

1 Pollution Control Agency

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3 Air Quality Division

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5 Adopted Emergency Rules Relating to Air Quality Permit Emission
6 Fees

7

8 Rules as Adopted

9 7002.0400 [Emergency] APPLICABILITY.

10 Parts 7002.0400 to 7002.0450 [Emergency] apply to all
11 emission facilities that were subject in ~~1988~~ 1990 to the
12 emissions inventory reporting requirements of part 7005.1870,
13 subpart 4, and to indirect sources. During the time that this
14 emergency rule is effective, parts 7002.0010 to 7002.0110 are
15 not effective.

16 7002.0410 [Emergency] DEFINITIONS.

17 Subpart 1. **Scope.** For the purposes of parts 7002.0400 to
18 7002.0450 [Emergency], the following terms have the meanings
19 given them.

20 Subp. 2. **Division chief.** "Division chief" means the
21 division chief of the Air Quality Division of the Pollution
22 Control Agency.

23 Subp. 3. **Emission facility.** "Emission facility" has the
24 meaning given in Minnesota Statutes, section 116.06, subdivision
25 5, and part 7005.0100, subpart 10.

26 Subp. 4. **Indirect source.** "Indirect source" has the
27 meaning given in part 7001.1260, subpart 5.

28 Subp. 5. **PM-10.** "PM-10" means particulate matter with an
29 aerodynamic diameter less than or equal to a nominal ten
30 micrometers.

31 Subp. 6. **Volatile organic compound.** "Volatile organic
32 compound" means an organic compound that participates in
33 atmospheric photochemical reaction; that is, any organic
34 compound other than those that the United States Environmental
35 Protection Agency has designated as having negligible

1 photochemical reactivity. As used in parts 7002.0400 to
2 7002.0450 [Emergency], volatile organic compound does not
3 include:

- 4 A. methane;
- 5 B. ethane;
- 6 C. 1,1,1-trichloroethane (methyl chloroform);
- 7 D. trichlorotrifluoroethane (freon 113);
- 8 E. methyl chloroform;
- 9 F. methylene chloride;
- 10 G. trichlorofluoromethane (CFC-11);
- 11 H. dichlorodifluoromethane (CFC-12);
- 12 I. chlorodifluoromethane (CFC-22);
- 13 J. trifluoromethane (FC-23);
- 14 K. trichlorotrifluoroethane (CFC-113);
- 15 L. dichlorotetrafluoroethane (CFC-114);
- 16 M. chloropentafluoroethane (CFC-115);
- 17 N. any other compound listed in table 1, as amended,

18 of the United States Environmental Protection Agency's
19 Recommended Policy on Control of Volatile Organic Compounds,
20 Federal Register, volume 42, page 35314, July 8, 1977; or

- 21 O. any other compound determined by the United States
22 Environmental Protection Agency to be negligibly photochemically
23 reactive. These determinations are published in the Federal
24 Register.

25 7002.0420 [Emergency] EMISSIONS FEE.

26 Subpart 1. Annual fee on certain pollutants. The owner or
27 operator of all emission facilities that were subject in 1988
28 1990 to the emissions inventory reporting requirements of part
29 7005.1870, subpart 4, shall pay an annual emissions fee of ~~\$7.59~~
30 per ton of sulfur dioxide, nitrogen oxide, PM-10, and volatile
31 organic compounds emitted from the emission facility, except
32 that the fee shall not include an assessment for each of these
33 pollutants for which the emission facility did not emit 25 tons
34 or more. The tons of sulfur dioxide, nitrogen oxide, PM-10, and
35 volatile organic compounds emitted from a source shall be the

1 amount calculated by the division chief, based on the
2 information reported by the owner or operator under part
3 7005.1870, subpart 4, for the ~~1988~~ 1990 emissions inventory and
4 that were required to be submitted to the division chief
5 before ~~January~~ May 15, 1991.

6 Subp. 2. Calculation of fee per ton. The commissioner
7 shall calculate the amount of the fee due per ton of pollutant
8 by dividing \$3,567,368 by the total tons of emissions subject to
9 the fee under subpart 1, as determined by the 1990 emissions
10 inventory. For example, if the emissions under the 1990
11 emissions inventory were the same as those reported under the
12 1988 inventory, the fee per ton would be \$3,567,368 divided by
13 469,935 (the total tons of emissions in 1988 subject to the fee
14 under subpart 1), or \$7.59 per ton. The commissioner shall
15 calculate the fee per ton as soon as the data in the 1990
16 emissions inventory is finalized.

17 Subp. 3. Indirect sources. Indirect sources shall pay an
18 annual fee of \$400 through the year in which construction is
19 completed or compliance with all permit provisions is
20 documented, whichever is later.

21 7002.0430 [Emergency] PAYMENT OF FEE.

22 A person submitting the fee required by part 7002.0420
23 [Emergency] shall make the fee payable to the Pollution Control
24 Agency, and shall submit it to the division chief. The fee
25 shall be paid within 30 days of receipt of an invoice from the
26 division chief. The division chief shall not send invoices to
27 persons earlier in the calendar year than ~~October~~ January 1,
28 1992.

29 7002.0440 [Emergency] LATE PAYMENT.

30 ~~The permittee~~ A person required to pay the fee by part
31 7002.0420 [Emergency] shall pay a late payment fee of 20 percent
32 of the payment due for failure to make payment within 30 days of
33 a payment date. The permittee shall pay an additional ten
34 percent of the original payment due for each 30-day period or
35 portion of that period that the payment is late.

1 7002.0450 [Emergency] NOTIFICATION OF ERROR.

2 A person who thinks that the fee assessed under part
3 7002.0420 [Emergency] is in error shall provide a written
4 explanation of the person's position to the division chief along
5 with the assessed fee. The division chief shall, within 60 days
6 of receiving the person's written explanation, either notify the
7 person that the fee assessed was not in error and will not be
8 refunded, or, if the division chief finds that the assessed fee
9 was in error, the overpayment shall be refunded to the permittee
10 person or credited to the permittee's person's account.