

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Air Quality Permit Fees

4

5 Rules as Adopted

6 7002.0010 SCOPE.

7 Parts 7002.0010 to 7002.0100 apply to all persons required
8 to obtain a permit from the Minnesota Pollution Control Agency
9 as described in parts 7001.0010 to 7001.0210 and 7001.1200 to
10 7001.1350.

11 7002.0020 DEFINITIONS.

12 Subpart 1. Scope. For the purposes of parts 7002.0010 to
13 7002.0110, the terms defined in this part have the meanings
14 given them and the definitions in parts 7001.0010, 7001.1260,
15 and 7005.0010 to 7005.3060 apply unless the terms are defined in
16 this part.

17 Subp. 2. [See Repealer.]

18 Subp. 2a. Administrative amendment. "Administrative
19 amendment" means an amendment to an air emission permit or
20 indirect source permit under part 7001.0190, subparts 2 and 3.

21 Subp. 3. Air pollution control equipment. "Air pollution
22 control equipment" means a device used to prevent, abate, or
23 control air pollution.

24 Subp. 4. and 5. [See Repealer.]

25 Subp. 6. Major emitter. "Major emitter" means a
26 stationary source that has the potential to emit 100 tons per
27 year or more of a single criteria pollutant.

28 Subp. 7. [See Repealer.]

29 Subp. 7a. Noncriteria pollutant. "Noncriteria pollutant"
30 means a pollutant that is not a criteria pollutant and that may
31 have the potential to be injurious to human health.

32 Subp. 9. Nonmajor emitter. "Nonmajor emitter" means a
33 stationary source other than a major emitter.

34 7002.0030 FEE DETERMINATION.

1 The agency shall calculate processing, compliance
2 demonstration, and annual fees based upon the schedule in part
3 7002.0100 and shall notify the permittee of the amount due
4 before each payment date, except for application fees, which
5 shall be submitted in accordance with part 7002.0050.

6 7002.0050 APPLICATION FEE.

7 A person who applies for (1) a permit to construct, modify,
8 reconstruct, or operate an emissions unit, emission facility,
9 stationary source, air pollution control equipment, or an
10 indirect source, or (2) an administrative amendment, shall
11 submit with the application the appropriate application fee.
12 Failure to submit the fee renders the application incomplete and
13 the agency shall suspend processing of the application until the
14 fee is received. Application fees are nonrefundable.

15 7002.0060 PROCESSING AND COMPLIANCE DEMONSTRATION FEES.

16 Subpart 1. Processing and compliance demonstration fees.
17 Except as provided in subpart 2, a permittee shall pay the
18 applicable processing and compliance demonstration fees as
19 listed in part 7002.0100, subparts 3 to 4c, within 30 days of
20 receipt of an invoice from the agency.

21 Subp. 2. Annual installment of fees. If a facility is a
22 "small business" as defined in Minnesota Statutes, section
23 14.115, subdivision 1, the permittee may request to pay the
24 processing fee in annual installments. Annual installments are
25 determined by dividing the processing fee into equal annual
26 payments based on the term of the permit. The first payment
27 shall be made within 30 days of receipt of an invoice from the
28 agency and annually thereafter on the receipt of another
29 invoice. A facility that qualifies as a "small business" must
30 provide proof of that status upon application for a permit. For
31 purposes of this subpart, the term of an indirect source permit
32 is the construction period unless the permit specifies a term.

33 7002.0070 ANNUAL FEE.

34 All persons required to obtain a permit shall pay the

1 annual fee for enforcement of applicable statutes and rules
2 required by part 7002.0100, subparts 5, 5a, and 6. The annual
3 fee shall be paid within 30 days of receipt of an invoice from
4 the agency.

5 7002.0080 NOTIFICATION OF ERROR.

6 A person who thinks that a processing fee, compliance
7 demonstration fee, or annual fee for a specific facility is in
8 error shall provide written notice of the error to the director
9 of the Division of Air Quality along with the assessed fee. If
10 the director of the Division of Air Quality finds, upon
11 reviewing the data, that the assessed fee was in error, the
12 overpayment shall be refunded to the permittee or credited to
13 the permittee's account.

14 7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

15 Subpart 1. Scope. The fees established in this part are
16 applicable to facilities and indirect sources which require an
17 air emission permit under part 7001.1210 (permit rules, air
18 emission permits) or an indirect source permit under part
19 7001.1270 (permit rules, indirect source permits).

20 Subp. 2. Application fee. A person making application for
21 an air emission permit or an indirect source permit shall submit
22 with the application an application fee of \$50.

23 Subp. 3. Basic processing fees. The permittee shall pay
24 the following basic processing fees for the applicable permit
25 activity:

26 A. \$1,000 for the construction of an indirect source;

27 B. \$1,000 for the construction or reconstruction of a
28 major emitter;

29 C. \$500 for the construction or reconstruction of a
30 nonmajor emitter;

31 D. \$350 for the modification of a major emitter or
32 installation of air pollution control equipment at a major
33 emitter;

34 E. \$175 for the modification of a nonmajor emitter or
35 installation of air pollution control equipment at a nonmajor

1 emitter;

2 F. \$550 for the reissuance of a permit for a major
3 emitter; and

4 G. \$225 for the reissuance of a permit for a nonmajor
5 emitter;

6 H. \$175 for any modification of an indirect source,
7 other than an administrative amendment;

8 I. \$50 for an administrative amendment to a permit;
9 and

10 J. \$75 for issuance or reissuance of a general permit.

11 For purposes of this subpart, if activities in items D and
12 E occur simultaneously with items described in items F and G,
13 the agency shall waive the fee for items D and E and only assess
14 a reissuance fee and applicable additional processing fees.

15 Subp. 3a. **Basic processing fee surcharges.** In addition to
16 the fees in subpart 3, item B, D, or F, a major emitter shall be
17 charged a basic processing fee surcharge for the tons of
18 potential emissions of criteria pollutants above the initial 100
19 ton per year threshold that classifies it as a major emitter.
20 The surcharge shall be in the following amount, based on
21 potential emissions of the criteria pollutant emitted in the
22 greatest volume by the major emitter:

23 Total Potential 24 Emissions 25 (tons per year)	26 Surcharge		
27	28 Subpart 3, 29 item B 30 Construction 31 Reconstruction	32 Subpart 3, 33 item D 34 Modification	35 Subpart 3, 36 item F 37 Reissue
30 250-499	\$ 500	\$ 175	\$ 275
31 500-999	\$ 750	\$ 260	\$ 415
32 1,000-4,999	\$ 1,125	\$ 395	\$ 625
33 5,000-9,999	\$ 1,500	\$ 590	\$ 935
34 10,000 or more	\$ 2,500	\$ 895	\$ 1,400

36 Subp. 4. **Additional processing fees.** In addition to the
37 fees required in subparts 3 and 3a, the permittee shall pay the
38 following additional processing fees, when applicable:

39 A. \$2,500 for permits issued to which parts 7005.3010
40 to 7005.3060 apply;

41 B. \$2,500 for permits issued to which federal
42 prevention of significant deterioration regulations in Code of

1 Federal Regulations, title 40, section 52.21 apply;

2 C. \$125 for permits issued to which new source
3 performance standards requirements in Code of Federal
4 Regulations, title 40, part 60 apply, with an additional \$125
5 applying for each additional new source performance standard
6 subpart beyond the first, applicable to the subject permit;

7 D. \$400 for permits requiring evaluation with regard
8 to emissions of noncriteria pollutants;

9 E. \$400 for dispersion modeling reviews performed for
10 reasons other than those covered by item A, B, or D; and

11 F. \$500 for either an indirect source design change
12 as defined in the applicable indirect source permit, or for a
13 modification of an indirect source permit that is neither a
14 minor modification as described in part 7001.1350, nor an
15 administrative amendment.

16 Subp. 4a. Additional processing fee surcharges. In
17 addition to the fees required in subparts 3, 3a, and 4, the
18 permittee shall pay the following additional processing fee
19 surcharges when applicable:

20 A. \$250 for each additional criteria pollutant beyond
21 the first which is subject to parts 7005.3010 to 7005.3060;

22 B. \$250 for each additional criteria pollutant beyond
23 the first which is subject to federal prevention of significant
24 deterioration rules in Code of Federal Regulations, title 40,
25 section 52.21;

26 C. for each permit that includes permit requirements
27 for facilities subject to new source performance standards, Code
28 of Federal Regulations, title 40, part 60:

29 (1) \$25 for each additional affected facility, as
30 defined in Code of Federal Regulations, title 40, part 60,
31 beyond the first, that is subject to a single subpart of Code of
32 Federal Regulations, title 40, part 60, not to exceed \$500 per
33 permit issuance; and

34 (2) \$25 for each additional pollutant, beyond the
35 first, to which the stationary source is subject under a single
36 applicable subpart of Code of Federal Regulations, title 40,

1 part 60;

2 D. \$75 for each additional noncriteria pollutant
3 beyond the first that is evaluated; and

4 E. \$75 for each additional pollutant, beyond the
5 first, that is subject to a fee for dispersion modeling review
6 under subpart 4, item E.

7 Subp. 4b. Compliance demonstration fees. Fees under this
8 subpart apply at the time of completion of the review of the
9 activity by the agency. Persons required to perform the
10 following activities shall pay the following applicable fees:

11 A. \$75 for each method 9 visible emissions evaluation
12 or part 7005.0930 odor emission evaluation performance test
13 report reviewed by the agency;

14 B. \$475 for each performance test report on emissions
15 from one stack or equivalent emissions point, other than a
16 method 9 visible emissions evaluation, reviewed by the agency,
17 with a separate \$475 fee applying to each stack or equivalent
18 emissions point tested; and

19 C. \$475 for each continuous emission monitor
20 certification, recertification, and any relative accuracy test
21 audit report reviewed by the agency.

22 Subp. 4c. Compliance demonstration fee surcharges. Fees
23 under this subpart apply at the time of completion of the review
24 by the agency. In addition to the fees required in subpart 4b,
25 the permittee shall pay compliance demonstration fee surcharges
26 as listed below when applicable:

27 A. \$25 for each additional method 9 visible emission
28 evaluation included in a single performance test report beyond
29 the first that is reviewed by the agency;

30 B. for a single performance test report, other than a
31 method 9 visible emission evaluation or part 7005.0930 odor
32 emission evaluation performance test report:

33 (1) \$100 for each additional reference method or
34 its equivalent beyond the first five that is reviewed; and

35 (2) \$100 for each additional emissions unit that
36 contributes to the stack or equivalent emissions point tested

1 beyond the first that is reviewed; and

2 C. \$100 for each additional pollutant monitored by a
3 continuous emission monitor submitting a report under subpart
4 4b, item C, beyond the first, not to include diluent gases
5 necessary for monitor operation.

6 Subp. 5. Annual fees. All persons required to obtain an
7 air emission permit or an indirect source permit shall pay the
8 applicable annual fee according to items A and B.

9 A. Stationary sources shall pay the following
10 applicable annual fees:

- 11 (1) \$450 for a major emitter; and
- 12 (2) \$225 for a nonmajor emitter.

13 Annual fees for stationary sources shall be based on the
14 potential emissions of the stationary source on January 1 of the
15 year for which the fee applies. Seasonal facilities are not
16 exempt from annual fees and shall pay annual fees in accordance
17 with their potential to emit. The agency shall not charge an
18 annual fee for a stationary source if the potential to emit any
19 single criteria pollutant is ~~more than 25 tons per year but is~~
20 less than 50 tons per year for each criteria pollutant unless
21 the stationary source has the potential to emit at least 1,000
22 pounds of lead per year.

23 B. Persons required to obtain an indirect source
24 permit shall pay an annual fee of \$400 through the year in which
25 construction is completed or compliance with all permit
26 provisions is documented, whichever is later.

27 Subp. 5a. Annual fee surcharges. In addition to the fees
28 in subpart 5, item A, a major emitter shall be charged an
29 additional annual fee surcharge for the tons of potential
30 emissions above the initial 100 tons that classifies it as a
31 major emitter. The surcharge shall be in the following amount,
32 based on the potential emissions of the criteria pollutant
33 emitted in the greatest amount:

34 Table Potential Emissions	Surcharge
35 (tons per year)	
36	
37 250-499	\$ 450
38 500-999	\$ 675

1	1,000-4,999	\$ 1,015
2	5,000-9,999	\$ 1,520
3	10,000 or more	\$ 2,280
4		

5 Subp. 6. **General permits.** The agency shall not charge
6 annual fees for permits issued as a general permit under the
7 permit rules in part 7001.0210.

8

9 **REPEALER.** Minnesota Rules, part 7002.0020, subparts 2, 4,
10 5, and 7, are repealed.