the payment is late.

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7002.0090 [Repealed, 17 SR 440]

7002.0095 EFFECTIVE DATE.

Parts 7002.0005 to 7002.0085 are effective July 1, 1992.

Statutory Authority: *MS s 116.07*

History: *17 SR 440*

7002.0100 [Repealed, 17 SR 440]

7002.0110 [Repealed, 17 SR 440]

WATER QUALITY PERMIT FEES**7002.0210 SCOPE.**

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, E, and F.

Statutory Authority: *MS s 16A.128; 116.07*

History: *10 SR 2010; 16 SR 1799*

7002.0220 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 7002.0210 to 7002.0310, the terms defined in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Commissioner.** "Commissioner" means the chief executive officer of the Minnesota Pollution Control Agency.

Subp. 3a. **General construction storm water permit.** "General construction storm water permit" means a permit that is defined in part 7001.1020, subpart 16a.

Subp. 3b. **General industrial storm water permit.** "General industrial storm water permit" means a permit that is defined in part 7001.1020, subpart 16b.

Subp. 3c. **Individual storm water permit.** "Individual storm water permit" means a permit that is defined in part 7001.1020, subpart 16c. Fees for this permit are set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

Subp. 4. **Major NPDES facility.** "Major NPDES facility" means a wastewater treatment discharger designated by the commissioner and the regional administrator of the United States Environmental Protection Agency as part of the annual work plan that is developed in accordance with and that is subject to the public participation requirements of Code of Federal Regulations, title 40, part 35, and subject to review and approval of the agency. The agency and the United States Environmental Protection Agency shall designate the following types of facilities as major NPDES facilities unless the agency and the United States Environmental Protection Agency find that the facility does not have a potential for significantly impacting water quality:

A. a publicly owned treatment facility with an average design flow of 1,000,000 gallons per day or more;

B. an electrical generating facility that is not primarily standby or a peaking facility with a generation capacity of 100 megawatts or greater;

C. a facility that is a primary industry as defined in Code of Federal Regulations, title 40, section 122.2, or other industry that discharges quantities of process wastewater, which are significant due to the volume, pollutant loading, or other discharge parameters or the character of the receiving water; or

D. a facility with an actual or potential discharge of toxic pollutants under section 307(a)(1) of the Clean Water Act, United States Code, title 33, section 1317.

Subp. 5. **Municipal permit.** "Municipal permit" means a permit issued to a municipality as defined in part 7001.1020, subpart 18, for the discharge or disposal of wastewater which is five percent or more sewage. Permits issued to municipalities for facilities treating or disposing of waste that is less than five percent sewage shall be considered nonmunicipal permits.

Subp. 6. **National Pollutant Discharge Elimination System (NPDES).** "National Pollutant Discharge Elimination System (NPDES)" has the meaning given it in part 7001.1020, subpart 19.

Subp. 6a. **Sanitary sewer extension permit.** "Sanitary sewer extension permit" means a state disposal system permit for the extension, addition, or change of a municipal sanitary system.

Subp. 7. **Sewage.** "Sewage" has the meaning given it in part 7080.0020, subpart 33.

Subp. 8. **Sewage sludge landspreading facility.** "Sewage sludge landspreading facility" means a landspreading facility as defined in part 7040.0100, subpart 20 for the landspreading of sewage sludge.

Subp. 9. **State disposal system permit.** "State disposal system permit" means a permit for a disposal system that may be constructed and operated without a NPDES permit.

Statutory Authority: *MS s 16A.128; 115.03; 116.07*

History: *10 SR 2010; L 1987 c 186 s 15; 12 SR 1336; 16 SR 1799; 19 SR 1901*

7002.0230 FEE DETERMINATION.

The agency shall calculate annual fees based upon the schedule in parts 7002.0305 and 7002.0310 and shall notify the permittee of the amount due prior to each payment date.

Statutory Authority: *MS s 16A.128; 116.07*

History: *10 SR 2010; 16 SR 1799*

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of the Water Quality Division.

Statutory Authority: *MS s 16A.128; 116.07*

History: *10 SR 2010; 16 SR 1799*

7002.0250 APPLICATION FEE.

A person who applies for a permit to construct, install, modify, or operate a facility or applies for a permit modification as described in part 7001.0190 shall submit with the ap-

plication the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010; 12 SR 1336*

7002.0260 [Repealed, 16 SR 1799]

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1, 2, and 3, shall pay an annual fee for processing of the permit and enforcement of applicable statutes and rules as described in items A to E. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

A. A permittee holding a new or reissued permit after February 3, 1992, is subject to the fees established in part 7002.0310. A permittee holding an unexpired permit on February 3, 1992, shall continue to comply with the payment schedules in part 7002.0305 until the permit expires.

B. A permittee applying for a permit modification according to part 7001.0190, subpart 1, shall pay an additional fee equal to 50 percent of the permittee's annual fee as established in part 7002.0310.

C. A permittee holding an unexpired permit on February 3, 1992, that applies for the permit modification according to part 7001.0190, subpart 1, shall pay a modification fee as established in part 7002.0305.

D. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.

E. A permittee or applicant for an individual storm water permit must pay fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

Statutory Authority: *MS s 16A.128; 115.03; 116.07*

History: *10 SR 2010; 16 SR 1799; 19 SR 1901*

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that an annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Water Quality, along with the assessed fee. If the director of the Division of Water Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

Statutory Authority: *MS s 16A.128; 116.07*

History: *10 SR 2010; 16 SR 1799*

7002.0290 LATE PAYMENT FEE.

The permittee shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of a payment date. The permittee shall pay an additional ten percent of the original payment due for each 30-day period or portion thereof that the payment is late.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

Permit fees for water quality permits are established in parts 7002.0305 and 7002.0310.

Statutory Authority: *MS s 16A.128; 116.07*

History: *10 SR 2010; 16 SR 1799*

7002.0305 TABLE, WATER QUALITY PERMIT FEES PAID BY HOLDERS OF UNEXPIRED PERMITS.

Subpart 1. **Major NPDES permit fees.** The following fees shall be paid by major NPDES facility permittees that have paid separate processing and annual fees under parts

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7002.0210 to 7002.0310 prior to February 3, 1992. The following fees shall be paid during the remaining term of the permit.

A. Municipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Modification Fee | Annual Fee |
|---|--------------------|---------------------|---------------|
| 50 and over | \$85 | \$43,800 | \$117,000 |
| 20 to 49.99 | 85 | 19,000 | 23,400 |
| 5 to 19.99 | 85 | 8,800 | 7,500 |
| Up to 4.99 | 85 | 4,100 | 2,800 |

B. Nonmunicipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Modification Fee | Annual Fee |
|---|--------------------|---------------------|---------------|
| 20 to 49.99 | \$85 | \$18,900 | \$26,400 |
| 5 to 19.99 | 85 | 10,500 | 8,700 |
| Up to 4.99 | 85 | 5,400 | 4,400 |
| Cooling or Mine Pit Dewatering (any flow) | 85 | 10,400 | 8,700 |

Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The fees in items A and B shall be paid by a permittee not designated as a major NPDES facility that has paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to February 3, 1992, and that has applied for or received a state disposal system permit. The fees shall be paid during the remaining term of the permit.

A. Municipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Modification Fee | Annual Fee |
|---|--------------------|---------------------|---------------|
| Greater than .100 | \$85 | \$1,800 | \$410 |
| 0 to .100 | 85 | 900 | 155 |
| Sewage Sludge Landspreading Facilities | 85 | 890 | 150 |

B. Nonmunicipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Modification Fee | Annual Fee |
|---|--------------------|---------------------|---------------|
| Sewage 0 to .100 | \$85 | \$ 880 | \$145 |
| Other nonmunicipal (any flow) | 85 | 1,825 | 510 |

Statutory Authority: *MS s 16A.128; 116.07*

History: *16 SR 1799*

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7002.0310 TABLE, WATER QUALITY PERMIT FEES.

Subpart 1. **Major NPDES permit fees.** The following fees shall be paid for major NPDES facilities:

A. Municipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Annual Fee |
|---|--------------------|---------------|
| 50 and over | \$ 85 | \$ 135,000 |
| 20 to 49.99 | 85 | 31,000 |
| 5 to 19.99 | 85 | 11,000 |
| Up to 4.99 | 85 | 4,500 |

B. Nonmunicipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Annual Fee |
|---|--------------------|---------------|
| 20 to 49.99 | \$ 85 | \$ 34,000 |
| 5 to 19.99 | 85 | 14,000 |
| Up to 4.99 | 85 | 6,500 |
| Cooling or Mine Pit Dewatering (any flow) | 85 | 13,000 |

Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The following fees shall be paid by a permittee not designated as a major NPDES facility and by a permittee that has applied for or received a state disposal system permit.

A. Municipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Annual Fee |
|---|--------------------|---------------|
| Greater than .100 | \$ 85 | \$ 1,140 |
| 0 to .100 | 85 | 505 |
| Sewage Sludge Landspreading Facilities | 85 | 500 |

B. Nonmunicipal permits:

| Design Flow in Million Gallons per Day (MGD) | Application Fee | Annual Fee |
|---|--------------------|---------------|
| Sewage 0 to .100 | \$ 85 | \$ 495 |
| Other nonmunicipal (any flow) | 85 | 1,230 |

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Subp. 3. **Other water quality permit fees.** The following application fees shall be paid by a permittee that has applied for or received a general permit as defined in part 7001.0010, subpart 4, a sanitary sewer extension permit, or a general storm water permit.

| | Application Fee [¶] | Annual Fee |
|--|---------------------------------|---------------|
| General | \$ 85 | \$260 |
| General Industrial Storm Water Permit | 85 | 210 |
| General Construction Storm Water Permit | 240 | 0 |
| Sanitary Sewer Extension | 240 | 0 |

Statutory Authority: *MS s 16A.128; 115.03; 116.07*

History: *10 SR 2010; 12 SR 1336; 14 SR 1878; 16 SR 1799; 19 SR 1901*

7002.0410 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0420 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0430 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0440 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0450 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0460 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0470 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0480 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]

7002.0490 [Repealed, L 1995 c 233 art 3 s 5; L 1995 c 248 art 3 s 5]