

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*

Published Electronically: *March 11, 2010*

7002.0010 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

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 [Repealed, 21 SR 165]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 [Repealed, 21 SR 165]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*

Published Electronically: *March 11, 2010*

7002.0016 AIR QUALITY PERMIT APPLICATION FEES AND ADDITIONAL FEES.

Subpart 1. **Fee required.** A person who applies for an air quality permit or permit amendment under chapter 7007, excluding reissuance of individual state or Part 70 operating permits, or who submits an applicability request shall submit with the application or applicability request the appropriate application fee. Failure to submit the fee as specified in part 7002.0019, subpart 1, renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Fees are nonrefundable.

Subp. 2. **Fee determination.** Application fees and additional fees are based on a point system established in part 7002.0019. The points shall be multiplied by the dollar per point value as determined in part 7002.0018.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0017 AIR QUALITY PERMIT APPLICATION AND ADDITIONAL FEE TARGET.

The agency shall set the application and additional fee target as described in items A to C.

A. The unadjusted fee target is \$4,000,000 for each new biennium (biennial target), as modified according to item B.

B. Beginning July 1, 2011, and each biennium thereafter, the unadjusted fee target in item A shall be adjusted for inflation using the aggregated annual consumer price index since 2009 and becomes the new unadjusted fee target.

C. The adjusted fee target is the unadjusted fee target adjusted as follows:

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

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

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0018 COMPUTATION OF DOLLAR PER POINT FOR AIR PERMITS.

The agency computes the dollar per point value for each biennium as follows:

\$ per point = $T/(A + B)$ rounded up to the next five dollar increment, where:

\$ per point = dollar amount applied to points determined under part 7002.0019.

T = adjusted fee target, as determined in part 7002.0017, item C.

A = the previous five-year annual average number of points for each type of permit application in part 7002.0019, subpart 1.

B = the previous five-year annual average number of points for each type of additional activity in part 7002.0019, subpart 2.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0019 AIR QUALITY PERMIT APPLICATION FEES AND ADDITIONAL FEES.

Subpart 1. **Application points.** The points assessed for permit application types designated in this subpart shall be multiplied by the dollar per point value as determined in part 7002.0018 to calculate the application fee.

Application Type	Points
A. Administrative amendment or administrative change of name, ownership, or control One point shall be assessed for a request for an administrative amendment or a request for change in name, ownership, or control of a stationary source as addressed in part 7007.1100, subpart 8; 7007.1110, subpart 15; 7007.1142, subpart 5; or 7007.1400.	1
B. Registration permit	2
C. State general permit	3
D. Part 70 general permit	4
E. Minor amendment	4
F. Capped permit	4
G. Applicability requests These points shall be applied to each request received for determination of the applicability of rules in advance of receipt of a permit application. If multiple requests for reviews are submitted to the Pollution Control Agency over time, each request is subject to the fee.	10
H. Moderate amendment	15
I. Major amendment	25
J. Individual state permit	50
K. Individual Part 70 permit	75

Subp. 2. **Additional points.** The points assessed for activities designated in this subpart shall be multiplied by the dollar per point value as determined in part 7002.0018 to calculate the additional fee.

Activity	Points
A. Modeling review The points for modeling review shall not be assessed for screening modeling or CAPS modeling.	15
B. Best available control technology (BACT) review BACT points shall be applied for each prevention of significant deterioration (PSD) pollutant analyzed.	15
C. Lowest achievable emission rate (LAER) review LAER points shall be applied for each nonattainment new source review (NSR) pollutant analyzed.	15

D.	Clean Air Interstate Rule (CAIR)/Part 75 continuous emission monitoring analysis	10
E.	New source performance standard (NSPS) review Points shall be applied for each applicable standard but do not apply to registration, capped, or general permit applications.	10
F.	National emission standards for hazardous air pollutants (NESHAP) review Points shall be applied for each applicable standard but do not apply to registration, capped, or general permit applications.	10
G.	Case-by-case maximum achievable control technology (MACT) review Points shall be applied for each applicable source category reviewed.	20
H.	Netting Points shall be applied for each prevention of significant deterioration (PSD) pollutant for which a netting analysis is performed.	10
I.	Limit to remain below programmatic regulatory threshold Points shall be applied, if applicable, to each of the following regulatory programs: Part 70, NESHAP, EAW, AERA, NSPS, PSD, and nonattainment NSR.	10
J.	Plantwide applicability limit (PAL) Points shall be applied for each prevention of significant deterioration (PSD) pollutant for which a plantwide applicability limit is established.	20
K.	Air emission risk analysis (AERA) review	15
L.	Variance request under part 7000.7000	35
M.	Confidentiality request under part 7000.1300	2
N.	Environmental assessment worksheet (EAW) review Points shall be assigned as follows:	
	Part 4410.4300, subparts 18, item A; and 29	15
	Part 4410.4300, subparts 8, items A and B; 10, items A to C; 16, items A and D; 17, items A to C and E to G; and 18, items B and C	35
	Part 4410.4300, subparts 4; 5, items A and B; 13; 15; 16, items B and C; and 17, item D	70

A fee for EAW review shall be charged only if the project falls into a mandatory category specified in part 4410.4300, the agency is the designated responsible governmental unit (RGU), and an air or water permit is required for the project. If a facility requires both an air and water permit, the points for an EAW review shall be charged only once and multiplied by the lower of the dollar per point value for an air or water permit.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0020 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

7002.0021 CAPPED COSTS FOR SMALL BUSINESSES AND CITIES.

For one year after July 1, 2009, the combined cost of the application fee and an invoice for additional fees for a small business or small city, as determined under Minnesota Statutes, section 14.127, subdivision 1, is capped at \$25,000.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0022 PAYMENT OF APPLICATION AND ADDITIONAL FEES.

Application fees assessed under part 7002.0019, subpart 1, shall be submitted with the application and made payable to the Minnesota Pollution Control Agency. Additional fees assessed under part 7002.0019, subpart 2, shall be paid within 30 days of the invoice date from the agency. The person submitting the fee shall make the payment as directed in the invoice. Final action on the permit shall not be taken until all invoices are paid.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0023 NOTIFICATION OF ERROR OF ADDITIONAL FEE.

A person who believes that the assessed additional fee under part 7002.0019, subpart 2, is in error shall provide a written explanation of the person's position to the commissioner within 60 days of the invoice date. The assessed fee shall be paid in the time frame required in part 7002.0022. The commissioner shall, within 60 days of the timely receipt of the person's written explanation:

- A. provide a written explanation of why the fee was not in error; or
- B. if the commissioner finds that the assessed fee was in error, refund the overpayment.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

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 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. [Repealed, L 2012 c 272 s 98]

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 fee for that facility that is \$X times 1-1/2 times the most recent actual emissions in tons for which an emissions fee was assessed under part 7019.3000. If the facility has never submitted an emissions inventory as required under part 7019.3000, but has submitted a permit application under chapter 7007, 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; 32 SR 904; L 2012 c 272 s 98*

Published Electronically: *August 3, 2012*

7002.0030 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

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 Management and Budget 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; L 2009 c 101 art 2 s 109*

Published Electronically: *March 11, 2010*

7002.0040 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

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*

Published Electronically: *March 11, 2010*

7002.0050 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

7002.0055 [Repealed, 28 SR 316]

Published Electronically: *March 11, 2010*

7002.0060 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

7002.0065 PAYMENT OF ANNUAL FEES.

Fees assessed under part 7002.0025 shall be paid within 30 days of the invoice date. The person submitting the fee shall make the payment as directed in the invoice.

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

History: *17 SR 440; 21 SR 165; 28 SR 316; 34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0070 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

7002.0075 NOTIFICATION OF ERROR OF ANNUAL FEE.

A person who believes 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 the invoice date. A person who believes 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 in the time frame required in part 7002.0065. The commissioner shall, within 60 days of the timely receipt of the person's written explanation:

- A. provide a written explanation of why the fee was not in error; or
- B. if the commissioner finds that the assessed fee was in error, refund the overpayment.

Statutory Authority: *MS s 116.07*

History: *17 SR 440; 21 SR 165; 28 SR 1482; 34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0080 [Repealed, 17 SR 440]

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7002.0085 LATE PAYMENT FEE.

A permittee 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 the invoice date. At 30-day intervals thereafter, the permittee 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.

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

History: *17 SR 440; 21 SR 165; 28 SR 316; 34 SR 1205*

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7002.0090 [Repealed, 17 SR 440]

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7002.0095 [Repealed, 21 SR 165]

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7002.0100 [Repealed, 17 SR 440]

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7002.0110 [Repealed, 17 SR 440]

Published Electronically: *March 11, 2010*

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 parts 7001.0020, items C to F, and 7090.0030.

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

History: *10 SR 2010; 16 SR 1799; 21 SR 1642; 25 SR 834; 34 SR 1205*

Published Electronically: *March 11, 2010*

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. **General municipal separate storm sewer system (MS4) permit.** "General municipal separate storm sewer system (MS4) permit" means an NPDES permit for storm water discharges associated with municipal separate storm sewer systems as required under part 7090.0030, subpart 1, item A.

Subp. 3d. **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).

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 in part 7080.1100, subpart 73.

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; 34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0230 FEE DETERMINATION.

The agency shall calculate application fees, additional fees, and annual fees based upon parts 7002.0250 to 7002.0310.

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

History: *10 SR 2010; 16 SR 1799; 34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0240 PAYMENT OF FEES.

A person submitting a fee as required in part 7002.0253, subpart 1, or 7002.0254 shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it with the permit application. A person submitting a fee as required in part 7002.0253, subpart 2, or 7002.0310 shall make the payment as directed in the invoice. Final action on the permit shall not be taken until all invoices are paid.

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

History: *10 SR 2010; 16 SR 1799; 25 SR 834; 34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0250 WATER QUALITY PERMIT APPLICATION FEE.

Subpart 1. **Fee required.** A person who applies for a water quality permit to construct, install, modify, or operate a facility, as described in parts 7001.0020, subpart 2, items C to F, and 7090.0030, 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 as specified in part 7002.0253, subpart 1, renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

Subp. 2. **Fee determination.** Application fees, except storm water application fees as required in part 7002.0254, are based on a point system established in part 7002.0253. The points shall be multiplied by the dollar per point value as determined in part 7002.0252.

Statutory Authority: *MS s 115.03; 116.07*

History: *10 SR 2010; 12 SR 1336; 25 SR 834; 30 SR 125; 34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0251 WATER QUALITY PERMIT APPLICATION AND ADDITIONAL FEE TARGET.

The agency shall set the application and additional fee target as described in items A and C.

A. The unadjusted fee target is \$6,000,000 for each biennium (biennial target), as modified according to item B.

B. Beginning July 1, 2011, and each biennium thereafter, the unadjusted fee target in item A shall be adjusted for inflation using the aggregated annual consumer price index since 2009 and becomes the new unadjusted fee target.

C. The adjusted fee target is the unadjusted fee target adjusted as follows:

(1) if the agency failed to collect its fee target the previous biennium, the shortfall must be added to the next biennium's fee target; and

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

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0252 COMPUTATION OF DOLLAR PER POINT FOR WATER PERMITS.

The agency computes the dollar per point value for each biennium as follows:

\$ per point = $T/(A + B)$ rounded up to the next five dollar increment, where:

\$ per point = dollar amount applied to points determined under part 7002.0253.

T = adjusted fee target, as determined in part 7002.0251, item C.

A = the previous five-year annual average number of points for each type of permit application in part 7002.0253, subpart 1.

B = the previous five-year annual average number of points for each type of additional activity in part 7002.0253, subpart 2.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0253 WATER QUALITY PERMIT APPLICATION FEES AND ADDITIONAL FEES.

Subpart 1. **Application points.** The points assessed for each permit application, amendment, or water quality effluent limitation review designated in this subpart shall be multiplied by the dollar per point value as determined in part 7002.0252 to calculate the application fee.

A. A person requesting a water quality effluent limitation review shall pay a fee equal to five points for each preliminary effluent limit request submitted in advance of or separate from an NPDES/SDS permit application. If multiple requests for reviews are submitted to the agency over time, each request is subject to the fee.

B. A person submitting an application for a feedlot permit shall be assessed as follows:

- (1) for coverage under a general feedlot permit to construct or operate, a fee equivalent to two points;
- (2) for modification of activities under a general feedlot permit, a fee equivalent to two points;
- (3) for issuance of an individual feedlot permit to construct or modify, a fee equivalent to six points; and
- (4) for reissuance of an individual feedlot permit, a fee equivalent to two points.

C. A person submitting an application for discharge of wastewater, operation of a disposal system, or biosolids treatment or storage shall be assessed as follows:

- (1) for coverage under or modification of a general permit to construct or operate, a fee equivalent to four points;
- (2) for issuance of an individual wastewater permit or biosolids treatment or storage permit for a new facility, a fee equivalent to 30 points;
- (3) for a major modification with no construction, a fee equivalent to eight points;
- (4) for a major modification with construction but with no increase in design flow, a fee equivalent to eight points;
- (5) for a major modification with construction and an increase in design flow, a fee equivalent to 30 points;
- (6) for a minor modification requested by the permittee and not for the purpose of correcting permit errors, a fee equivalent to four points;
- (7) for reissuance of an individual permit, with no modifications requested by the permittee, a fee equivalent to four points;
- (8) for issuance of an individual pretreatment permit, a fee equivalent to eight points; and

(9) for issuance of an individual dredge material disposal permit, a fee equivalent to eight points.

D. A person submitting an application for a sewer extension shall be assessed based on the additional design flow as follows:

(1) to increase flows from 0 to 0.10 million gallons per day (MGD), a fee equivalent to one point;

(2) to increase flows from greater than 0.10 to 1.0 MGD, a fee equivalent to two points; and

(3) to increase flows greater than 1.0 MGD, a fee equivalent to three points.

Subp. 2. **Additional points.** The points assessed for activities designated in this subpart shall be multiplied by the dollar per point value as determined in part 7002.0252 to calculate the additional fee.

A. A person submitting an individual permit application under subpart 1 with a new or increased maximum daily design flow for an industrial facility, or average wet weather design flow for all other facilities, shall be assessed a fee according to this item. The flow determination does not include noncontact cooling water, which is assessed points under item B:

(1) if the resulting flow increase is 0 to 0.20 MGD, no additional fee shall be assessed;

(2) if the resulting flow increase is greater than 0.20 MGD and less than 1.0 MGD, a fee equivalent to five points;

(3) if the resulting flow increase is equal to or greater than 1.0 MGD and less than 5 MGD, a fee equivalent to ten points;

(4) if the resulting flow increase is equal to or greater than 5 MGD and less than 20 MGD, a fee equivalent to 20 points;

(5) if the resulting flow increase is equal to or greater than 20 MGD and less than 50 MGD, a fee equivalent to 30 points;

(6) if the resulting flow increase is equal to or greater than 50 MGD, a fee equivalent to 40 points; and

(7) if the resulting flow is from mine pit or quarry dewatering or sewer extensions, no additional fee shall be assessed.

B. A person submitting an application for an individual permit that includes the discharge of noncontact cooling water shall be assessed a fee based on the increased maximum daily design flow resulting from new or modified noncontact cooling water discharge as follows:

(1) if the resulting increase in flow is less than 50 MGD, a fee equivalent to five points; and

(2) if the resulting increase in flow is equal to or greater than 50 MGD, a fee equivalent to 20 points.

C. If a permit application requires a nondegradation review under parts 7050.0180, 7050.0185, 7050.0186, or 7052.0300 to 7052.0330, the applicant shall pay a fee equivalent to 20 points.

D. If a permit applicant requests a variance under parts 7000.7000 or 7020.1900, the applicant shall pay a fee equivalent to 35 points.

E. If a person makes a confidentiality request under part 7000.1300, the applicant shall pay a fee equivalent to two points. This fee applies regardless of whether it is requested as part of a permit application.

F. If an EAW is required under a mandatory category specified in part 4410.4300, the agency is the designated responsible governmental unit (RGU), and an air or water permit is required for the project, the applicant shall pay fees as described in subitems (1) to (3). If a facility requires both an air and water permit, the points for an EAW review shall be assessed only once. The agency shall use the lower of the dollar per point value for an air or water permit as calculated in part 7002.0018 or 7002.0252 to calculate the fee. Fees shall be assessed as follows:

(1) if an applicant is required to complete an EAW under part 4410.4300, subpart 18, item A, or 29, a fee equivalent to 15 points;

(2) if an applicant is required to complete an EAW under part 4410.4300, subpart 8, item A or B; 10, items A to C; 16, item A or D; 17, items A to C or E to G; or 18, item B or C, a fee equivalent to 35 points; and

(3) if an applicant is required to complete an EAW under part 4410.4300, subpart 4; 5, item A or B; 13; 15; 16, item B or C; or 17, item D, a fee equivalent to 70 points.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0254 WATER QUALITY STORM WATER PERMIT APPLICATION FEES.

For persons submitting an application to receive a permit related to storm water activities, the following fees shall be paid:

- A. for coverage under a general construction storm water permit, \$400;
- B. for coverage under an MS4 permit or modification of an MS4 permit, other than modification of a storm water pollution prevention program, \$400;
- C. for coverage under or modification of a general industrial storm water permit, \$400; and
- D. for those required to obtain an individual storm water permit, \$400 for the initial application, for modifications, and for reissuance.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0255 CAPPED COSTS FOR SMALL BUSINESSES AND CITIES.

For one year after July 1, 2009, the combined cost of the application fee and an invoice for additional fees for a small business or small city, as determined under Minnesota Statutes, section 14.127, subdivision 1, is capped at \$25,000.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

Published Electronically: *March 11, 2010*

7002.0258 NOTIFICATION OF ERROR.

A person who believes that the assessed additional fee under part 7002.0253, subpart 2, is in error shall provide a written explanation of the person's position to the commissioner within 60 days of the invoice date. The assessed fee shall be paid in the time frame required in part 7002.0240. The commissioner shall, within 60 days of the timely receipt of the person's written explanation:

- A. provide a written explanation of why the fee was not in error; or
- B. if the commissioner finds that the assessed fee was in error, refund the overpayment.

Statutory Authority: *MS s 116.07*

History: *34 SR 1205*

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7002.0260 [Repealed, 16 SR 1799]

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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 D. The annual fee shall be paid within 30 days of the invoice date from the agency.

- A. A permittee holding a new or reissued permit is subject to the fees established in part 7002.0310.
- B. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.
- C. A permittee holding an individual storm water permit must pay the fee set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."
- D. A permittee holding a permit issued under chapter 7020 must pay fees as follows:
 - (1) individual NPDES permits, fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal";
 - (2) individual 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);
 - (3) general feedlot permits, fees set in part 7002.0310, subpart 3, under "general";
 - (4) interim permits, no fees; and
 - (5) 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; 34 SR 1205*

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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*

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7002.0290 LATE PAYMENT FEE.

A permittee subject to one or more fees under parts 7002.0210 to 7002.0310 shall pay a late payment fee of ten percent of the payment due for failure to pay an assessed fee within 60 days of the invoice date. At 30-day intervals thereafter, the permittee 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.

Statutory Authority: *MS s 116.07*

History: *10 SR 2010; 34 SR 1205*

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7002.0300 [Repealed, 34 SR 1205]

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7002.0305 [Repealed, 34 SR 1205]

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7002.0310 WATER QUALITY ANNUAL PERMIT FEES.

Subpart 1. **Major NPDES permit fees.** The following annual fee shall be paid by a permittee that has received a major NPDES permit:

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Annual Fee
50 and over	\$175,500

20 to 49.99	\$40,350
5 to 19.99	\$14,350
Up to 4.99	\$5,900

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Annual Fee
20 to 49.99	\$44,200
5 to 19.99	\$18,250
Up to 4.99	\$8,450
Cooling or mine pit dewatering (any flow)	\$16,900

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

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Annual Fee
Greater than .100	\$1,450
0 to .100	\$505
Facilities for the treatment or storage of biosolids only	\$500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Annual Fee
Sewage 0 to .100	\$495
Individual storm water permits	\$1,230
Other nonmunicipal (any flow)	\$1,230

Subp. 3. **Other water quality permit fees.** The following annual fee shall be paid by a permittee that received a general permit as defined in part 7001.0010, subpart 4.

	Annual Fee
General	\$345
General industrial storm water permit	\$400
General construction storm water permit	0
General MS4 storm water permit	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; 34 SR 1205*

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

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

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