

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 from the Minnesota Pollution Control Agency under chapter 7007.

Statutory Authority: *MS s 14.386; 14.388; 116.07*

History: *17 SR 440; 18 SR 1059; 28 SR 316*

7002.0010 [Repealed, 17 SR 440]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. [Repealed, 21 SR 165]

Subp. 2a. **Chargeable pollutant.** "Chargeable pollutant" means the following:

A. nitrogen oxides (NO_x) or any volatile organic compound; and

B. PM-10, sulfur dioxide, lead, and any other pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

Subp. 2b. **Dollar per ton figure or \$X.** "Dollar per ton figure" or "\$X" means the dollar amount assessed for each ton of chargeable pollutant determined under part 7002.0045.

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

Subp. 3a. **Emission reporting facility.** "Emission reporting facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under chapter 7007 except any facility permitted under part 7007.1120, registration permit option B.

Subp. 4. [Repealed, 21 SR 165]

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 18 SR 1059; 21 SR 165*

7002.0020 [Repealed, 17 SR 440]

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of fee.**

A. Owners or operators of emission reporting facilities shall be assessed an annual emission fee for each ton of a chargeable pollutant emitted to the air by the facility. Emission

reporting facilities shall be assessed a fee of \$X for each ton of any chargeable pollutant as established in the most recently available emission inventory.

B. Notwithstanding item A, the owner or operator of any emission reporting facility or any facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), with less than one ton of total actual emissions shall be assessed an annual fee of \$25.

C. As described in subitems (1) and (2), the owner or operator of a facility issued an option B registration permit under part 7007.1120 shall be assessed an annual emission fee based on either the reported quantity of VOC-containing materials purchased or used (whichever was stated in the facility's permit application) or the actual emissions from the use of VOC-containing materials.

(1) If the owner or operator chooses to be assessed the fee based on the actual emissions from the use of VOC-containing materials, the facility's actual emissions shall be determined in accordance with parts 7019.3000 to 7019.3090. The assessed fee shall be determined in accordance with item A.

(2) If the owner or operator chooses to be assessed the fee based on the quantity of VOC-containing materials purchased or used (whichever was stated in the facility's permit application), the fee shall be:

(a) \$50 if the quantity of VOC-containing materials is less than or equal to 1,000 gallons; or

(b) \$140 if the quantity of VOC-containing materials is more than 1,000 and less than 2,000 gallons.

Subp. 2. [Repealed, 21 SR 165]

Subp. 2a. **Newly permitted facilities.**

A. Newly permitted emission reporting facilities that have not submitted one or more emission inventories under part 7019.3000, subpart 1, shall be assessed a fee of \$X times the estimated actual emissions as stated in the facility's permit application. The fee assessed under this item shall not exceed \$10,000. The most recently determined \$X shall be used in determining the fee.

B. Newly permitted facilities issued an option B registration permit under part 7007.1120 shall be assessed a fee under subpart 1, item C, subitem (2), based on the estimated normal annual quantity of VOC-containing materials to be purchased or used (whichever was stated in the facility's permit application).

C. A bill for the newly permitted facility fee under item A or B shall be sent upon issuance of the permit. Newly permitted facilities that are issued permits in 1995 shall be assessed a fee according to the method described in this subpart.

Subp. 3. **Facilities failing to submit emissions inventories.** If an emission reporting facility fails to submit an emissions inventory as required by part 7019.3000, it shall be assessed an annual emission fee for that facility that is \$X times 1-1/2 times the estimated actual emissions as stated in the facility's permit application.

If the owner or operator of a facility that is required to obtain a permit under chapter 7007 has not submitted a permit application which includes an estimate of the actual emissions, it shall be assessed an annual fee that is \$X times 1-1/2 times the estimated potential to emit of that facility, as defined in part 7005.0100, subpart 35a.

If a facility issued an option B registration permit fails to submit an emission inventory, it shall be assessed an annual fee of \$210.

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 18 SR 614; 21 SR 165*

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 and B.

A. 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 chargeable pollutant listed in the most recently available emission inventory. No pollutant shall be double counted. 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 in Minnesota Statutes, section 116.07, subdivision 4d, paragraph (d).

B. The amounts described in item A 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 under subitem (1).

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 21 SR 165*

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:

$$\$X = [F - [P + R + (\$25 \times N)]] / (T - L)$$

where:

\$X = Dollar amount per ton figure.

F = Total annual fee target, as determined in part 7002.0035.

P = Total amount billed as newly permitted facility fees in the previous calendar year under part 7002.0025, subpart 2a.

R = Total amount to be billed under part 7002.0025, subpart 1, item C, subitem (2), as option B registration permit annual emission fees based on the quantity of VOC-containing materials purchased or used.

N = Total number of emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1), with less than one ton of total actual emissions of chargeable pollutants.

T = Total number of tons of all chargeable pollutants listed in the most recently available annual emissions inventory emitted from emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1). No pollutant shall be double counted.

L = Total number of tons of all chargeable pollutants listed in the most recently available annual emission inventory emitted from emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1), that emit less than one ton of total actual emissions of chargeable pollutants. No pollutant shall be double counted.

Statutory Authority: *MS s 14.386; 14.388; 116.07*

History: *17 SR 440; 21 SR 165; 28 SR 316*

7002.0050 [Repealed, 17 SR 440]

7002.0055 [Repealed, 28 SR 316]

7002.0060 [Repealed, 17 SR 440]

7002.0065 PAYMENT OF FEES.

Fees assessed under part 7002.0025 shall be paid within 60 days of receipt of an invoice from the division manager. The person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager.

Statutory Authority: *MS s 14.386; 14.388; 116.07*

History: *17 SR 440; 21 SR 165; 28 SR 316*

7002.0070 [Repealed, 17 SR 440]

7002.0075 NOTIFICATION OF ERROR.

An owner or operator who thinks that the assessed annual emission fee is in error shall provide a written explanation of the person's position to the commissioner within 60 days of receipt of the invoice or no later than June 30 of the year in which the fee was assessed, whichever is later. An owner or operator who thinks that an error exists in emissions inventory data shall submit an explanation in accordance with part 7019.3000, subpart 2. The assessed fee shall be paid as required in part 7002.0065. The commissioner shall, within 60 days of the timely 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; 21 SR 165; 28 SR 1482*

7002.0080 [Repealed, 17 SR 440]

7002.0085 LATE PAYMENT FEE.

An owner or operator of a facility subject to one or more fees under parts 7002.0005 to 7002.0045 shall pay a late payment fee of ten percent of the payment due for failure to pay an assessed fee within 60 days of receipt of an invoice from the division manager. At 30-day intervals thereafter, the owner or operator shall be assessed an additional ten percent of the original payment for failure to pay the assessed fee within that 30-day period. All late fees are due upon receipt of an invoice from the division manager.

Statutory Authority: *MS s 14.386; 14.388; 116.07*

History: *17 SR 440; 21 SR 165; 28 SR 316*

7002.0090 [Repealed, 17 SR 440]

7002.0095 [Repealed, 21 SR 165]

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 to F.

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

History: *10 SR 2010; 16 SR 1799; 21 SR 1642; 25 SR 834*

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 an NPDES general permit for storm water discharges associated with construction activity as defined in part 7090.0080, subpart 4.

Subp. 3b. **General industrial storm water permit.** “General industrial storm water permit” means an NPDES general permit for storm water discharges associated with industrial activity as defined in part 7090.0080, subpart 6.

Subp. 3c. **Individual storm water permit.** “Individual storm water permit” means an NPDES permit for storm water discharges associated with a specific site and type of activity as defined under Code of Federal Regulations, title 40, section 122.26(b)(4), (7), and (14)–(16). Fees for this permit are set in part 7002.0310, subpart 2, item B, under “other non-municipal.”

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. [Repealed, 21 SR 1642]

Subp. 9. **State disposal system permit.** “State disposal system permit” means a permit for a disposal system that may be constructed and operated without an 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; 21 SR 1642; 30 SR 125*

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 Minnesota Pollution Control Agency Fiscal Services.

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

History: *10 SR 2010; 16 SR 1799; 25 SR 834*

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, excluding changes in ownership or control, name or address changes other than changes in facility location, and interim and construction short-form permits issued under chapter 7020, shall submit with the application 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 115.03; 116.07*

History: *10 SR 2010; 12 SR 1336; 25 SR 834; 30 SR 125*

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 F. 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."

F. A permittee or applicant for permits issued under chapter 7020 must pay fees as follows:

(1) NPDES permits, fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal";

(2) SDS permits that regulate animal feedlots capable of holding 1,000 or more animal units or manure storage areas capable of holding the manure produced by 1,000 or more animal units, the same fees required under subitem (1) after July 2, 2001;

(3) interim permits, no fees; and

(4) construction short-form permits, no fees.

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

History: *10 SR 2010; 16 SR 1799; 19 SR 1901; 25 SR 834*

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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 Minnesota Pollution Control Agency Fiscal Services, along with the assessed fee. If the director of the Minnesota Pollution Control Agency Fiscal Services 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; 115.03; 116.07*

History: *10 SR 2010; 16 SR 1799; 25 SR 834*

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 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

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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*

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

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Cooling or Mine Pit Dewatering (any flow)	85	13,000
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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

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]

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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]