

CHAPTER 7002
MINNESOTA POLLUTION CONTROL AGENCY
PERMIT FEES

AIR QUALITY PERMIT FEES	
7002.0010	SCOPE.
7002.0020	DEFINITIONS.
7002.0030	FEE DETERMINATION.
7002.0040	PAYMENT OF FEES.
7002.0050	APPLICATION FEE.
7002.0060	PROCESSING AND COMPLIANCE DEMONSTRATION FEES.
7002.0070	ANNUAL FEE.
7002.0080	NOTIFICATION OF ERROR.
7002.0090	LATE PAYMENT FEE.
7002.0100	AIR QUALITY PERMIT FEE SCHEDULE.
7002.0110	EFFECTIVE DATE.

WATER QUALITY PERMIT FEES	
7002.0210	SCOPE.
7002.0220	DEFINITIONS.
7002.0230	FEE DETERMINATION.
7002.0240	PAYMENT OF FEES.
7002.0250	APPLICATION FEE.
7002.0260	PROCESSING FEE.
7002.0270	ANNUAL FEE.
7002.0280	NOTIFICATION OF ERROR.
7002.0290	LATE PAYMENT FEE.
7002.0300	WATER QUALITY PERMIT FEE SCHEDULE.
7002.0310	TABLE, WATER QUALITY PERMIT FEES.

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 parts 7001.0010 to 7001.0210 and 7001.1200 to 7001.1350.

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; 14 SR 1878*

7002.0020 DEFINITIONS.

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

Subp. 2. [Repealed, 14 SR 1878]

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

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

Subp. 4. [Repealed, 14 SR 1878]

Subp. 5. [Repealed, 14 SR 1878]

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

Subp. 7. [Repealed, 14 SR 1878]

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

Subp. 8. [Repealed, 13 SR 2154]

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

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; L 1987 c 186 s 15; 13 SR 2154; 14 SR 1878*

7002.0030 FEE DETERMINATION.

The agency shall calculate processing, compliance demonstration, and annual fees based upon the schedule in part 7002.0100 and shall notify the per-

MINNESOTA RULES 1991

6197

PERMIT FEES 7002.0080

mittee of the amount due before each payment date, except for application fees, which shall be submitted in accordance with part 7002.0050.

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; 14 SR 1878*

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 (1) a permit to construct, modify, reconstruct, or operate an emissions unit, emission facility, stationary source, air pollution control equipment, or an indirect source, or (2) an administrative amendment, 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*

History: *10 SR 1537; 14 SR 1878*

7002.0060 PROCESSING AND COMPLIANCE DEMONSTRATION FEES.

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

Subp. 2. Annual installment of fees. 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 receipt of an invoice from the agency and annually thereafter on the receipt of another invoice. A facility that qualifies as a "small business" must provide proof of that status upon application for a permit. For purposes of this subpart, the term of an indirect source permit is the construction period unless the permit specifies a term.

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; 14 SR 1878*

7002.0070 ANNUAL FEE.

All persons required to obtain a permit shall pay the annual fee for enforcement of applicable statutes and rules required by part 7002.0100, subparts 5, 5a, and 6. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; 14 SR 1878*

7002.0080 NOTIFICATION OF ERROR.

A person who thinks that a processing fee, compliance demonstration 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.

7002.0080 PERMIT FEES

6198

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; 14 SR 1878*

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 permit under part 7001.1210 (permit rules, air emission permits) or an indirect source permit under part 7001.1270 (permit rules, indirect source permits).

Subp. 2. Application fee. A person making application for an air emission 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. \$1,000 for the construction of an indirect source;
- B. \$1,000 for the construction or reconstruction of a major emitter;
- C. \$500 for the construction or reconstruction of a nonmajor emitter;
- D. \$350 for the modification of a major emitter or installation of air pollution control equipment at a major emitter;
- E. \$175 for the modification of a nonmajor emitter or installation of air pollution control equipment at a nonmajor emitter;
- F. \$550 for the reissuance of a permit for a major emitter;
- G. \$225 for the reissuance of a permit for a nonmajor emitter;
- H. \$175 for any modification of an indirect source, other than an administrative amendment;
- I. \$50 for an administrative amendment to a permit; and
- J. \$75 for issuance or reissuance of a general permit.

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

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

Total Potential Emissions (tons per year)	Surcharge		
	Subpart 3, item B Construction Reconstruction	Subpart 3, item D Modification	Subpart 3, item F Reissue
250-499	\$ 500	\$ 175	\$ 275
500-999	\$ 750	\$ 260	\$ 415
1,000-4,999	\$ 1,125	\$ 395	\$ 625

MINNESOTA RULES 1991

6199

PERMIT FEES 7002.0100

5,000-9,999	\$ 1,500	\$ 590	\$ 935
10,000 or more	\$ 2,500	\$ 895	\$ 1,400

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

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

B. \$2,500 for permits issued to which federal prevention of significant deterioration regulations in Code of Federal Regulations, title 40, section 52.21 apply;

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

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

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

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

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

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

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

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

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

(2) \$25 for each additional pollutant, beyond the first, to which the stationary source is subject under a single applicable subpart of Code of Federal Regulations, title 40, part 60;

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

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

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

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

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

MINNESOTA RULES 1991

7002.0100 PERMIT FEES

6200

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

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

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

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

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

(2) \$100 for each additional emissions unit that contributes to the stack or equivalent emissions point tested beyond the first that is reviewed; and

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

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

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

(1) \$450 for a major emitter; and

(2) \$225 for a nonmajor emitter.

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

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

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

Table Potential Emissions (tons per year)	Surcharge
250-499	\$ 450
500-999	\$ 675
1,000-4,999	\$ 1,015
5,000-9,999	\$ 1,520
10,000 or more	\$ 2,280

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

Statutory Authority: *MS s 116.07*

History: *10 SR 1537; 12 SR 1969; 13 SR 2154; 14 SR 1878*

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. Commissioner. "Commissioner" means the 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 commissioner 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 a 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 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.

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.

7002.0220 PERMIT FEES

6202

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; L 1987 c 186 s 15; 12 SR 1336*

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 applies for a permit to construct, install, modify, or operate a facility or applies for a permit modification as described in part 7001.0190 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; 12 SR 1336*

7002.0260 PROCESSING FEE.

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

A permittee who applies for the modification of a permit in accordance with part 7001.0190, subpart 1, shall pay a processing fee of one-half of the fee listed in part 7002.0310. No processing fee shall be charged for a permit modified in accordance with part 7001.0190, subpart 2 or 3.

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; 12 SR 1336*

7002.0270 ANNUAL FEE.

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

MINNESOTA RULES 1991

6203

PERMIT FEES 7002.0310

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	\$60	\$62,600	\$83,500
20 to 49.99	60	27,100	16,700
5 to 19.99	60	12,500	5,300
Up to 4.99	60	5,900	2,000

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
20 to 49.99	\$60	\$27,100	\$18,800
5 to 19.99	60	15,000	6,200
Up to 4.99	60	7,700	3,100
Cooling or Mine Pit Dewatering (any flow)	60	15,000	6,200

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.

MINNESOTA RULES 1991

7002.0310 PERMIT FEES

6204

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Greater than .100	\$60	\$2,610	\$290
0 to .100	60	1,250	110
Sewage sludge landspreading facilities	60	1,250	110

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Sewage 0 to .100	\$60	\$1,250	\$110
Other nonmunicipal (any flow)	60	2,610	360

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, \$60;
- B. Sewer extension, \$170; and
- C. Liquid storage, \$530.

Statutory Authority: *MS s 116.07*

History: *10 SR 2010; 12 SR 1336; 14 SR 1878*