

CHAPTER 7002

MINNESOTA POLLUTION CONTROL AGENCY

PERMIT FEES

7002.0015	DEFINITIONS	7002.0055	INDIRECT SOURCE PERMIT FEES
7002.0025	ANNUAL EMISSION FEE RATES	7002.0065	PAYMENT OF FEES
7002.0035	AIR QUALITY ANNUAL FEE TARGET	7002.0075	NOTIFICATION OF ERROR
7002.0045	COMPUTATION OF THE DOLLAR PER TON FIGURE	7002.0085	LATE PAYMENT FEE

7002.0015 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [Repealed, 21 SR 165]

Subp. 2a. **Chargeable pollutant.** "Chargeable pollutant" means the following:

A. nitrogen oxides (NO_x) or any volatile organic compound; and

B. PM-10, sulfur dioxide, lead, and any other pollutant for which a national ambient air quality standard has been promulgated, except carbon monoxide.

Subp. 2b. **Dollar per ton figure or \$X.** "Dollar per ton figure" or "\$X" means the dollar amount assessed for each ton of chargeable pollutant determined under part 7002.0045.

[For text of subp 3, see M.R.]

Subp. 3a. **Emission reporting facility.** "Emission reporting facility" means any facility for which the owner or operator of the facility must obtain an air emission permit under chapter 7007 except any facility permitted under part 7007:1120, registration permit option B

Subp. 4. [Repealed, 21 SR 165]

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0025 ANNUAL EMISSION FEE RATES.

Subpart 1. **Calculation of fee.**

A. Owners or operators of emission reporting facilities shall be assessed an annual emission fee for each ton of a chargeable pollutant emitted to the air by the facility. Emission reporting facilities shall be assessed a fee of \$X for each ton of any chargeable pollutant as established in the most recently available emission inventory.

B. Notwithstanding item A, the owner or operator of any emission reporting facility or any facility issued an option B registration permit under part 7007.1120 that chooses to be assessed a fee under part 7002.0025, subpart 1, item C, subitem (1), with less than one ton of total actual emissions shall be assessed an annual fee of \$25.

C. As described in subitems (1) and (2), the owner or operator of a facility issued an option B registration permit under part 7007.1120 shall be assessed an annual emission fee based on either the reported quantity of VOC-containing materials purchased or used (whichever was stated in the facility's permit application) or the actual emissions from the use of VOC-containing materials.

(1) If the owner or operator chooses to be assessed the fee based on the actual emissions from the use of VOC-containing materials, the facility's actual emissions shall be determined in accordance with parts 7019.3000 to 7019.3090. The assessed fee shall be determined in accordance with item A.

(2) If the owner or operator chooses to be assessed the fee based on the quantity of VOC-containing materials purchased or used (whichever was stated in the facility's permit application), the fee shall be:

(a) \$50 if the quantity of VOC-containing materials is less than or equal to 1,000 gallons; or

(b) \$140 if the quantity of VOC-containing materials is more than 1,000 and less than 2,000 gallons.

Subp. 2. [Repealed, 21 SR 165]

Subp. 2a Newly permitted facilities.

A. Newly permitted emission reporting facilities that have not submitted one or more emission inventories under part 7019.3000, subpart 1, shall be assessed a fee of \$X times the estimated actual emissions as stated in the facility's permit application. The fee assessed under this item shall not exceed \$10,000. The most recently determined \$X shall be used in determining the fee.

B. Newly permitted facilities issued an option B registration permit under part 7007.1120 shall be assessed a fee under subpart 1, item C, subitem (2), based on the estimated normal annual quantity of VOC-containing materials to be purchased or used (whichever was stated in the facility's permit application).

C. A bill for the newly permitted facility fee under item A or B shall be sent upon issuance of the permit. Newly permitted facilities that are issued permits in 1995 shall be assessed a fee according to the method described in this subpart.

Subp. 3. Facilities failing to submit emissions inventories. If an emission reporting facility fails to submit an emissions inventory as required by part 7019.3000, it shall be assessed an annual emission fee for that facility that is \$X times 1-1/2 times the estimated actual emissions as stated in the facility's permit application.

If the owner or operator of a facility that is required to obtain a permit under chapter 7007 has not submitted a permit application which includes an estimate of the actual emissions, it shall be assessed an annual fee that is \$X times 1-1/2 times the estimated potential to emit of that facility, as defined in part 7005.0100, subpart 35a.

If a facility issued an option B registration permit fails to submit an emission inventory, it shall be assessed an annual fee of \$210.

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0035 AIR QUALITY ANNUAL FEE TARGET.

The annual fee target shall be set as described in items A and B.

A. The unadjusted fee target shall be the greater of the following:

[For text of subitem (1), see M.R.]

(2) the amount calculated by multiplying \$25 per ton, adjusted for inflation since 1989, times the number of tons of each chargeable pollutant listed in the most recently available emission inventory. No pollutant shall be double counted. A maximum of 4,000 tons per pollutant per facility shall be used for this calculation. The adjustment for inflation shall be in accordance with the adjustment described in Minnesota Statutes, section 116.07, subdivision 4d, paragraph (d).

B. The amounts described in item A must be adjusted as follows:

[For text of subitems (1) and (2), see M.R.]

(3) for any year, the commissioner may increase the fee target by up to five percent to reflect the anticipated fee nonpayment rate. This increase must not be considered for purposes of calculating a deficit under subitem (1).

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0045 COMPUTATION OF THE DOLLAR PER TON FIGURE.

The dollar per ton figure "\$X" used in part 7002.0025 shall be computed as follows:

$$\text{\$X} = \frac{[F - [I + P + R + (\text{\$25} \times N)]]}{(T - L)}$$

where:

\$X = Dollar amount per ton figure

F = Total annual fee target, as determined in part 7002.0035.

I = Total amount billed as indirect source permit fees in the previous calendar year under part 7002.0055.

P = Total amount billed as newly permitted facility fees in the previous calendar year under part 7002.0025, subpart 2a.

R = Total amount to be billed under part 7002.0025, subpart 1, item C, subitem (2), as option B registration permit annual emission fees based on the quantity of VOC-containing materials purchased or used.

N = Total number of emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1), with less than one ton of total actual emissions of chargeable pollutants.

T = Total number of tons of all chargeable pollutants listed in the most recently available annual emissions inventory emitted from emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1) No pollutant shall be double counted.

L = Total number of tons of all chargeable pollutants listed in the most recently available annual emission inventory emitted from emission reporting facilities and facilities issued option B registration permits that are assessed an annual emission fee based on actual emissions under part 7002.0025, subpart 1, item C, subitem (1), that emit less than one ton of total actual emissions of chargeable pollutants. No pollutant shall be double counted.

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0055 INDIRECT SOURCE PERMIT FEES.

[For text of subpart 1, see M.R.]

Subp. 2. **Fees nonrefundable.** The fees in subpart 1 shall be determined by the division manager upon application for an indirect source permit, or when it becomes apparent that a surcharge shall apply. A bill for the amount due shall be sent upon withdrawal of the permit application or issuance or denial of the permit. Fees paid under this part are nonrefundable, regardless of whether a permit is eventually issued.

Subp. 3. **Minor changes.** The amendment of a permit application during the application review process shall be considered minor for purposes of this part if it would have been considered a minor modification under part 7023.9050 or if an agency approved trip analysis shows that the change would not increase vehicle trips in any intersection in any hour by 100 trips or more

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0065 PAYMENT OF FEES.

Fees assessed under parts 7002.0025 and 7002.0055 shall be paid within 60 days of receipt of an invoice from the division manager. The person submitting the fee shall make it payable to the Minnesota Pollution Control Agency, and shall submit it to the division manager.

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0075 NOTIFICATION OF ERROR.

An owner or operator who thinks that the assessed annual emission fee is in error shall provide a written explanation of the person's position to the commissioner within 60 days of receipt of the invoice or no later than June 30 of the year in which the fee was assessed, whichever is later. An owner or operator who thinks that an error exists in emissions inventory data shall submit an explanation by the February 1 following the year in which the inventory is due in accordance with part 7019.3000, subpart 2, or 45 days after the annual emissions inventory mailing date, whichever is later. The assessed fee shall be paid as required in part 7002.0065. The commissioner shall, within 60 days of the receipt of the person's written explanation, either provide a written explanation of why the fee was not in error and shall not be refunded, or, if the commissioner finds that the assessed fee was in error, the overpayment shall be refunded to the person or credited to the person's account.

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0085 LATE PAYMENT FEE.

An owner or operator of a facility subject to one or more fees under parts 7002.0005 to 7002.0055 shall pay a late payment fee of ten percent of the payment due for failure to pay an assessed fee within 60 days of receipt of an invoice from the division manager. At 30-day intervals thereafter, the owner or operator shall be assessed an additional ten percent of the original payment for failure to pay the assessed fee within that 30-day period. All late fees are due upon receipt of an invoice from the division manager.

Statutory Authority: *MS s 116.07*

History: *21 SR 165*

7002.0095 [Repealed, 21 SR 165]