

## CHAPTER 7046

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

7046 0031 NONMETROPOLITAN AREA  
GENERATOR FEES  
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**7046.0030** [Repealed, 11 SR 1993]

**7046.0031 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 annual fees of this part.

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

Subp. 3. **Retroactive fee collection.** Retroactive fees must be paid by the generator for each year in which hazardous waste was generated but not disclosed, for each waste stream for a maximum retroactive period of two calendar years prior to the most current calendar year subject to fees. The retroactive fee is calculated by multiplying the current annual fee and surcharge or the portion of the current annual fee and surcharge subject to retroactive fees, times the number of years, up to a maximum of two years, the generator had generated the waste. Retroactive fees for waste produced for less than two years shall be calculated according to the closest number of years of production.

Subp. 4. **Annual fees.** An annual fee is the sum of the review and maintenance fee, waste stream fees, and waste generation volume fees. Nonmetropolitan area generators shall submit annual fees as follows:

A. A review and maintenance fee must be paid by all nonmetropolitan area generators. The review and maintenance fee is \$30 per calendar year for each identification number issued to the generator pursuant to part 7045.0221.

B. A waste stream fee must be paid by all nonmetropolitan area generators for each waste stream generated over ten gallons or 100 pounds. The waste stream fee is \$20 for each unsewered waste stream per calendar year and \$20 for each sewerer waste stream per calendar year.

C. A waste generation volume fee must be paid by all nonmetropolitan generators based on the amount of unsewered hazardous waste generated and method of waste management or disposal used in the calendar year. The base volume fee is assessed on a per gallon basis for liquid waste streams or a per pound basis for nonliquid waste streams. The base volume fee is \$0.06 per gallon and \$0.006 per pound for the first 2,000 gallons or pounds produced. The base volume fee for 2,001 to 6,000 gallons or pounds is \$0.045 per gallon and \$0.0045 per pound. The base volume fee for more than 6,000 gallons or pounds is \$0.03 per gallon and \$0.003 per pound. There shall be no volume fee charged for that part of any waste stream in excess of 100,000 gallons or 1,000,000 pounds. The base volume fee shall be multiplied by the following factors for waste streams managed by the following methods:

Management Method	Factor
Recycle, feedstock, or by-product on-site	0

Recycle, feedstock, or by-product off-site	0.67
Burned for fuel	0.67
Neutralization	0.67
Incineration	0.67
Disposal and other methods	1.00

Any sludges or residues of recycling, burning for fuel, neutralization, or incineration are subject to the base volume fee.

**Subp. 5. Follow-up action fee.** A nonmetropolitan area generator is subject to payment of a follow-up action fee if the generator fails to respond within 30 days of receipt of a registered letter from the commissioner concerning the generator's noncompliance with part 7045.0240 requiring submission of a disclosure, part 7045.0216 requiring submission of an evaluation report, or part 7045.0296 requiring submission of an annual report. The agency shall charge a follow-up action fee only if the commissioner's follow-up action involves sending the generator one or more additional registered letters or causing an authorized representative of the agency to make an inspection for the purpose of obtaining the required information. The fee for each follow-up registered letter, not to include the initial registered letter, is \$25. The fee for each follow-up inspection is \$200.

**Subp. 6. Payment schedule.** A nonmetropolitan area generator shall submit fees within 60 days after receipt of the notice from the commissioner that the fees are due. Fees submitted after the due date are considered late.

A nonmetropolitan area generator shall submit a check for the required amount to the commissioner, made payable to the Minnesota Pollution Control Agency.

**Subp. 7. Failure to submit fees.** If a nonmetropolitan area generator fails to submit the required fees by the due date, the generator shall pay the fees plus a late fee for each 30 day period or fraction of that period that the fee remains unpaid. The late fee is calculated as a percentage of the annual fee as follows: ten percent of the annual fee for each of the first two 30 day periods, and 15 percent of the annual fee for each 30 day period, or fraction of a 30 day period, thereafter.

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

**Statutory Authority:** *MS s 116.12*

**History:** *11 SR 1993; L 1987 c 186 s 15*

#### 7046.0040 GENERATOR SURCHARGE.

**Subpart 1. In general.** All generators in Minnesota are subject to an annual surcharge equal to 45 percent of the annual fee. Payment must be made as provided in subparts 2 and 3.

**Subp. 2. Nonmetropolitan area generators.** Nonmetropolitan area generators shall pay the surcharge to the commissioner at the time of payment of the annual fee. A nonmetropolitan area generator who fails to pay the annual surcharge is considered delinquent and subject to the late fee penalty provided in part 7046.0031, subpart 7.

*[For text of subp 3, see M.R. 1987]*

**Statutory Authority:** *MS s 116.12*

**History:** *11 SR 1993; L 1987 c 186 s 15*

#### 7046.0050 GENERATOR FEE EXEMPTIONS.

**Subp. 2. [Repealed, 11 SR 1993]**

*[For text of subp 3, see M.R. 1987]*

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## FACILITY AND GENERATOR FEES 7046.0070

**Subp. 4. Certain nonmetro area generators.** Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or dry cleaning solvent related wastes reclaimed off-site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they submit accurate disclosures under part 7045.0240, or annual reports by March 1, under part 7045.0296, but rather are subject to a flat annual fee of \$25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.

**Statutory Authority:** *MS s 116.12*

**History:** *11 SR 1993; L 1987 c 186 s 15*

### **7046.0070 APPEAL PROCEDURE.**

A generator who believes that the fee requested by the commissioner is in error may appeal the fee levy. Within ten days of receipt of the fee statement from the commissioner, the generator shall provide written notice of the error in fee calculation, the fee the generator has calculated, and the method used by the generator in calculating the fee. If the commissioner finds, upon reviewing the data, that the new data presented by the generator is correct, no penalty fee will be assessed. However, if the commissioner finds that the original calculated fee was correct, the generator shall be assessed any applicable penalty as provided in part 7046.0031, subpart 7 from the date of the commissioner's decision regarding the fee adjustment appeal.

**Statutory Authority:** *MS s 116.12*

**History:** *11 SR 1993; L 1987 c 186 s 15*