

**7046.0020 HAZARDOUS WASTE FACILITY FEES.**

Subpart 1. **Fee schedule for five-year permits.** A person applying for issuance, reissuance, or major modification under part 7001.0190, subpart 1, of a five-year permit for a hazardous waste facility shall remit the applicable fee given in items A to D.

A person who owns or operates a hazardous waste facility shall remit an annual facility fee for the fiscal year beginning on July 1 and ending on June 30, if during that year the facility was treating, storing, or disposing of hazardous waste, had not obtained closure approval, or had closed as a land disposal facility with hazardous waste remaining in place. A facility that meets the annual facility fee payment criteria for less than a full year shall be assessed a prorated facility fee.

A facility in which hazardous waste remains after closure continues to be subject to the annual facility fee until the owner or operator is exempted under subpart 8.

Facility fees are as provided in items A to D. Fees will be examined annually and adjusted, as necessary, under part 7046.0060, subpart 1, steps 1 to 7.

**A. Storage.**

	Permit Application Fee	Annual Facility Fee
Tanks and containers indoors		
Total capacity greater than 550 gallons	\$ 2,410	\$ 3,540
Total capacity 550 gallons or less	1,610	1,560
Tanks and containers outdoors		
Total capacity greater than 550 gallons	4,820	7,080
Total capacity 550 gallons or less	3,220	2,820
Piles	14,480	20,280
Surface Impoundment	24,120	20,280

**B. Disposal and treatment.**

	Permit Application Fee	Annual Facility Fee
Surface impoundment	28,950	27,990

Treatment (not otherwise specified including open burning)	28,950	14,150
Thermal treatment not including open burning)	72,390	49,230
Land treatment	72,390	49,230
Land disposal		
Active facilities	72,390	49,230
Closed facilities (includes all facilities in which waste remains after closure)	36,190	32,820

C. Permit reissuance fee. The permit reissuance fee is 50 percent of the facility's permit application fee in item A or B rounded to the nearest ten-dollar increment.

D. Major modification fee. The major modification fee is 33 percent of the facility's permit application fee in item A or B rounded to the nearest ten-dollar increment. A person applying for a major modification concurrent with a permit reissuance application will not be assessed a major modification fee.

Subp. 2. **Application fee schedule for permits less than five-year term.** The following schedule must be used to calculate the application fee for a permit term of less than five years.

Term of Permit	Permit Application Fee
1 year	35 percent of application fee in subpart 1 or subpart 3
2 years	60 percent of application fee in subpart 1 or subpart 3
3 years	75 percent of application fee in subpart 1 or subpart 3
4 years	90 percent of application fee in subpart 1 or subpart 3

The annual facility fee is the applicable fee listed in subpart 1.

Subp. 3. **Combination facilities.** An application fee for a facility consisting of several treatment, storage, or disposal functions must be calculated according to the following schedule.

Permit reissuance fees shall be assessed at 50 percent of the application fee as calculated under this subpart. Permit major modification fees shall be assessed at 33 percent of the

application fee under subpart 1 for the component of the facility being modified. For major modifications not associated with a specific component of a combination facility, the permit major modification fee shall be assessed at 33 percent of the application fee as calculated under this subpart for the combination facility. A person applying for a major modification concurrent with a permit reissuance application shall not be assessed a major modification fee.

Facility Description	Application Fee and Annual Facility Fee Calculation
A. Thermal treatment + treatment + storage	Thermal treatment + 0.2 x fee for treatment + 0.2 x fee for storage
B. Disposal + storage	Disposal + 0.2 x fee for storage
C. Thermal treatment + storage	Treatment + 0.2 x fee for storage
D. Disposal + thermal treatment	Disposal + 0.2 x fee for thermal treatment
E. Thermal treatment + disposal + treatment + storage	Disposal + 0.8 x fee for thermal treatment + 0.2 x fee for treatment + 0.2 x fee for storage
F. Disposal + land treatment	Disposal + 0.8 x fee for land treatment
G. Land treatment + storage	Land treatment + 0.2 x fee for storage
H. Treatment + storage	Treatment + 0.2 x fee for storage

Subp. 4. **Environmental review costs.** The following additional fee is required for a hazardous waste facility project that requires only an environmental assessment worksheet under Minnesota Statutes, chapter 116D: the fee is \$200 plus 0.10 percent of the project estimated costs. The project estimated costs are the costs of the entire project to complete a hazardous waste facility including the current market value of all the land interests, owned or to be owned by the facility owner, which are included in the boundaries of the project; costs of engineering and architecture for the project; expenditures necessary to begin physical construction or operation of the project; construction required to implement the project including costs of essential public service facilities; and the costs of permanent fixtures.

Nothing in this part precludes the applicability of the Environmental Impact Statement (EIS) cost assessment system as described in the rules of the Environmental Quality Board.

Subp. 5. **Payment schedule.** Fees must be made payable to the commissioner of management and budget and submitted to the commissioner as follows:

A. The owner or operator of a facility shall remit the permit application fee when he or she submits the application.

B. The owner or operator shall submit the annual facility fee postmarked or hand-delivered not later than June 15 of each year.

C. Permit reissuance and permit major modification fees must be submitted with the reissuance or major modification application.

Subp. 6. **Failure to submit fees.** Failure to submit fees by the required date results in the following penalties:

A. A facility permit, permit reissuance, or permit major modification application submitted without the applicable fee is incomplete. The commissioner shall suspend further processing of the application until the appropriate fee is received by the commissioner.

B. The facility owner or operator will be assessed a late fee for each 30-day period or fraction of that period that the fee remains unpaid. The late fee is calculated as a percentage of the annual fee as follows: ten percent of the annual facility fee for each of the first two 30-day periods, and 15 percent of the annual facility fee for each 30-day period or fraction of a 30-day period thereafter.

C. The commissioner may commence proceedings to suspend or revoke a permit if fees are not paid within 180 days after the required date.

Subp. 7. **Refund of facility permit application fee.** If an applicant submits an application fee for a permit and the agency issues a permit with an effective term of less than the term in the permit applied for, the agency shall refund to the applicant the application fee minus the appropriate fee in subpart 2.

If a facility operator or owner submits an application fee and then withdraws the application within 60 days of receipt by the commissioner, the agency shall refund to the applicant 75 percent of the application fee.

Subp. 8. **Exemption for closed land disposal facilities from annual facility fee.** The owner or operator of a closed land disposal facility may petition the commissioner, at any time after two years have passed since the last wastes were disposed of at the facility, to release the owner or operator from the requirement to pay an annual facility fee. The petition shall include all available leachate and groundwater monitoring data for the facility, a description of the characteristics of the wastes in the facility, a description of the technology applied to secure the facility and avoid migration of the wastes, a description of anticipated future monitoring, an evaluation of the potential for future environmental problems, and any additional information the owner or operator has to support the petition.

The commissioner shall grant the petition and exempt the owner or operator from the requirement to pay the annual facility fee if the commissioner determines that, based on the information contained in the petition, groundwater contamination has not occurred and is not likely to occur and the facility will not require significant agency oversight. The exemption shall continue until such time as the commissioner determines, after notice to the owner or operator, that the facility does require significant agency oversight. The exemption shall expire if the owner or operator adds or allows to be added additional wastes to the facility. The exemption from the requirement to pay the annual facility fee does not exempt the owner or operator from the requirement to pay the permit reissuance fee.

**Statutory Authority:** *MS s 16A.128; 116.12*

**History:** *8 SR 1781; 9 SR 2341; L 1987 c 186 s 15; 13 SR 1821; 14 SR 2249; 16 SR 1646; 18 SR 1665; L 2003 c 112 art 2 s 50; 31 SR 985; L 2009 c 101 art 2 s 109*

**Published Electronically:** *August 7, 2009*