

1 Pollution Control Agency

2

3 Adopted Rules Governing Hazardous Waste Fees

4

5 Rules as Adopted

6 7046.0010 DEFINITIONS.

7 Subpart 1. to 4. [Unchanged.]

8 Subp. 4a. Free liquids. "Free liquids" means liquids that
9 readily separate from the solid portion of the waste under
10 ambient temperature and pressure.

11 Subp. 5. to 17. [Unchanged.]

12 Subp. 17a. Response action. "Response action" means
13 removal or remedial action taken according to the provisions of
14 the Environmental Response and Liability Act, Minnesota
15 Statutes, sections 115B.01 to 115B.24, or the Comprehensive
16 Environmental Response, Compensation, and Liability Act of 1980,
17 Public Law Number 96-510.

18 Subp. 18. to 24. [Unchanged.]

19 Subp. 25. Waste stream. "Waste stream" means all wastes
20 of a particular composition generated by the same process at a
21 generator's site.

22 7046.0020 HAZARDOUS WASTE FACILITY FEES.

23 Subpart 1. Fee schedule for five-year permits. A person
24 applying for issuance or reissuance of a five-year permit for a
25 hazardous waste facility shall remit the permit application fee
26 or permit reissuance fee given in item A or B. A person who
27 owns or operates a hazardous waste facility that is in operation
28 on July 1 in any year shall remit the annual facility operator's
29 fee for that fiscal year.

	Permit Application Fee	Annual Facility Operator's Fee	Permit Reissuance Fee
30			
31			
32			
33			
34	A. Storage		
35			
36	Tanks and		
37	containers		
38	indoors		
39			
40	Total capacity	\$ 750	\$ 1,100
41	greater than		\$ 375

APPROVED BY THE
COMMISSIONER
OF REVENUES

Pmm

1	550 gallons			
2				
3	Total capacity	500	485	250
4	550 gallons or			
5	less			
6				
7	Tanks and containers			
8	outdoors			
9				
10	Total capacity	1,500	2,200	750
11	greater than			
12	550 gallons			
13				
14	Total capacity	1,000	875	500
15	550 gallons or			
16	less			
17				
18	Piles	4,500	6,300	2,250
19				
20	Surface impoundment	7,500	6,300	3,750
21				
22	B. Disposal and treatment			
23				
24	Surface impoundment	9,000	8,700	4,500
25				
26	Treatment (not	9,000	4,400	4,500
27	otherwise specified			
28	including open			
29	burning)			
30				
31	Thermal treatment	22,500	15,300	11,250
32	(not including			
33	open burning)			
34				
35	Land treatment	22,500	15,300	11,250
36				
37	Land disposal	22,500	15,300	11,250
38	(includes surface			
39	impoundments in			
40	which waste			
41	remains after			
42	closure)			
43				

44 Subp. 2. [Unchanged.]

45 Subp. 3. Combination facilities. An application fee for a

46 facility consisting of several treatment, storage, or disposal

47 functions must be calculated according to the following schedule

48 for application fees and annual operator's fees:

49	Facility	Fee	Permit
50	Description	Calculation	Reissuance
51			Fee
52			
53	A. Thermal treatment	Thermal treatment	All facilities
54	+ treatment	+ 0.2 x fee for	50 percent of
55	+ storage	treatment + 0.2 x	application fee
56		fee for storage	as calculated
57			according to
58			schedule
59			
60	B. Disposal + storage	Disposal + 0.2 x	
61		fee for storage	
62			
63	C. Thermal treatment	Treatment + 0.2 x	
64	+ storage	fee for storage	
65			
66	D. Disposal + thermal	Disposal + 0.2 x	
67	treatment	fee for thermal	

- 1 treatment
2
3 E. Thermal treatment Disposal + 0.8 x
4 + disposal + fee for thermal
5 treatment + treatment + 0.2 x
6 storage fee for treatment
7 + 0.2 x fee for
8 storage
9
10 F. Disposal + land Disposal + 0.8 x
11 treatment fee for land
12 treatment
13
14 G. Land treatment + Land treatment +
15 storage 0.2 x fee for
16 storage
17
18 H. Treatment + storage Treatment + 0.2 x
19 fee for storage
20
21 Subp. 4. [Unchanged.]

22 Subp. 5. Payment schedule. Fees must be made payable to
23 the state treasurer and submitted to the director as follows:

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

27 B. The owner or operator shall submit the annual
28 facility operator's fee not later than June 30 of each year.

29 C. Permit reissuance fees must be submitted with the
30 application for permit reissuance.

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

33 A. A facility permit application submitted without
34 the facility application fee is incomplete. The director shall
35 suspend further processing of the permit application until the
36 appropriate fee is received by the director.

37 B. and C. [Unchanged.]

38 Subp. 7. [Unchanged.]

39 7046.0030 NONMETROPOLITAN AREA GENERATOR FEES.

40 Subpart 1. Basis of fees. The agency shall charge
41 nonmetropolitan area generator fees that are based on the annual
42 reports submitted by generators, disclosures, and other
43 appropriate information available to the agency.

44 Subp. 2. Small generator exemption. Nonmetropolitan area
45 generators that generate a total of less than the equivalent of
46 ten gallons or 100 pounds of hazardous waste per year are exempt

1 from the generator fee requirements of this part.

2 For purposes of this part, a conversion factor of one
3 gallon of hazardous waste equals ten pounds of hazardous waste
4 will be used.

5 Subp. 2a. **Retroactive fee collection.** Annual fees,
6 generator surcharges, and initial fees must be paid by
7 generators for each fiscal year beginning July 1, 1983, for
8 those years in which the generator generated hazardous wastes
9 according to the fee schedules in effect for each of those
10 fiscal years.

11 Subp. 3. **Initial fees.** Initial fees must be paid by a
12 nonmetropolitan generator who is a new generator after February
13 5, 1984, or who has failed to submit a disclosure prior to July
14 1, 1983, or who has added a waste not previously listed on a
15 disclosure. Waste streams consisting of less than 165 gallons
16 per year or 1,650 pounds per year of unsewered solid or liquid
17 waste which is recycled, reused, or recovered off-site are not
18 subject to the initial fees for that waste stream.

19 Initial fees for nonmetropolitan area generators are as
20 follows:

21 A. For unsewered liquid waste, the initial fee is
22 \$100 plus \$50 for each additional waste stream over one.

23 B. For sewered liquid waste, the initial fee is \$40.

24 C. For unsewered solid waste, the initial fee is \$100
25 plus \$50 for each additional waste stream over one.

26 Subp. 4. **Fee for previously unreported waste.** If a
27 generator had filed a disclosure and had been producing a waste
28 that was not listed on the disclosure, the generator shall pay a
29 fee of \$40 plus the annual fees and surcharges according to the
30 fee schedules in effect for each year in which that waste had
31 been produced.

32 Subp. 4a. **Fee for new process wastes.** If a generator had
33 previously filed a disclosure and begins a new process that had
34 not previously been listed on the disclosure, the generator
35 shall pay a fee of \$40 to the agency for each new waste stream.

36 Subp. 5. **Annual fees.** Nonmetropolitan area generators

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

1 shall submit annual fees as follows:

2 Waste Category	3 11-55	4 56-500	5 501-1000	6 1000+
	gallons	gallons	gallons	gallons
	per year	per year	per year	per year
7 Unsewered	\$40	\$90 + \$25	\$130 + \$25	\$130 + \$25
8 liquid		for each	for each	for each
9 waste		additional	additional	additional
10		waste	waste	waste stream
11		stream	stream	(greater than
12		(greater	(greater	10 gallons
13		than 10	than 10	or 100
14		gallons or	gallons or	pounds)
15		100 pounds)	100 pounds)	over one
16		over one	over one	plus \$16
17				for each
18				additional
19				1000 gallons
20				
21 Sewered	11 or more total gallons of sewered waste -			
22 liquid waste	\$100 per year			
23				
24	101-550	551-5000	over 5000	
25	pounds per year	pounds per year	pounds per year	
26				
27 Unsewered	\$40	\$90 + \$25	\$130 + \$25	
28 solid		for each	for each	
29 waste		additional	additional	
30 (solid waste		waste stream	waste stream	
31 reported in		(greater than	(greater than	
32 terms of		10 gallons or	10 gallons or	
33 volume, e.g.		100 pounds)	100 pounds)	
34 55 gallon		over one	over one	
35 drums, will			plus \$7 for	
36 be converted			each additional	
37 to weight			5000 pounds	
38 units by a			or fraction	
39 conversion			thereof	
40 factor of 10				
41 pounds per				
42 gallon				
43 reported)				

44 Subp. 6. Payment schedule. A nonmetropolitan area
 45 generator shall submit fees within 60 days upon receipt of the
 46 notice from the director that the fees are due. Fees submitted
 47 later than 30 days after the due date are deemed late.

48 A nonmetropolitan area generator shall submit a check for
 49 the required amount to the director, made payable to the state
 50 treasurer.

51 Subp. 7. Failure to submit fees. If a nonmetropolitan
 52 area generator fails to submit the required fees within 30 days
 53 of the due date, the generator shall pay the fees plus late fees
 54 for each 30-day period or fraction that the fee remains unpaid.
 55 The late fee for each of the three 30-day periods or fraction
 56 between the due date and 90 days beyond the due date is ten
 57 percent of the total of the annual fee. Beyond 90 days, the

1 late fee for each 30-day period or fraction beyond 90 days is 15
2 percent of the annual fee.

3 If a nonmetropolitan area generator fails to submit the
4 requested fees within 90 days of the due date, the generator
5 becomes liable for reasonable additional expenses the agency
6 incurs in collection of the fee, in addition to the fees and
7 late fees. ~~These additional expenses include but are not~~
8 ~~limited to additional agency staff expenses (on a per-hour~~
9 ~~basis, including staff fringe benefits and indirect charges),~~
10 ~~mileage charges, litigation expenses (including the attorney~~
11 ~~general's expenses), and collection agency or other fees.~~

12 7046.0040 GENERATOR SURCHARGE.

13 Subpart 1. In general. All generators in Minnesota are
14 subject to an annual surcharge equal to 50 percent of the annual
15 fee. Payment must be made as provided in subparts 2 and 3.

16 Subp. 2. and 3. [Unchanged.]

17

18 REPEALER. Minnesota Rules, part 7046.0050, subpart 1 is
19 repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY: