

1 Pollution Control Agency

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3 Adopted Rules Relating to Water Quality Permit Fees

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5 Rules as Adopted

6 7002.0210 SCOPE.

7 Parts 7002.0210 to 7002.0310 apply to all persons required
8 to obtain a permit from the Minnesota Pollution Control Agency
9 as described in part 7001.0020, items C, E, F, and H.

10 7002.0220 DEFINITIONS.

11 Subpart 1. **Scope.** For the purpose of parts 7002.0210 to
12 7002.0310, the terms defined in this part have the meanings
13 given them.

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

16 Subp. 3. **Director.** "Director" means the executive
17 director and chief executive officer of the Minnesota Pollution
18 Control Agency.

19 Subp. 4. **Major NPDES facility; definition.** "Major NPDES
20 facility" means a wastewater treatment discharger designated by
21 the director and the regional administrator of the United States
22 Environmental Protection Agency as part of the annual work plan
23 that is developed in accordance with and that is subject to the
24 public participation requirements of Code of Federal
25 Regulations, title 40, part 35, and subject to review and
26 approval of the agency. The agency and the United States
27 Environmental Protection Agency shall designate the following
28 types of facilities as major NPDES facilities unless the agency
29 and the United States Environmental Protection Agency find that
30 the facility does not have a potential for significantly
31 impacting water quality:

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

34 B. an electrical generating facility that is not
35 primarily standby or a peaking facility with a generation

1 capacity of 100 megawatts or greater;

2 C. a facility that is primary industry as defined in
3 Code of Federal Regulations, title 40, section 122.2, or other
4 industry that discharges quantities of process wastewater, which
5 are significant due to the volume, pollutant loading, or other
6 discharge parameters or the character of the receiving water; or

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

10 Subp. 5. **Municipal permit; definition.** "Municipal permit"
11 means a permit issued to a municipality as defined in part
12 7001.1020, subpart 18, for the discharge or disposal of
13 wastewater which is a five percent or more sewage. Permits
14 issued to municipalities for facilities treating or disposing of
15 waste that is less than five percent sewage shall be considered
16 nonmunicipal permits.

17 Subp. 6. **National Pollutant Discharge Elimination System**
18 **(NPDES).** "National Pollutant Discharge Elimination System
19 (NPDES)" has the meaning given it in part 7001.1020, subpart 19.

20 Subp. 7. **Sewage.** "Sewage" has the meaning given it in
21 part 7080.0020, subpart 33.

22 Subp. 8. **Sewage sludge landspreading facility.** "Sewage
23 sludge landspreading facility" means a landspreading facility as
24 defined in part 7040.0100, subpart 20 for the landspreading of
25 sewage sludge.

26 Subp. 9. **State disposal system permit.** "State disposal
27 system permit" means a permit for a disposal system that may be
28 constructed and operated without a NPDES permit.

29 7002.0230 FEE DETERMINATION.

30 The agency shall calculate processing and annual fees based
31 upon the schedule in part 7002.0310 and shall notify the
32 permittee of the amount due prior to each payment date.

33 7002.0240 PAYMENT OF FEES.

34 A person submitting a fee shall make the fee payable to the
35 "Minnesota Pollution Control Agency" and submit it to the

1 director of the Division of Water Quality.

2 7002.0250 APPLICATION FEE.

3 A person who applied for a permit to construct, install,
4 modify, or operate a facility shall submit with the application
5 the appropriate application fee. Failure to submit the fee
6 renders the application incomplete and the agency shall suspend
7 processing of the application until the fee is received.
8 Application fees are nonrefundable.

9 7002.0260 PROCESSING FEE.

10 A permittee shall pay the applicable processing fee within
11 30 days of issuance of the permit by the agency.

12 If a facility is a "small business" as defined in Minnesota
13 Statutes, section 14.115, subdivision 1, or a municipal
14 wastewater treatment plant with an average design flow of less
15 than 30,000 gallons per day, the permittee may request to pay
16 the processing fee in annual installments. Annual installments
17 are determined by dividing the processing fee into equal annual
18 payments based on the term of the permit. The first payment
19 shall be made within 30 days of issuance of the permit and
20 annually thereafter on the anniversary of issuance. A facility
21 that qualifies as a "small business" must provide proof of that
22 status upon application for a permit.

23 7002.0270 ANNUAL FEE.

24 All persons required to obtain a permit listed in part
25 7002.0310, subparts 1 and 2, shall pay an annual fee for
26 enforcement of applicable statutes and rules. The annual fee
27 shall be paid within 30 days of receipt of an invoice from the
28 agency.

29 7002.0280 NOTIFICATION OF ERROR.

30 A person who thinks that a basic processing fee or annual
31 fee for a specific facility is in error shall provide written
32 notice of the error to the director of the Division of Water
33 Quality, along with the assessed fee. If the director of the
34 Division of Water Quality finds, upon reviewing the data, that

1 the assessed fee was in error, the overpayment shall be refunded
2 to the permittee or credited to the permittee's account.

3 7002.0290 LATE PAYMENT FEE.

4 The permittee shall pay a late payment fee of 20 percent of
5 the payment due for failure to make payment within 30 days of a
6 payment date. The permittee shall pay an additional ten percent
7 of the original payment due for each 30-day period or portion
8 thereof that the payment is late.

9 7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

10 Permit fees for water quality permits are established in
11 part 7002.0310.

12 7002.0310 TABLE, WATER QUALITY PERMIT FEES.

13 Subpart 1. Major NPDES permit fees. The following fees
14 shall be paid for major NPDES facilities:

15 A. Municipal permits:

16 Design Flow				
17 in Million				
18 Gallons per	Application	Processing	Annual	
19 Day (MGD)	Fee	Fee	Fee	
21 50 and over	\$50	\$30,000	\$40,000	
22 20 to 49.99	50	13,000	8,000	
23 5 to 19.99	50	6,000	2,500	
24 Up to 4.99	50	2,800	950	

26 B. Nonmunicipal permits:

27 Design Flow				
28 in Million				
29 Gallons per	Application	Processing	Annual	
30 Day (MGD)	Fee	Fee	Fee	
32 20 to 49.99	\$50	\$13,000	\$9,000	
33 5 to 19.99	50	7,200	3,000	
34 Up to 4.99	50	3,700	1,500	

1	Cooling or			
2	Mine Pit			
3	Dewatering			
4	(any flow)	50	7,200	3,000

5 Subp. 2. Nonmajor NPDES and state disposal permit fees.

6 The following fees shall be paid by a permittee not designated
 7 as a major NPDES facility and by a permittee that has applied
 8 for or received a state disposal system permit.

9 A. Municipal permits:

10	Design Flow			
11	in Million			
12	Gallons per	Application	Processing	Annual
13	Day (MGD)	Fee	Fee	Fee
14				
15	Greater than			
16	.100	\$50	\$1,250	\$140
17	0 to .099	50	600	50
18	Sewage sludge			
19	landspreading			
20	facilities	50	600	50

22 B. Nonmunicipal permits:

23	Design Flow			
24	in Million			
25	Gallons per	Application	Processing	Annual
26	Day (MGD)	Fee	Fee	Fee
27				
28	Sewage 0 to			
29	.099	\$50	\$ 600	\$ 50
30	Other nonmunicipal			
31	(any flow)	50	1,250	175

32 Subp. 3. Other water quality permit fees. The following
 33 application fees shall be paid by a permittee that has applied
 34 for or received a general, sewer extension, or liquid storage
 35 permit.

36 A. General, \$50;

- 1 B. Sewer extension, \$80; and
- 2 C. Liquid storage, \$250.