

CHAPTER 7046
 MINNESOTA POLLUTION CONTROL AGENCY
 SOLID AND HAZARDOUS WASTE DIVISION
 FACILITY AND GENERATOR FEES

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7046.0010 DEFINITIONS.

[For text of subps 1 to 4, see M.R. 1985]

Subp. 4a. **Free liquids.** "Free liquids" means liquids that readily separate from the solid portion of the waste under ambient temperature and pressure.

[For text of subps 5 to 17, see M.R. 1985]

Subp. 17a. **Response action.** "Response action" means removal or remedial action taken according to the provisions of the Environmental Response and Liability Act, Minnesota Statutes, sections 115B.01 to 115B.24, or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law Number 96-510.

[For text of subps 18 to 24, see M.R. 1985]

Subp. 25. **Waste stream.** "Waste stream" means all wastes of a particular composition generated by the same process at a generator's site.

Statutory Authority: *MS s 116 12*

History: *9 SR 2341*

7046.0020 HAZARDOUS WASTE FACILITY FEES.

Subpart 1. **Fee schedule for five-year permits.** A person applying for issuance or reissuance of a five-year permit for a hazardous waste facility shall remit the permit application fee or permit reissuance fee given in item A or B. A person who owns or operates a hazardous waste facility that is in operation on July 1 in any year shall remit the annual facility operator's fee for that fiscal year.

	Permit Application Fee	Annual Facility Operator's Fee	Permit Reissuance Fee
A. Storage			
Tanks and containers indoors			
Total capacity greater than 550 gallons	\$ 750	\$ 1,100	\$ 375
Total capacity 550 gallons or less	500	485	250

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Tanks and containers outdoors

Total capacity greater than 550 gallons	1,500	2,200	750
Total capacity 550 gallons or less	1,000	875	500
Piles	4,500	6,300	2,250
Surface impoundment	7,500	6,300	3,750

B. Disposal and treatment

Surface impoundment	9,000	8,700	4,500
Treatment (not otherwise specified including open burning)	9,000	4,400	4,500
Thermal treatment (not including open burning)	22,500	15,300	11,250
Land treatment	22,500	15,300	11,250
Land disposal (includes surface impoundments in which waste remains after closure)	22,500	15,300	11,250

[For text of subp 2, see M R. 1985]

Subp. 3. Combination facilities. An application fee for a facility consisting of several treatment, storage, or disposal functions must be calculated according to the following schedule for application fees and annual operator's fees:

Facility Description	Fee Calculation	Permit Reissuance Fee
A. Thermal treatment + treatment + storage	Thermal treatment + 0.2 x fee for treatment + 0.2 x fee for storage	All facilities 50 percent of application fee as calculated according to schedule
B. Disposal + storage	Disposal + 0.2 x fee for storage	
C. Thermal treatment + storage	Treatment + 0.2 x fee for storage	

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| D. Disposal + thermal treatment | Disposal + 0.2 x fee for thermal treatment |
| E. Thermal treatment + disposal + treatment + storage | Disposal + 0.8 x fee for thermal treatment + 0.2 x fee for treatment + 0.2 x fee for storage |
| F. Disposal + land treatment | Disposal + 0.8 x fee for land treatment |
| G. Land treatment + storage | Land treatment + 0.2 x fee for storage |
| H. Treatment + storage | Treatment + 0.2 x fee for storage |

[For text of subp 4, see M.R. 1985]

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

A. The owner or operator of a facility shall remit the permit application fee when he or she submits the application.

B. The owner or operator shall submit the annual facility operator's fee not later than June 30 of each year.

C. Permit reissuance fees must be submitted with the application for permit reissuance.

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

A. A facility permit application submitted without the facility application fee is incomplete. The director shall suspend further processing of the permit application until the appropriate fee is received by the director.

[For text of subp 6, items B and C, see M.R. 1985]

[For text of subp 7, see M R 1985]

Statutory Authority: *MS s 116 12*

History: *9 SR 2341*

7046.0030 NONMETROPOLITAN AREA GENERATOR FEES.

Subpart 1. Basis of fees. The agency shall charge nonmetropolitan area generator fees that are based on the annual reports submitted by generators, disclosures, and other appropriate information available to the agency.

Subp. 2. Small generator exemption. Nonmetropolitan area generators that generate a total of less than the equivalent of ten gallons or 100 pounds of hazardous waste per year are exempt from the generator fee requirements of this part.

For purposes of this part, a conversion factor of one gallon of hazardous waste equals ten pounds of hazardous waste will be used.

Subp. 2a. Retroactive fee collection. Annual fees, generator surcharges, and initial fees must be paid by generators for each fiscal year beginning July 1, 1983,

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for those years in which the generator generated hazardous wastes according to the fee schedules in effect for each of those fiscal years.

Subp. 3. **Initial fees.** Initial fees must be paid by a nonmetropolitan generator who is a new generator after February 5, 1984, or who has failed to submit a disclosure prior to July 1, 1983, or who has added a waste not previously listed on a disclosure. Waste streams consisting of less than 165 gallons per year or 1,650 pounds per year of unsewered solid or liquid waste which is recycled, reused, or recovered off-site are not subject to the initial fees for that waste stream.

Initial fees for nonmetropolitan area generators are as follows:

A. For unsewered liquid waste, the initial fee is \$100 plus \$50 for each additional waste stream over one.

B. For sewerred liquid waste, the initial fee is \$40.

C. For unsewered solid waste, the initial fee is \$100 plus \$50 for each additional waste stream over one.

Subp. 4. **Fee for previously unreported waste.** If a generator had filed a disclosure and had been producing a waste that was not listed on the disclosure, the generator shall pay a fee of \$40 plus the annual fees and surcharges according to the fee schedules in effect for each year in which that waste had been produced.

Subp. 4a. **Fee for new process wastes.** If a generator had previously filed a disclosure and begins a new process that had not previously been listed on the disclosure, the generator shall pay a fee of \$40 to the agency for each new waste stream.

Subp. 5. **Annual fees.** Nonmetropolitan area generators shall submit annual fees as follows:

Waste Category

	11-55 gallons per year	56-500 gallons per year	501-1000 gallons per year	1000+ gallons per year
Unsewered liquid waste	\$40	\$90 + \$25 for each additional waste stream (greater than 10 gallons or 100 pounds) over one	\$130 + \$25 for each additional waste stream (greater than 10 gallons or 100 pounds) over one	\$130 + \$25 for each additional waste stream (greater than 10 gallons or 100 pounds) over one plus \$16 for each additional 1000 gallons
Sewered liquid waste	11 or more total gallons of sewerred waste - \$100 per year			
	101-550 pounds per year	551-5000 pounds per year	over 5000 pounds per year	
Unsewered solid waste (solid waste reported in	\$40	\$90 + \$25 for each additional waste stream (greater than	\$130 + \$25 for each additional waste stream (greater than	

terms of volume, e.g. 55 gallon drums, will be converted to weight units by a conversion factor of 10 pounds per gallon reported)

10 gallons or 100 pounds) over one

10 gallons or 100 pounds) over one plus \$7 for each additional 5000 pounds or fraction thereof

Subp. 6. **Payment schedule.** A nonmetropolitan area generator shall submit fees within 60 days upon receipt of the notice from the director that the fees are due. Fees submitted later than 30 days after the due date are deemed late.

A nonmetropolitan area generator shall submit a check for the required amount to the director, made payable to the state treasurer.

Subp. 7. **Failure to submit fees.** If a nonmetropolitan area generator fails to submit the required fees within 30 days of the due date, the generator shall pay the fees plus late fees for each 30-day period or fraction that the fee remains unpaid. The late fee for each of the three 30-day periods or fraction between the due date and 90 days beyond the due date is ten percent of the total of the annual fee. Beyond 90 days, the late fee for each 30-day period or fraction beyond 90 days is 15 percent of the annual fee.

If a nonmetropolitan area generator fails to submit the requested fees within 90 days of the due date, the generator becomes liable for reasonable additional expenses the agency incurs in collection of the fee, in addition to the fees and late fees.

Statutory Authority: *MS s 116.12*

History: *9 SR 2341*

7046.0040 GENERATOR SURCHARGE.

Subpart 1. **In general.** All generators in Minnesota are subject to an annual surcharge equal to 50 percent of the annual fee. Payment must be made as provided in subparts 2 and 3.

[For text of subps 2 and 3, see M.R. 1985]

Statutory Authority: *MS s 116 12*

History: *9 SR 2341*

7046.0050 GENERATOR FEE EXEMPTIONS.

Subpart 1. [Repealed, 9 SR 2341]

[For text of subps 2 and 3, see M.R. 1985]

Statutory Authority: *MS s 116 12*