

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Hazardous Waste Fees

4

5 Rules as Adopted

6 7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

7 Subpart 1. **Basis of fees.** The agency shall charge  
8 nonmetropolitan area generator fees that are based on the annual  
9 reports submitted by generators, disclosures, and other  
10 appropriate information available to the agency.

11 Subp. 2. **Small generator exemption.** Nonmetropolitan area  
12 generators that generate a total of less than the equivalent of  
13 ten gallons or 100 pounds of hazardous waste per year are exempt  
14 from the annual fees of this part.

15 For the purposes of this part, a conversion factor of one  
16 gallon of hazardous waste equals ten pounds of hazardous waste  
17 will be used.

18 Subp. 3. **Retroactive fee collection.** Retroactive fees  
19 must be paid by the generator for each year in which hazardous  
20 waste was generated but not disclosed, for each waste stream for  
21 a maximum retroactive period of two calendar years prior to the  
22 most current calendar year subject to fees. The retroactive fee  
23 is calculated by multiplying the current annual fee and  
24 surcharge or the portion of the current annual fee and surcharge  
25 subject to retroactive fees, times the number of years, up to a  
26 maximum of two years, the generator had generated the waste.  
27 Retroactive fees for waste produced for less than two years  
28 shall be calculated according to the closest number of years of  
29 production.

30 Subp. 4. **Annual fees.** An annual fee is the sum of the  
31 review and maintenance fee, waste stream fees, and waste  
32 generation volume fees. Nonmetropolitan area generators shall  
33 submit annual fees as follows:

34 A. A review and maintenance fee must be paid by all  
35 nonmetropolitan area generators. The review and maintenance fee



1 is \$30 per calendar year for each identification number issued  
2 to the generator pursuant to part 7045.0221.

3 B. A waste stream fee must be paid by all  
4 nonmetropolitan area generators for each waste stream generated  
5 over ten gallons or 100 pounds. The waste stream fee is \$20 for  
6 each unsewered waste stream per calendar year and \$20 for each  
7 sewered waste stream per calendar year.

8 C. A waste generation volume fee must be paid by all  
9 nonmetropolitan generators based on the amount of unsewered  
10 hazardous waste generated and method of waste management or  
11 disposal used in the calendar year. The base volume fee is  
12 assessed on a per gallon basis for liquid waste streams or a per  
13 pound basis for nonliquid waste streams. The base volume fee is  
14 \$0.06 per gallon and \$0.006 per pound for the first 2,000  
15 gallons or pounds produced. The base volume fee for 2,001 to  
16 6,000 gallons or pounds is \$0.045 per gallon and \$0.0045 per  
17 pound. The base volume fee for more than 6,000 gallons or  
18 pounds is \$0.03 per gallon and \$0.003 per pound. There shall be  
19 no volume fee charged for that part of any waste stream in  
20 excess of 100,000 gallons or 1,000,000 pounds. The base volume  
21 fee shall be multiplied by the following factors for waste  
22 streams managed by the following methods:

23 Management Method	Factor
24 Recycle, feedstock, or by-product on-site	0
25 Recycle, feedstock, or by-product off-site	0.67
26 Burned for fuel	0.67
27 Neutralization	0.67
28 Incineration	0.67
29 Disposal and other methods	1.00

30 Any sludges or residues of recycling, burning for fuel,  
31 neutralization, or incineration are subject to the base volume  
32 fee.

33 Subp. 5. **Follow-up action fee.** A nonmetropolitan area  
34 generator is subject to payment of a follow-up action fee if the  
35 generator fails to respond within 30 days of receipt of a  
36 registered letter from the director concerning the generator's

1 noncompliance with part 7045.0240 requiring submission of a  
2 disclosure, part 7045.0216 requiring submission of an evaluation  
3 report, or part 7045.0296 requiring submission of an annual  
4 report. The agency shall charge a follow-up action fee only if  
5 the director's follow-up action involves sending the generator  
6 one or more additional registered letters or causing an  
7 authorized representative of the agency to make an inspection  
8 for the purpose of obtaining the required information. The fee  
9 for each follow-up registered letter, not to include the initial  
10 registered letter, is \$25. The fee for each follow-up  
11 inspection is \$200.

12       Subp. 6. **Payment schedule.** A nonmetropolitan area  
13 generator shall submit fees within 60 days after receipt of the  
14 notice from the director that the fees are due. Fees submitted  
15 after the due date are considered late.

16       A nonmetropolitan area generator shall submit a check for  
17 the required amount to the director, made payable to the  
18 Minnesota Pollution Control Agency.

19       Subp. 7. **Failure to submit fees.** If a nonmetropolitan  
20 area generator fails to submit the required fees by the due  
21 date, the generator shall pay the fees plus a late fee for each  
22 30-day period or fraction of that period that the fee remains  
23 unpaid. The late fee is calculated as a percentage of the  
24 annual fee as follows: ten percent of the annual fee for each  
25 of the first two 30-day periods, and 15 percent of the annual  
26 fee for each 30-day period, or fraction of a 30-day period,  
27 thereafter.

28       If a nonmetropolitan area generator fails to submit the  
29 requested fees by the due date, the generator becomes liable for  
30 reasonable additional expenses the agency incurs in collection  
31 of the fee, in addition to the annual fee and any applicable  
32 late fees.

33 7046.0040 GENERATOR SURCHARGE.

34       Subpart 1. **In general.** All generators in Minnesota are  
35 subject to an annual surcharge equal to 45 percent of the annual

1 fee. Payment must be made as provided in subparts 2 and 3.

2 Subp. 2. Nonmetropolitan area generators. Nonmetropolitan  
3 area generators shall pay the surcharge to the director at the  
4 time of payment of the annual fee. A nonmetropolitan area  
5 generator who fails to pay the annual surcharge is considered  
6 delinquent and subject to the late fee penalty provided in part  
7 7046.0031, subpart 7.

8 Subp. 3. [Unchanged.]

9 7046.0050 GENERATOR FEE EXEMPTIONS.

10 Subp. 2. [See Repealer.]

11 Subp. 3. [Unchanged.]

12 Subp. 4. Certain nonmetro area generators. Small quantity  
13 nonmetropolitan area generators whose sole hazardous wastes are  
14 degreasing or drycleaning ~~solvents~~ solvent related wastes  
15 reclaimed off-site under a maintenance agreement, lead acid  
16 batteries, gasoline tank bottoms, and scrap metal are not  
17 subject to annual fees for those calendar years for which they  
18 submit accurate disclosures under part 7045.0240, or annual  
19 reports by March 1, under part 7045.0296, but rather are subject  
20 to a flat annual fee of \$25. For the purposes of this part, a  
21 maintenance agreement is a written agreement acceptable to the  
22 director between a generator and a transporter and a reclaimer  
23 under which waste is removed from the generator's site on a  
24 regularly scheduled basis for reclamation by distillation.

25 7046.0070 APPEAL PROCEDURE.

26 A generator who believes that the fee requested by the  
27 director is in error may appeal the fee levy. Within ten days  
28 of receipt of the fee statement from the director, the generator  
29 shall provide written notice of the error in fee calculation,  
30 the fee the generator has calculated, and the method used by the  
31 generator in calculating the fee. If the director finds, upon  
32 reviewing the data, that the new data presented by the generator  
33 is correct, no penalty fee will be assessed. However, if the  
34 director finds that the original calculated fee was correct, the  
35 generator shall be assessed any applicable penalty as provided

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1 in part 7046.0031, subpart 7 from the date of the director's  
2 decision regarding the fee adjustment appeal.

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4 REPEALER. Minnesota Rules, parts 7046.0030 and 7046.0050,  
5 subpart 2 are repealed.