

1 Minnesota Pollution Control Agency

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3 Adopted Rules Relating to Environment; General Permit Fee Rule

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5 Rules as Adopted

6 AIR QUALITY PERMIT FEES

7 7002.0010 SCOPE.

8 ~~Chapter 7002 applies~~ Parts 7002.0010 to 7002.0100 apply to

9 all persons required to obtain a permit from the Minnesota

10 Pollution Control Agency as described in part 7001.0020

11 (permanent rules, scope), items ~~E7-E7-F7-H7~~ I7 and J.

12 7002.0020 DEFINITIONS.

13 Subpart 1. Scope. For the purposes of this chapter the
14 terms defined in this part have the meanings given them.

15 Subp. 2. Agency. "Agency" means the Minnesota Pollution
16 Control Agency.

17 Subp. 3. Air pollution control equipment. "Air pollution
18 control equipment" means a device used to prevent, abate, or
19 control air pollution.

20 Subp. 4. Director. "Director" means the executive
21 director and chief executive officer of the Minnesota Pollution
22 Control Agency.

23 Subp. 5. Indirect source. "Indirect source" means a
24 facility, building, structure, or installation which attracts or
25 may attract mobile source activity that results in emissions of
26 a pollutant for which there is a state standard.

27 Subp. 6. Major emission facility. "Major emission
28 facility" means a facility having potential emissions of 100
29 tons per year or more of sulfur dioxide or particulate matter.

30 Subp. 7. ~~National-Pollutant-Discharge-Elimination-System~~
31 ~~{NPDES}---~~"National-Pollutant-Discharge-Elimination-System
32 ~~{NPDES}"-has-the-meaning-given-it-in-part-7001.1020-(permanent~~
33 ~~rules,-NPDES-permits),-subpart-19-~~

34 Subp. ~~7~~-8. Nonattainment area. "Nonattainment area" means a
35 geographical region that has been designated by the Minnesota

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1 Pollution Control Agency as violating a state or national
2 ambient air quality standard.

3 ~~Subp. 9. State disposal system permit. "State disposal~~
4 ~~system permit" means a permit for a disposal system that may be~~
5 ~~constructed and operated without a NPDES permit.~~

6 Subp. ~~10.~~ 8. Total emission facility. "Total emission
7 facility" means an assemblage of all emission sources on
8 adjacent property that are under common ownership or control and
9 that exist for a common function.

10 7002.0030 FEE DETERMINATION.

11 The agency shall calculate processing and annual fees based
12 upon the schedule in part 7002.0100 ~~or 7002.0110~~ and shall
13 notify the permittee of the amount due prior to each payment
14 date.

15 7002.0040 PAYMENT OF FEES.

16 A person submitting a fee shall make the fee payable to the
17 ~~State Treasurer~~ Minnesota Pollution Control Agency and submit
18 it to the Director, Division of Air Quality, ~~or Director,~~
19 ~~Division of Water Quality,~~ as appropriate for the type of
20 permitted activity.

21 7002.0050 APPLICATION FEE.

22 A person who applies for a permit to construct, install,
23 modify, or operate a facility shall submit with the application
24 the appropriate application fee. Failure to submit the fee
25 renders the application incomplete and the agency shall suspend
26 processing of the application until the fee is received.
27 Application fees are nonrefundable.

28 7002.0060 PROCESSING FEE.

29 A permittee shall pay the applicable processing fee within
30 30 days of issuance of the permit by the agency.

31 If a facility is a "small business" as defined in Minnesota
32 Statutes, section 14.115, subdivision 1, ~~or a municipal~~
33 ~~wastewater treatment plant with an average design flow of less~~
34 ~~than 30,000 gallons per day,~~ the permittee may request to pay

1 the processing fee in annual installments. Annual installments
2 are determined by dividing the processing fee into equal annual
3 payments based on the term of the permit. The first payment
4 shall be made within 30 days of issuance of the permit and
5 annually thereafter on the anniversary of issuance. A facility
6 that qualifies as a "small business" must provide proof of that
7 status upon application for a permit.

8 7002.0070 ANNUAL FEE.

9 All persons required to obtain a permit shall pay an annual
10 fee for enforcement of applicable statutes and rules except as
11 provided in ~~parts~~ part 7002.0100 ~~and-7002-0110~~. The annual fee
12 shall be paid within 30 days of receipt of an invoice from the
13 agency.

14 7002.0080 NOTIFICATION OF ERROR.

15 A person who thinks that a basic processing fee, additional
16 processing fee, or annual fee for a specific facility is in
17 error shall provide written notice of the error to the director
18 of the Division of Air Quality ~~or-the-director-of-the-Division~~
19 ~~of-Water-Quality, as-appropriate,~~ along with the assessed fee.
20 If the director of the Division of Air Quality ~~or-the-Division~~
21 ~~of-Water-Quality~~ finds, upon reviewing the data, that the
22 assessed fee was in error, the overpayment shall be refunded to
23 the permittee or credited to the permittee's account.

24 7002.0090 LATE PAYMENT FEE.

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

30 7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

31 Subpart 1. Scope. The fees established in this part are
32 applicable to facilities and indirect sources which require an
33 air emission facility permit under part 7001.1210 (permit rules,
34 air emission facility permits) or an indirect source permit

1 under part 7001.1270 (permit rules, indirect source permits).
2 For the purpose of this part, the terms used have the meanings
3 given them in part 7005.0100 (air pollution control rules,
4 definitions).

5 Subp. 2. **Application fee.** A person making application for
6 an air emission facility permit or an indirect source permit
7 shall submit with the application an application fee of \$50.

8 Subp. 3. **Basic processing fees.** The permittee shall pay
9 the following basic processing fees for the applicable permit
10 activity:

11 A. \$900 for the construction of an indirect source;

12 B. \$900 for the construction or reconstruction of a
13 major emission facility;

14 C. \$300 for the construction or reconstruction of an
15 emission facility other than a major emission facility;

16 D. \$300 for the modification of a major emission
17 facility or installation of air pollution control equipment at a
18 major emission facility;

19 E. \$100 for the modification of an emission facility
20 other than a major emission facility or installation of air
21 pollution control equipment at an emission facility other than a
22 major emission facility;

23 F. \$450 for the reissuance of a major emission
24 facility permit; and

25 G. \$150 for the reissuance of an emission facility
26 permit other than a major emission facility.

27 For purposes of this subpart, activities as described in
28 items D and E that occur during the last year of the term of a
29 permit will be addressed along with the reissuance of the permit
30 for a new term. The agency shall waive the fee for items D and
31 E and only assess a reissuance fee and applicable additional
32 processing fees.

33 Subp. 4. **Additional processing fees.** In addition to the
34 basic processing fees required in subpart 3, the permittee shall
35 pay the following additional processing fees, if applicable:

36 A. \$500 for a major stationary source, as defined in

1 Code of Federal Regulations, title 40, section 51.18(j)(1)(iv),
 2 as amended through June 25, 1982, located in a nonattainment
 3 area;

4 B. \$150 for an emission facility that is subject to
 5 the federal prevention of significant deterioration requirements
 6 as established in Code of Federal Regulations, title 40, section
 7 51.24;

8 C. \$50 for an emission facility that is subject to
 9 the federal new source performance standards established in Code
 10 of Federal Regulations, title 40, part 60;

11 D. \$150 for an emission facility that must apply best
 12 available control technology as required under Code of Federal
 13 Regulations, title 40, section 51.24;

14 E. \$250 for evaluation of air emissions containing
 15 pollutants for which no ambient air quality standard has been
 16 established under part 7005.0080 (state ambient air quality
 17 standards) and which have the potential to be injurious to human
 18 health;

19 F. \$150 for dispersion modeling review; and

20 G. \$150 for each performance test review.

21 Subp. 5. Annual fees. All persons required to obtain an
 22 air emission facility permit shall pay the following applicable
 23 annual fee:

24 A. \$650 for a major emission facility; or

25 B. \$150 for an emission facility other than a major
 26 emission facility.

27 The agency shall not charge an annual fee for an emission
 28 facility with potential emissions of a single pollutant of more
 29 than 25 tons per year but less than 50 tons per year unless the
 30 facility also discharges lead to the ambient air.

31 Subp. 6. General permits. The agency shall not charge
 32 processing or annual fees for permits issued as a general permit
 33 under part 7001.0210 (permit rules).

34 ~~7002-0110-WATER-QUALITY-PERMIT-FEE-SCHEDULE-~~

35 ~~Subpart-1:--Major-NPDES-facility;-definition:--"Major-NPDES~~

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

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

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

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

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

27 Subp. 2. Application fees. A person making application
 28 for a permit covered under part 7001.0020 (permit rules, scope),
 29 items C, E, F, and H, shall pay the following applicable
 30 application fee:

31 A. \$50 for a major NPDES facility permit;

32 B. \$50 for a state disposal system permit or a NPDES
 33 facility permit other than a major NPDES facility permit;

34 C. \$250 for a liquid storage permit; or

35 D. \$70 for a sewer extension permit.

36 Subp. 3. Processing fees. The permittee shall pay the

1 following-processing-fees-for-the-applicable-permit-activity:

2 A.--\$6,800-for-a-major-NPDES-facility-permit;

3 B.--\$900-for-a-NPDES-facility-permit-other-than-a

4 major-NPDES-facility-permit;-or

5 C.--\$900-for-a-state-disposal-system-permit-except-a

6 sewer-extension-permit.

7 The-agency-shall-not-charge-processing-fees-for-liquid

8 storage-or-sewer-extension-permits.

9 Subp.-4.--Annual-fees.--All-persons-required-to-obtain-a

10 NPDES-facility-permit-or-a-state-disposal-system-permit-shall

11 pay-the-following-applicable-annual-fees:

12 A.--\$2,600-for-a-major-NPDES-facility-permit;

13 B.--\$120-for-a-NPDES-facility-permit-other-than-a

14 major-NPDES-facility-permit;-or

15 C.--\$120-for-a-state-disposal-system-permit;-except-a

16 sewer-extension-permit.

17 Subp.-5.--General-permits.--The-agency-shall-not-charge

18 processing-or-enforcement-fees-for-a-permit-issued-as-a-general

19 permit-under-part-7001.0210-(permit-rules).

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21 EFFECTIVE DATE. Parts 7002.0010 to ~~7002.0110~~ 7002.0100 are

22 effective January 1, 1986.