

CHAPTER 7042
MINNESOTA POLLUTION CONTROL AGENCY
LOW LEVEL RADIOACTIVE WASTE

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7042.0010 SCOPE OF RULES.

Parts 7042.0020 to 7042.0060 levy fees on the generators of low level radioactive waste as required by Minnesota Statutes, section 116C.834.

Statutory Authority: *MS s 116C.834*

History: *9 SR 2476*

7042.0020 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 7042.0010 to 7042.0060 have the meanings given them in this part.

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

Subp. 2a. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 3. **Compact.** "Compact" means the Midwest Interstate Low Level Radioactive Waste Compact as provided by Minnesota Statutes, section 116C.831.

Subp. 4. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 5. **Disposal.** "Disposal" means the isolation of low level radioactive waste from the biosphere in a permanent facility designed for that purpose.

Subp. 6. **Facility.** "Facility" means a parcel of land or site, together with the structures, equipment, and improvements on or appurtenant to the land or site which is used or is being developed for the treatment, storage, or disposal of low level radioactive waste.

Subp. 7. **Generator.** "Generator" means any person who produces or possesses low level radioactive waste in the course of, or incident to manufacturing, power generation, processing, medical diagnosis and treatment, research, or other industrial or commercial activity, and who, to the extent required by law, is licensed by the United States Nuclear Regulatory Commission or is a state party to the compact, to produce or possess such waste. "Generator" does not include a person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of wastes.

Subp. 8. **Low level radioactive waste or waste.** "Low level radioactive waste" or "waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in United States Code, title 42, section 2014(e)(2).

Subp. 9. **Person.** "Person" means any individual, corporation, business enterprise or other legal entity either public or private and any legal successor, representative, agent or agency of the individual, corporation, business enterprise, or legal entity.

Subp. 10. **Storage.** "Storage" means the temporary holding of low level radioactive waste for treatment or prior to treatment or disposal.

Subp. 11. **Treatment.** "Treatment" means any method, technique, or process, including storage for radioactive decay, designed to change the physical, chemical, or biological characteristics or composition of any low level radioactive waste in order to render the low

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level radioactive waste safer for transport or management, amenable to recovery, convertible to another usable material, or reduced in volume.

Statutory Authority: *MS s 116C.834*

History: *9 SR 2476; L 1987 c 186 s 15*

7042.0030 LOW LEVEL RADIOACTIVE WASTE GENERATOR FEES.

Subpart 1. **Basis of fees.** The fees paid are based upon volume of waste shipped for disposal during the previous calendar year. Data on the volume of waste shipped shall be provided to the commissioner with payment as described in part 7042.0040.

Subp. 2. **Amount of fees.** A generator of low level radioactive waste is subject to the following fees:

A. A generator who ships 1,000 cubic feet or more of low level radioactive waste per year to a facility for disposal is subject to a fee of \$2.75 per cubic foot of low level radioactive waste shipped per year.

B. A generator who ships at least 100 cubic feet but less than 1,000 cubic feet of low level radioactive waste per year to a facility for disposal is subject to a fee of \$100 per year.

Statutory Authority: *MS s 116C.834*

History: *9 SR 2476; 12 SR 365; L 1987 c 186 s 15; 13 SR 601; 14 SR 375*

7042.0040 PAYMENT OF FEES.

Subpart 1. **Payment deadline.** A generator must submit to the commissioner the fees and appropriate documentation of the volume of waste shipped no later than September 30 of each year. Fees for wastes shipped in the previous calendar year are payable by September 30 of the next calendar year. Checks shall be made payable to the commissioner of management and budget.

Subp. 2. **Prepayment option.** A generator may submit full or partial payment at any time prior to September 30, and the payment will be credited to the generator's obligation to pay fees.

Statutory Authority: *MS s 116C.834*

History: *9 SR 2476; 12 SR 365; L 1987 c 186 s 15; L 2003 c 112 art 2 s 50; L 2009 c 101 art 2 s 109*

7042.0050 EXEMPTIONS.

Low level radioactive waste generated as a result of a spill or accident and sealed sources which are returned to a vendor or manufacturer are not subject to the fees in parts 7042.0030 and 7042.0040.

Statutory Authority: *MS s 116C.834*

History: *9 SR 2476*

7042.0060 PENALTY PROVISIONS.

If the generator fails to pay the generator fee by the due date, a penalty will be assessed. The penalty is five percent of the fee due for each month or fraction of month that the fee payment is late.

Statutory Authority: *MS s 116C.834*

History: *9 SR 2476*