

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Fees for Hazardous Waste

4

5 Rules as Adopted

6 7046.0010 DEFINITIONS.

7 [For text of subps 1 and 2, see M.R.]

8 Subp. 2a. Closed system. A "closed system" means a
9 conveyance system for waste that consists entirely of permanent
10 and rigid components where no human handling is needed to convey
11 the waste from the point where it becomes a waste to the point
12 of discharge to a sewer system.

13 [For text of subps 3 to 5, see M.R.]

14 Subp. 6. Hazardous waste. "Hazardous waste" has the
15 meaning given in Minnesota Statutes, section 116.06, subdivision
16 11.

17 [For text of subps 7 to 17a, see M.R.]

18 Subp. 17b. Sewer system. "Sewer system" means a tributary
19 or tributaries to a publicly owned treatment works or to a
20 facility holding a National Pollutant Discharge Elimination
21 System (NPDES) permit or State Disposal System (SDS) permit.

22 Subp. 18. Sewered wastes. "Sewered wastes" means wastes
23 that are discharged to a sewer system ~~which-is-tributary-to-a~~
24 ~~publicly-owned-treatment-works-or-to-a-facility-holding-a~~
25 ~~National-Pollutant-Discharge-Elimination-System-(NPDES)-permit~~
26 ~~or-State-Disposal-System-(SDS)-permit,~~ and that are hazardous
27 wastes at the point of generation before treatment or
28 commingling with other wastewater which may or may not render
29 them nonhazardous.

30 [For text of subps 19 to 23, see M.R.]

31 Subp. 24. [See repealer.]

32 [For text of subps 24a and 25, see M.R.]

33 7046.0020 HAZARDOUS WASTE FACILITY FEES.

34 Subpart 1. Fee schedule for five-year permits. A person
35 applying for issuance, reissuance, or major modification under

1 part 7001.0190, subpart 1, of a five-year permit for a hazardous
2 waste facility shall remit the applicable fee given in items A
3 to D.

4 A person who owns or operates a hazardous waste facility
5 shall remit an annual facility fee for the fiscal year beginning
6 on July 1 and ending on June 30, if during that year the
7 facility was treating, storing, or disposing of hazardous waste,
8 had not obtained closure approval, or had closed as a land
9 disposal facility with hazardous waste remaining in place. A
10 facility that meets the annual facility fee payment criteria for
11 less than a full year shall be assessed a prorated facility fee.

12 A facility in which hazardous waste remains after closure
13 continues to be subject to the annual facility fee until the
14 owner or operator is exempted under subpart 8.

15 Facility fees for fiscal year 1994 are as provided in items
16 A to D. Beginning July 1, 1994, fees will be examined annually
17 and adjusted, as necessary, under part 7046.0060, steps 1 to 6.

	Permit Application Fee	Annual Facility Fee
20 A. Storage.		
21 Tanks and		
22 containers indoors		
23		
24 Total capacity	\$ 2,410	\$ 3,540
25 greater than		
26 550 gallons		
27		
28 Total capacity	1,610	1,560
29 550 gallons or less		
30		
31 Tanks and		
32 containers outdoors		
33		
34 Total capacity	4,820	7,080
35 greater than		
36 550 gallons		
37		
38 Total capacity	3,220	2,820
39 550 gallons or less		
40		
41 Piles	14,480	20,280
42		
43 Surface impoundment	24,120	20,280
44		
45 B. Disposal and treatment.		
46		
46 Surface impoundment	28,950	27,990
47		
48 Treatment (not	28,950	14,150
49 otherwise specified		
50 including open burning)		
51		
52 Thermal treatment	72,390	49,230

1	(not including		
2	open burning)		
3			
4	Land treatment	72,390	49,230
5			
6	Land disposal		
7			
8	Active facilities	72,390	49,230
9			
10	Closed facilities	36,190	32,820
11	(includes all		
12	facilities in		
13	which waste remains		
14	after closure)		
15			

16 C. Permit reissuance fee. The permit reissuance fee
 17 is 50 percent of the facility's permit application fee in item A
 18 or B rounded to the nearest ten-dollar increment.

19 D. Major modification fee. The major modification
 20 fee is 33 percent of the facility's permit application fee in
 21 item A or B rounded to the nearest ten-dollar increment. A
 22 person applying for a major modification concurrent with a
 23 permit reissuance application will not be assessed a major
 24 modification fee.

25 [For text of subps 2 to 4, see M.R.]

26 Subp. 5. Payment schedule. Fees must be made payable to
 27 the state treasurer and submitted to the commissioner as follows:

28 [For text of item A, see M.R.]

29 B. The owner or operator shall submit the annual
 30 facility fee postmarked or hand-delivered not later than June 15
 31 of each year.

32 [For text of item C, see M.R.]

33 Subp. 6. Failure to submit fees. Failure to submit fees
 34 by the required date results in the following penalties:

35 [For text of item A, see M.R.]

36 B. The facility owner or operator will be assessed a
 37 late fee for each 30-day period or fraction of that period that
 38 the fee remains unpaid. The late fee is calculated as a
 39 percentage of the annual fee as follows: ten percent of the
 40 annual facility fee for each of the first two 30-day periods,
 41 and 15 percent of the annual facility fee for each 30-day period
 42 or fraction of a 30-day period thereafter.

43 [For text of item C, see M.R.]

1 [For text of subps 7 and 8, see M.R.]

2 7046.0031 NONMETROPOLITAN AREA GENERATOR FEES.

3 Subpart 1. **Basis of fees.** Nonmetropolitan area generators
4 must pay a hazardous waste generator fee that consists of an
5 annual fee under subpart 4 and a statewide program fee under
6 part ~~7045-0040~~ 7046.0040. The agency shall charge
7 nonmetropolitan area generator fees based on the license
8 application and licensing reports submitted by generators or
9 other appropriate information available to the agency.

10 Beginning July 1, 1994, fees will be examined annually and
11 adjusted, as necessary, under part 7046.0060.

12 Subp. 2. [See repealer.]

13 Subp. 2a. [See repealer.]

14 Subp. 4. **Annual fees.** The annual fee is the minimum fee
15 in item A or the total waste generation quantity fee fees in
16 item B, whichever is greater. Very small quantity generators
17 pay the minimum fee and are exempt from quantity fees.

18 A. **Minimum fee.** The minimum fee for fiscal year 1994
19 is \$66. Beginning July 1, 1994, the minimum fee will be
20 examined annually and adjusted, if necessary, under part
21 7046.0060, step 16.

22 B. **Quantity fee.** The quantity fee is assessed for
23 each waste stream according to the quantity rate table and
24 management method factors. To determine the quantity fee, the
25 applicable rate from the table in subitem (1) is applied to each
26 waste stream quantity, and the result multiplied by the
27 applicable management factor in subitem (2) for that waste
28 stream. The quantity fee for a sewered waste stream is
29 determined under item C.

30 (1) Quantity rate table. A generator may report
31 quantities in pounds or gallons. For the purposes of this part,
32 one gallon of hazardous waste equals ten pounds of hazardous
33 waste.

	POUNDS/GALLONS	POUNDS	GALLONS
34			
35			
36	STEP 1 \$0.052 / \$0.52	0 - 4,000	0 - 400
37	STEP 2 One-fourth of		

1		step 1 rate	4,001 - 26,400	401 - 2,640
2	STEP 3	One-half of		
3		step 2 rate	26,401 - 100,000	2,641 - 10,000
4	STEP 4	One-tenth of		
5		step 3 rate	100,001 - 500,000	10,001 - 50,000
6	STEP 5	\$0.00 / \$0.00	> than 500,000	> than 50,000

7
8 Beginning July 1, 1994, the quantity rate table will be
9 examined annually and step 1 will be adjusted, if necessary,
10 under part ~~7045.0060~~ 7046.0060, step 18.

11 (2) Management method factors. The commissioner
12 will reduce fees for generators who use hazardous waste
13 management methods that are environmentally beneficial by the
14 following factors:

15 (a) hazardous waste managed in the following
16 ways has a management method factor of 0.5: recycled,
17 neutralized and is not hazardous for any other reason, or burned
18 for fuel under part 7045.0692, ~~or sewerage waste that is~~
19 ~~pretreated to a nonhazardous state;~~

20 (b) hazardous waste managed in the following
21 ways way has a management method factor of 0.7: items
22 containing hazardous waste laundered by a commercial service ~~or~~
23 ~~sewerage waste that is pretreated and remains hazardous;~~ and

24 (c) all other management methods have a
25 management factor of 1.0.

26 C. Sewered waste streams. The quantity fee for
27 hazardous waste that is discharged to a sewer system is assessed
28 according to subitems (1) to (5):

29 (1) For hazardous waste that is not pretreated
30 prior to discharge, the quantity fee is assessed under item A or
31 B, whichever is greater.

32 (2) For hazardous waste that is managed in a
33 closed system and that is pretreated to a nonhazardous state
34 prior to discharge where the pretreatment process produces
35 residuals classified as hazardous, the quantity fee is assessed
36 based on the quantity of the residuals. The quantity fee is
37 determined under item B using the quantity of the residuals
38 after pretreatment and not the quantity of hazardous waste
39 generated before pretreatment.

1 (3) For hazardous waste that is managed in a
2 closed system and that is pretreated to a nonhazardous state
3 prior to discharge where the pretreatment process does not
4 produce residuals or produces residuals that are nonhazardous,
5 the quantity fee is determined by dividing the quantity of
6 hazardous waste generated before pretreatment by a factor of
7 600. The quantity rates in item B are then applied to the
8 result to determine the quantity fee.

9 (4) For hazardous waste that is not managed in a
10 closed system and that is pretreated to a nonhazardous state
11 prior to discharge, the quantity fee is assessed under item A or
12 B, whichever is greater. If assessed under item B using the
13 quantity rate table, the fee for that sewered waste stream will
14 be reduced by a management factor of 0.5.

15 (5) For hazardous waste that is managed in either
16 a closed or an open system and that is pretreated and remains
17 hazardous prior to discharge, the quantity fee is assessed under
18 item A or B, whichever is greater. If assessed under item B
19 using the quantity rate table, the fee for that sewered waste
20 stream will be reduced by a management factor of 0.7.

21 If the quantity fee for pretreated sewered waste is
22 assessed on the quantity of hazardous waste generated before
23 pretreatment, the portion of the residual attributable to that
24 waste stream is exempt from fees under this chapter.

25 Pretreated sewered waste is presumed to be hazardous until
26 the generator provides adequate documentation to the
27 commissioner that the waste is pretreated to a nonhazardous
28 state. The generator may provide documentation under the
29 licensing procedures provided in parts 7045.0225 to 7045.0250 or
30 under the appeal procedure provided in part 7046.0070.

31 Subp. 6. Payment schedule. Large and small quantity
32 generators must submit fees within 50 days of the postmark date
33 of the notice from the commissioner that the fees are due. Very
34 small quantity generators must submit fees within 35 days of the
35 postmark date of the notice from the commissioner that fees are
36 due.

1 A nonmetropolitan area generator must submit a check for
2 the required amount to the commissioner, made payable to the
3 Minnesota Pollution Control Agency. The fee submittal must be
4 postmarked or hand-delivered not later than the due date in this
5 subpart.

6 Subp. 7. **Penalty for late payment of fees.** If a
7 nonmetropolitan area generator fails to submit the required fees
8 by the due date provided in subpart 6, the generator shall pay
9 the fees plus a late fee as provided in item A or B and item C.

10 [For text of items A to C, see M.R.]

11 Subp. 8. **Penalty for late submittal of license renewal.**
12 If a large or small quantity nonmetropolitan area generator
13 fails to submit the license renewal required under part
14 7045.0248, subpart 1, by the date specified by the commissioner,
15 the generator must pay a nonrefundable late fee of \$25. The
16 late fee will be assessed at the time annual fees under this
17 part are assessed.

18 7046.0040 GENERATOR STATEWIDE PROGRAM FEE.

19 Subpart 1. **In general.** All generators in Minnesota are
20 subject to an annual statewide program fee equal to a percentage
21 of the hazardous waste fee paid annually to the agency under
22 part 7046.0031 or to the metropolitan counties under their
23 respective hazardous waste ordinances. Payment must be made as
24 provided in subparts 2 and 3. The statewide program fee for
25 fiscal year 1994 is 51 percent. Beginning July 1, 1994, the
26 statewide program fee will be examined annually and adjusted, if
27 necessary, under part 7046.0060, step 10.

28 [For text of subps 2 and 3, see M.R.]

29 7046.0045 RETROACTIVE FEE.

30 Subpart 1. **Applicability.** For large quantity and small
31 quantity generators, the commissioner shall assess annual and
32 statewide program fees retroactively for each calendar year, up
33 to a maximum of three calendar years, prior to the most recent
34 calendar year subject to fees. Retroactive fees for waste
35 produced for less than the maximum retroactive period may be

1 prorated based on actual months of production if documented by
2 the generator under the appeal procedure provided in part
3 ~~7045.0070~~ 7046.0070. Retroactive fees apply according to items
4 A to C.

5 [For text of items A and B, see M.R.]

6 C. A licensed very small quantity generator produced
7 a hazardous waste that was not identified and approved as part
8 of the license and license renewal process under parts 7045.0225
9 to 7045.0250 and the total quantity generated exceeded the
10 maximum quantity amounts for a very small quantity generator.

11 Subp. 2. [See repealer.]

12 Subp. 3. **Fee calculation.** Retroactive fees shall be
13 calculated as described in item A, B, or C.

14 A. For persons subject to fees under subpart 1, item
15 A, the fee is calculated by multiplying the sum of the most
16 recent annual fee and the statewide program fee that would be
17 required under the license by the number of retroactive calendar
18 years established under subpart 1.

19 B. For persons subject to fees under subpart 1, item
20 B, the fee is calculated by multiplying the sum of the most
21 recent quantity fee and statewide program fee that would be
22 required for the waste omitted from the license by the number of
23 retroactive calendar years established under subpart 1.

24 C. For persons subject to fees under subpart 1, item
25 C, the fee is calculated by subtracting the minimum fee from the
26 quantity fee under part 7046.0031, subpart 4, item B. If the
27 result is less than zero, no retroactive fee is due. If the
28 result is greater than zero, the statewide program fee shall be
29 applied to the resulting difference. The sum of the resulting
30 difference and the applicable statewide program fee shall be
31 multiplied by the number of retroactive calendar years
32 established under subpart 1.

33 **7046.0050 GENERATOR FEE EXEMPTIONS.**

34 Subp. 1a. **Exemption for 100 pounds or less.**

35 Nonmetropolitan area generators that generate less than or equal

1 to 100 pounds or ten gallons of hazardous waste per year are
2 exempt from the fees under this chapter.

3 Subp. 2a. **Special waste.** For nonmetropolitan generators,
4 the following waste is exempt from fees under this chapter:

5 A. fluorescent lamps and high intensity density
6 lamps;

7 B. batteries;

8 C. wastes containing elemental mercury, which means
9 waste electrical relays or switches, thermostats, thermometers,
10 thermocouples, manometers, and gauges containing elemental
11 mercury;

12 D. elemental mercury;

13 E. antifreeze;

14 F. circuit boards, printed circuit boards, and
15 circuit board trimmings;

16 G. photographic negatives;

17 H. fluorescent light ballasts;

18 I. capacitors from white goods;

19 J. waste that is exempt from regulation under part
20 7045.0120, subpart 1; and

21 K. waste that is exempt from regulation under part
22 7045.0125, subparts 3a, items A and C, and 4.

23 [For text of subps 3 to 6, see M.R.]

24 7046.0060 FEE FORMULA.

25 Beginning July 1, 1994, the commissioner shall follow the
26 steps in this part to determine the fee assessment under this
27 chapter for facilities and generators.

28 Step 1. The total amount appropriated by the legislature
29 to the agency for the hazardous waste program for facilities and
30 generators for the new fiscal year (fiscal year target) is
31 obtained. If the agency determines that projected program
32 expenditures will be less than the legislative appropriation,
33 the commissioner will use the lesser expenditure amount as the
34 new fiscal year target.

35 Step 2. The carryover from the previous fiscal year is

1 determined and the carryover out of the new fiscal year is
2 estimated. Both carryovers are applied to the step 1 amount.
3 This amount is the adjusted fiscal year target for the hazardous
4 waste program.

5 Step 3. (a) The total hazardous waste program staff time
6 in terms of full-time employees for the new fiscal year is
7 estimated and the percentage of staff time allocated between
8 facilities and generators is determined.

9 (b) The percentage of staff time within the generator
10 category allocated between metropolitan and nonmetropolitan
11 generators is determined.

12 (c) Under the nonmetropolitan generator category, the
13 percentage of time allocated among large, small, and very small
14 quantity generators is determined.

15 Step 4. The amount of revenue that would be generated by
16 existing facilities using baseline facility fees in part
17 7046.0020 is estimated.

18 Step 5. The new fiscal year target for facilities is
19 calculated by multiplying the adjusted fiscal year target (step
20 2) by the percentage of staff time estimated for facilities
21 under step 3(a).

22 Step 6. The fee assessment for facilities for the new
23 fiscal year is calculated by dividing the new fiscal year target
24 for facilities (step 5) by the estimated amount of revenue for
25 facilities (step 4). The resulting ratio is multiplied by each
26 of the baseline fee amounts in part 7046.0020 to determine the
27 new fee amounts. Each fee amount is rounded to the nearest
28 ten-dollar increment.

29 Step 7. The new year target for all generators is
30 calculated by multiplying the adjusted fiscal year target (step
31 2) by the percentage of staff time estimated for generators
32 under step 3(a).

33 Step 8. The total annual fees that metropolitan counties
34 will collect from their generators in the new fiscal year is
35 estimated.

36 Step 9. The new fiscal year target for metropolitan county

1 generators is calculated by multiplying the new fiscal year
2 target for all generators (step 7) by the percentage for
3 metropolitan generators estimated under step 3(b).

4 Step 10. The statewide program fee rate is calculated by
5 dividing the metropolitan county generators' new fiscal year
6 target (step 9) by the estimated metropolitan counties' annual
7 fee revenues (step 8). This figure is rounded to the next
8 highest whole percentage point.

9 Step 11. The new fiscal year target for nonmetropolitan
10 county generators is calculated by multiplying the new fiscal
11 year target for all generators (step 7) by the percentage for
12 nonmetropolitan generators estimated under step 3(b).

13 Step 12. The new fiscal year target for nonmetropolitan
14 county generators' annual fees is calculated by dividing the new
15 fiscal year target for nonmetropolitan county generators (step
16 11) by a factor of 1 plus the statewide program fee rate (step
17 10).

18 Step 13. The new fiscal year target for small and large
19 quantity nonmetropolitan county generators is calculated by
20 multiplying the new fiscal year target for all sizes of
21 nonmetropolitan county generators (step 11) by the percentage
22 for small and large quantity nonmetropolitan generators
23 estimated under step 3(c).

24 Step 14. The new fiscal year target for very small
25 quantity nonmetropolitan county generators is calculated by
26 multiplying the new fiscal year target for all sizes of
27 nonmetropolitan county generators (step 11) by the percentage
28 for very small quantity nonmetropolitan generators estimated
29 under step 3(c).

30 Step 15. The number of nonexempt nonmetropolitan area very
31 small quantity generators is estimated for the new fiscal year.

32 Step 16. The minimum fee is calculated by dividing the new
33 fiscal year target for very small quantity generators (step 14)
34 by the estimated number of nonexempt nonmetropolitan area very
35 small quantity generators (step 15). The result is divided by a
36 factor of 1 plus the statewide program fee rate (step 11), then

1 rounded to the nearest whole dollar.

2 Step 17. New fiscal year revenue from small and large
3 quantity generators is estimated under part 7046.0031, subpart
4 4, using the baseline quantity rates from part 7046.0031,
5 subpart 4.

6 Step 18. Determine quantity rates for small and large
7 quantity generators by dividing the new fiscal year target for
8 small and large quantity generators (step 13) by the estimated
9 fiscal year revenue from small and large quantity generators in
10 (step 17). This ratio is then multiplied by the step 1 quantity
11 rate under part 7046.0031, subpart 4, item B, subitem (1), and
12 rounded to two significant digits.

13 Step 19. The total fee for very small quantity generators
14 is determined by multiplying the minimum fee for very small
15 quantity generators (step 16) by a factor of 1 plus the
16 statewide program fee (step 10). This figure is rounded to the
17 nearest whole dollar.

18 7046.0065 ADOPTION OF FEE MODIFICATION SCHEDULE.

19 The agency must approve and adopt fee adjustments under
20 part 7046.0060. Beginning July 1, 1994, the commissioner will
21 annually apply the fee formula in part 7046.0060 to determine if
22 the fee revenues will equal or nearly equal the legislative
23 appropriation for the new fiscal year. The fees must be
24 adjusted if the fee revenues will not equal or nearly equal the
25 legislative appropriation. If an adjustment to fees is
26 necessary, the commissioner will prepare a fee modification
27 schedule. The fee modification proposal will include the
28 proposed new rates for facilities and generators and will be
29 published in the State Register at least 20 days before the
30 proposal is presented to the agency board for approval.
31 Procedural rules for agency meetings are in chapter 7000.

32 7046.0070 APPEAL PROCEDURE.

33 If a generator believes that the fee requested by the
34 commissioner is in error, then the generator may appeal the fee
35 levy. Within ten days of receipt of the fee statement from the

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

13 REPEALER. Minnesota Rules, parts 7046.0010, subpart 24;
14 7046.0031, subparts 2 and 2a; and 7046.0045, subpart 2, are
15 repealed.