

CHAPTER 7002
MINNESOTA POLLUTION CONTROL AGENCY
PERMIT FEES

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AIR QUALITY PERMIT FEES

7002.0010 SCOPE.

Parts 7002.0010 to 7002.0100 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020 (permanent rules, scope), items I and J.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0020 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter the terms defined in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

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

Subp. 4. **Director.** "Director" means the executive director and chief executive officer of the Minnesota Pollution Control Agency.

Subp. 5. **Indirect source.** "Indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a state standard.

Subp. 6. **Major emission facility.** "Major emission facility" means a facility having potential emissions of 100 tons per year or more of sulfur dioxide or particulate matter.

Subp. 7. **Nonattainment area.** "Nonattainment area" means a geographical region that has been designated by the Minnesota Pollution Control Agency as violating a state or national ambient air quality standard.

Subp. 8. **Total emission facility.** "Total emission facility" means an assemblage of all emission sources on adjacent property that are under common ownership or control and that exist for a common function.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0030 FEE DETERMINATION.

The agency shall calculate processing and annual fees based upon the schedule in part 7002.0100 and shall notify the permittee of the amount due prior to each payment date.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0040 PERMIT FEES

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7002.0040 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the Director, Division of Air Quality, as appropriate for the type of permitted activity.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0050 APPLICATION FEE.

A person who applies for a permit to construct, install, modify, or operate a facility shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0060 PROCESSING FEE.

A permittee shall pay the applicable processing fee within 30 days of issuance of the permit by the agency.

If a facility is a "small business" as defined in Minnesota Statutes, section 14.115, subdivision 1, the permittee may request to pay the processing fee in annual installments. Annual installments are determined by dividing the processing fee into equal annual payments based on the term of the permit. The first payment shall be made within 30 days of issuance of the permit and annually thereafter on the anniversary of issuance. A facility that qualifies as a "small business" must provide proof of that status upon application for a permit.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0070 ANNUAL FEE.

All persons required to obtain a permit shall pay an annual fee for enforcement of applicable statutes and rules except as provided in part 7002.0100. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0080 NOTIFICATION OF ERROR.

A person who thinks that a basic processing fee, additional processing fee, or annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Air Quality along with the assessed fee. If the director of the Division of Air Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0090 LATE PAYMENT FEE.

The permittee shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of a payment date. The permittee shall pay an additional ten percent of the original payment due for each 30-day period or portion thereof that the payment is late.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0100 AIR QUALITY PERMIT FEE SCHEDULE.

Subpart 1. **Scope.** The fees established in this part are applicable to facilities and indirect sources which require an air emission facility permit under part 7001.1210 (permit rules, air emission facility permits) or an indirect source permit under part 7001.1270 (permit rules, indirect source permits). For the purpose of this part, the terms used have the meanings given them in part 7005.0100 (air pollution control rules, definitions).

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

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

- A. \$900 for the construction of an indirect source;
- B. \$900 for the construction or reconstruction of a major emission facility;
- C. \$300 for the construction or reconstruction of an emission facility other than a major emission facility;
- D. \$300 for the modification of a major emission facility or installation of air pollution control equipment at a major emission facility;
- E. \$100 for the modification of an emission facility other than a major emission facility or installation of air pollution control equipment at an emission facility other than a major emission facility;
- F. \$450 for the reissuance of a major emission facility permit; and
- G. \$150 for the reissuance of an emission facility permit other than a major emission facility.

For purposes of this subpart, activities as described in items D and E that occur during the last year of the term of a permit will be addressed along with the reissuance of the permit for a new term. The agency shall waive the fee for items D and E and only assess a reissuance fee and applicable additional processing fees.

Subp. 4. **Additional processing fees.** In addition to the basic processing fees required in subpart 3, the permittee shall pay the following additional processing fees, if applicable:

- A. \$500 for a major stationary source, as defined in Code of Federal Regulations, title 40, section 51.18(j)(1)(iv), as amended through June 25, 1982, located in a nonattainment area;
- B. \$150 for an emission facility that is subject to the federal prevention of significant deterioration requirements as established in Code of Federal Regulations, title 40, section 51.24;
- C. \$50 for an emission facility that is subject to the federal new source performance standards established in Code of Federal Regulations, title 40, part 60;
- D. \$150 for an emission facility that must apply best available control technology as required under Code of Federal Regulations, title 40, section 51.24;
- E. \$250 for evaluation of air emissions containing pollutants for which no ambient air quality standard has been established under part 7005.0080 (state ambient air quality standards) and which have the potential to be injurious to human health;
- F. \$150 for dispersion modeling review; and
- G. \$150 for each performance test review.

Subp. 5. **Annual fees.** All persons required to obtain an air emission facility permit shall pay the following applicable annual fee:

- A. \$650 for a major emission facility; or

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B. \$150 for an emission facility other than a major emission facility.

The agency shall not charge an annual fee for an emission facility with potential emissions of a single pollutant of more than 25 tons per year but less than 50 tons per year unless the facility also discharges lead to the ambient air.

Subp. 6. **General permits.** The agency shall not charge processing or annual fees for permits issued as a general permit under part 7001.0210 (permit rules).

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

7002.0110 EFFECTIVE DATE.

Parts 7002.0010 to 7002.0100 are effective January 1, 1986.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 1537*

WATER QUALITY PERMIT FEES

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, E, F, and H.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0220 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 7002.0210 to 7002.0310, the terms defined in this part have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Director.** "Director" means the executive director and chief executive officer of the Minnesota Pollution Control Agency.

Subp. 4. **Major NPDES facility; definition.** "Major NPDES facility" means a wastewater treatment discharger designated by the director and the regional administrator of the United States Environmental Protection Agency as part of the annual work plan that is developed in accordance with and that is subject to the public participation requirements of Code of Federal Regulations, title 40, part 35, and subject to review and approval of the agency. The agency and the United States Environmental Protection Agency shall designate the following types of facilities as major NPDES facilities unless the agency and the United States Environmental Protection Agency find that the facility does not have a potential for significantly impacting water quality:

A. a publicly-owned treatment facility with an average design flow of 1,000,000 gallons per day or more;

B. an electrical generating facility that is not primarily standby or a peaking facility with a generation capacity of 100 megawatts or greater;

C. a facility that is primary industry as defined in Code of Federal Regulations, title 40, section 122.2, or other industry that discharges quantities of process wastewater, which are significant due to the volume, pollutant loading, or other discharge parameters or the character of the receiving water; or

D. a facility with an actual or potential discharge of toxic pollutants under section 307(a)(1) of the Clean Water Act, United States Code, title 33, section 1317.

Subp. 5. **Municipal permit; definition.** "Municipal permit" means a permit issued to a municipality as defined in part 7001.1020, subpart 18, for the discharge or disposal of wastewater which is a five percent or more sewage. Permits issued to municipalities for facilities treating or disposing of waste that is less than five percent sewage shall be considered nonmunicipal permits.

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Subp. 6. **National Pollutant Discharge Elimination System (NPDES).** "National Pollutant Discharge Elimination System (NPDES)" has the meaning given it in part 7001.1020, subpart 19.

Subp. 7. **Sewage.** "Sewage" has the meaning given it in part 7080.0020, subpart 33.

Subp. 8. **Sewage sludge landspreading facility.** "Sewage sludge landspreading facility" means a landspreading facility as defined in part 7040.0100, subpart 20 for the landspreading of sewage sludge.

Subp. 9. **State disposal system permit.** "State disposal system permit" means a permit for a disposal system that may be constructed and operated without a NPDES permit.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0230 FEE DETERMINATION.

The agency shall calculate processing and annual fees based upon the schedule in part 7002.0310 and shall notify the permittee of the amount due prior to each payment date.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of the Division of Water Quality.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0250 APPLICATION FEE.

A person who applied for a permit to construct, install, modify, or operate a facility shall submit with the application the appropriate application fee. Failure to submit the fee renders the application incomplete and the agency shall suspend processing of the application until the fee is received. Application fees are nonrefundable.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0260 PROCESSING FEE.

A permittee shall pay the applicable processing fee within 30 days of issuance of the permit by the agency.

If a facility is a "small business" as defined in Minnesota Statutes, section 14.115, subdivision 1, or a municipal wastewater treatment plant with an average design flow of less than 30,000 gallons per day, the permittee may request to pay the processing fee in annual installments. Annual installments are determined by dividing the processing fee into equal annual payments based on the term of the permit. The first payment shall be made within 30 days of issuance of the permit and annually thereafter on the anniversary of issuance. A facility that qualifies as a "small business" must provide proof of that status upon application for a permit.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1

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and 2, shall pay an annual fee for enforcement of applicable statutes and rules. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that a basic processing fee or annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Water Quality, along with the assessed fee. If the director of the Division of Water Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0290 LATE PAYMENT FEE.

The permittee shall pay a late payment fee of 20 percent of the payment due for failure to make payment within 30 days of a payment date. The permittee shall pay an additional ten percent of the original payment due for each 30-day period or portion thereof that the payment is late.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

Permit fees for water quality permits are established in part 7002.0310.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*

7002.0310 TABLE, WATER QUALITY PERMIT FEES.

Subpart 1. Major NPDES permit fees. The following fees shall be paid for major NPDES facilities:

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
50 and over	\$50	\$30,000	\$40,000
20 to 49.99	50	13,000	8,000
5 to 19.99	50	6,000	2,500
Up to 4.99	50	2,800	950

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
20 to 49.99	\$50	\$13,000	\$9,000
5 to 19.99	50	7,200	3,000
Up to 4.99	50	3,700	1,500
Cooling or Mine Pit Dewatering (any flow)	50	7,200	3,000

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Subp. 2. Nonmajor NPDES and state disposal permit fees. The following fees shall be paid by a permittee not designated as a major NPDES facility and by a permittee that has applied for or received a state disposal system permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Greater than .100	\$50	\$1,250	\$140
0 to .099	50	600	50
Sewage sludge landspreading facilities	50	600	50

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Sewage 0 to .099	\$50	\$600	\$50
Other nonmunicipal (any flow)	50	1,250	175

Subp. 3. Other water quality permit fees. The following application fees shall be paid by a permittee that has applied for or received a general, sewer extension, or liquid storage permit.

- A. General, \$50;
- B. Sewer extension, \$80; and
- C. Liquid storage, \$250.

Statutory Authority: *MS s 116.07 subd 4d*

History: *10 SR 2010*