

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Hazardous Waste and

4 Generator Fees

5

6 Rules as Adopted

7 7046.0020 HAZARDOUS WASTE FACILITY FEES.

8 Subpart 1. Fee schedule for five-year permits. A person  
 9 applying for issuance or reissuance of a five-year permit for a  
 10 hazardous waste facility shall remit the permit application fee  
 11 or permit reissuance fee given in item A or B. A person who  
 12 owns or operates a hazardous waste facility that is in operation  
 13 on July 1 in any year shall remit the annual facility operator's  
 14 fee for that fiscal year.

	Permit Application Fee	Annual Facility Operator's Fee	Permit Reissuance Fee
15			
16			
17			
18			
19	A. Storage		
20			
21	Tanks and		
22	containers		
23	indoors		
24			
25	Total capacity	\$ 1,820	\$ 2,670
26	greater than		\$ 910
27	550 gallons		
28			
29	Total capacity	1,210	1,180
30	550 gallons or		610
31	less		
32			
33	Tanks and containers		
34	outdoors		
35			
36	Total capacity	3,640	5,350
37	greater than		1,820
38	550 gallons		
39			
40	Total capacity	2,430	2,130
41	550 gallons or		1,210
42	less		
43			
44	Piles	10,930	15,310
45			5,470
46	Surface impoundment	18,220	15,310
47			9,110
48	B. Disposal and treatment		
49			
50	Surface impoundment	21,870	21,140
51			10,930
52	Treatment (not	21,870	10,690
53	otherwise specified		10,930
54	including open		
55	burning)		
56			

1	Thermal treatment	54,670	37,180	27,340
2	(not including			
3	open burning)			
4				
5	Land treatment	54,670	37,180	27,340
6				
7	Land disposal	54,670	37,180	27,340
8	(includes surface			
9	impoundments in			
10	which waste			
11	remains after			
12	closure)			
13	Subp. 2. and 3. [Unchanged.]			

14 Subp. 4. Environmental review costs. The following  
 15 additional fee is required for a hazardous waste facility  
 16 project that requires only an environmental assessment worksheet  
 17 under Minnesota Statutes, chapter 116D: the fee is \$200 plus  
 18 0.10 percent of the project estimated costs.

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

22 Subp. 5. to 7. [Unchanged.]

23 7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

24 Subpart 1. and 2. [Unchanged.]

25 Subp. 3. Retroactive fee collection. Retroactive fees  
 26 must be paid by the generator for each year in which hazardous  
 27 waste was generated but not disclosed, for each waste stream for  
 28 a maximum retroactive period of two calendar years prior to the  
 29 most current calendar year subject to fees. The retroactive fee  
 30 is calculated by multiplying the statewide program fee and the  
 31 current annual fee or flat annual fee, whichever applies, times  
 32 the number of years, up to a maximum of two years, the generator  
 33 had generated the waste. If a newly disclosed waste stream  
 34 subjects a generator to a retroactive fee, the retroactive fee  
 35 must be assessed as described above on the appropriate volume  
 36 fee ~~and-base-fee~~ associated with the newly disclosed waste  
 37 stream. If the newly disclosed waste stream subjects the  
 38 generator to a higher base fee in the most recent calendar year,  
 39 then the retroactive fee must be assessed as described above on  
 40 the difference between the higher base fee and the lower base  
 41 fee. Retroactive fees for waste produced for less than two

1 years prior to the most current calendar year shall be  
2 calculated according to the closest number of years of  
3 production.

4 Subp. 4. Annual fees. An annual fee is the sum of the  
5 waste generation volume fees and the base fee. Nonmetropolitan  
6 area generators shall submit annual fees as follows:

7 A. A waste generation volume fee must be paid by all  
8 nonmetropolitan generators based on the amount of unsewered  
9 hazardous waste generated and method of waste management or  
10 disposal used in the calendar year. The base volume fee is  
11 assessed on a per gallon basis for liquid waste streams or a per  
12 pound basis for nonliquid waste streams. The base volume fee is  
13 \$0.09 per gallon and \$0.009 per pound for each gallon and pound  
14 produced under 2,640 gallons or 26,400 pounds. The base volume  
15 fee for each gallon and pound equal to or exceeding 2,640  
16 gallons or 26,400 pounds is \$0.04 per gallon and \$0.004 per  
17 pound. The base volume fee shall be multiplied by the following  
18 factors for waste streams managed by the following methods:

19	Management Method	Factor
20		
21	Recycle, feedstock, or by-product on-site	0
22	Recycle, feedstock, or by-product off-site	0.67
23	Burned for fuel	0.67
24	Neutralization	0.67
25	Incineration	0.67
26	Disposal and other methods	1.00
27	Any sludges or residues of recycling, burning for fuel,	

28 neutralization, or incineration are subject to the base volume  
29 fee.

30 B. A base fee must be paid by all nonmetropolitan  
31 area generators as follows:

32 (1) a nonmetropolitan area generator who does not  
33 qualify as a small quantity generator in part 7045.0219 must pay  
34 a base fee of \$350;

35 (2) a nonmetropolitan area generator, who  
36 qualifies as a small quantity generator in part 7045.0219 and is  
37 not a small quantity generator as described in subitem (3), must  
38 pay a base fee of \$105; and

39 (3) a nonmetropolitan area generator, who  
40 qualifies as a small quantity generator in part 7045.0219 and

1 generates less than 100 kilograms of hazardous waste per  
2 calendar month, must pay a base fee of \$35.

3       Subp. 5. **Follow-up action fee.** A nonmetropolitan area  
4 generator is subject to payment of a follow-up action fee if the  
5 generator fails to respond within 30 days of receipt of a  
6 certified letter from the commissioner concerning the  
7 generator's noncompliance with part 7045.0240 requiring  
8 submission of a disclosure, part 7045.0216 requiring submission  
9 of an evaluation report, or part 7045.0296 requiring submission  
10 of an annual report. The agency shall charge a follow-up action  
11 fee only if the commissioner's follow-up action involves sending  
12 the generator one or more additional certified letters or  
13 causing an authorized representative of the agency to make an  
14 inspection for the purpose of obtaining the required  
15 information. The fee for each follow-up certified letter, not  
16 to include the initial certified letter, is \$25. The fee for  
17 each follow-up inspection is \$200.

18       Subp. 6. and 7. [Unchanged.]

19 7046.0040 GENERATOR STATEWIDE PROGRAM FEE.

20       Subpart 1. **In general.** All generators in Minnesota are  
21 subject to an annual statewide program fee equal to 68 percent  
22 of the annual fee or flat annual fee, whichever applies.  
23 Payment must be made as provided in subparts 2 and 3.

24       Subp. 2. **Nonmetropolitan area generators.** Nonmetropolitan  
25 area generators shall pay the statewide program fee to the  
26 commissioner at the time of payment of the annual fee or flat  
27 annual fee. A nonmetropolitan area generator who fails to pay  
28 the annual statewide program fee is considered delinquent and  
29 subject to the late fee penalty provided in part 7046.0031,  
30 subpart 7.

31       Subp. 3. **Metropolitan area generators.** Metropolitan area  
32 generators shall pay the statewide program fee with the license  
33 fee to the county in which the generating site is located. The  
34 metropolitan area counties (Anoka, Carver, Dakota, Hennepin,  
35 Ramsey, Scott, and Washington) that are responsible for

1 collecting the statewide program fee shall remit the statewide  
2 program fee to the commissioner not later than the last day of  
3 the month following the month of collection.

4 7046.0050 GENERATOR FEE EXEMPTIONS.

5 Subp. 3. Wastes generated as a result of response action.

6 A waste that is generated as a result of a response action is  
7 exempt from the generator fee.

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

20 If a small quantity nonmetropolitan area generator, who  
21 qualifies for this exemption, fails to submit the annual report  
22 by March 1 under part 7045.0296, the generator shall pay a full  
23 annual fee. If the generator is also subject to retroactive  
24 fees, the retroactive fees must be based on the flat annual fee  
25 of \$25.

26 Subp. 5. Wastes generated as a result of household  
27 hazardous waste collections. A waste that is generated as a  
28 result of a household hazardous waste collection program under  
29 Minnesota Statutes, section 115A.95, is exempt from the  
30 generator fee.

31 7046.0070 APPEAL PROCEDURE.

32 If a generator who believes that the fee requested by the  
33 commissioner is in error or exceeds the hazardous waste  
34 generator fees assessed by the metropolitan area county with the  
35 highest fee structure, then the generator may appeal the fee

1 levy. Within ten days of receipt of the fee statement from the  
2 commissioner, the generator shall provide a written notice of  
3 ~~the error in fee calculation,~~ appeal which includes the fee the  
4 generator has calculated, and the method used by the generator  
5 in calculating the fee. After review of the appeal, the  
6 commissioner shall send the generator a decision letter  
7 regarding the appeal. In the decision letter, the commissioner  
8 shall specify the fee to be remitted by the generator. The  
9 generator shall submit the specified fee within 30 days of  
10 receipt of the commissioner's decision letter or by the original  
11 due date, whichever is later. A generator who fails to submit  
12 the specified fee by the required date is delinquent and must  
13 pay the late fee penalty, specified in part 7046.0031, subpart 7.