

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

1648

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: December 26, 1989

TO: STEPHEN SHAKMAN
Special Assistant Attorney General
520 Lafayette Road, Suite 200 (55155)

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Permanent Rule Relating to Water Quality Permit Fees

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on December 26, 1989.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard please contact me.

MJC:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
David Christopherson, MPCA " "

RECEIVED
AUG 15 1989
M.P.C.A.
Water Quality Div

Pollution Control Agency

Adopted Permanent Rules Relating to Water Quality Permit Fees

Rules as Adopted

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.

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	Application	Processing	Annual

Day (MGD)	Fee	Fee	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.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 26 1989

Joan Anderson Growe

Secretary of State

5:00 PM

APPROVED AS TO FORM AND LEGALITY

December 26 19 89

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

MJC

RULE REVIEW CHECKLIST

File No. 1648

Docket No. 05.0009.0703 0708

DATE RECEIVED 12-12-89

ADOPTED W/O HEARING X

REVIEW DATE 12-21-89

EMERGENCY RULE _____

DUE DATE 12-26-89

TO REVISOR ON 12-13-89

REVISOR APPROVED _____

APPROVED Dec 26, 1989 mjc

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE _____

WITHDRAWN _____

RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies) ~~not back from Revisor~~

_____ Notice to Solicit Outside Information/Opinion (if applicable)

_____ Date published in State Register

_____ Comments

✓ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution

July 26, 1989 Date adopted

✓ Proposed Rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule

116.07 subd 2 Statutory Authority

✓ Small Business Statement

✓ Expenditure of public money statement

July 26, 1989 Signature

✓ Statement of Need and Reasonableness (if applicable)

✓ Small Business Statement

✓ Fees - § 16A.128 sent letters to House Appropriations Senate Finance

_____ Affidavit of Mailing Notice of Intent to Adopt Rule

Aug 10, 1989 Date 30/25 days before adoption

✓ Notice attached states notice is attached

_____ Copy of rule or summary attached

✓ Publication in State Register

Aug 14, 1989 Date 30/25 days before adoption

✓ 180-day deadline from:

NA Effective date of law requiring rule (14.12) (both rules) Amendments doesn't apply

✓ end of comment period (§ 14.26) (rules without hearing) Sept 14 - Dec 12

_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting

Nov 29, 1989 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

Nov 28, 1989 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Stephen Shakman Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

Rec 12-12-89

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

ADDRESS REPLY TO:
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155
TELEPHONE: (612) 297-1075

December 8, 1989

Ms. Patty Nolte
Office of the Attorney General
Fourth Floor
525 Park Street
St. Paul, MN 55103

Re: In the Matter of the Proposed Rules Governing Water Quality Permit Fee Amounts, Minn. Rules Part 7002.0310

Dear Ms. Nolte:

On November 28, 1989, the Minnesota Pollution Control Agency adopted the above-captioned rules governing water quality permit fee amounts. Enclosed for your review are the following:

1. Rules as adopted (original and three copies).

2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).

3. Certificate of Resolution Adopting Rules.

   [No Notice of Intent to Solicit Outside Opinion was published by the Agency]

4. Certificate of Authorizing Resolution.

5. Notification of proposed rule adoption sent to the chairs of the House Appropriations Committee and the Senate Finance Committee.

6. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed (14 S.R. 327, August 14, 1989).

7. Comments received during the comment period.

8. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.

9. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.

RECEIVED

DEC 11 1989

Office of the Attorney General
Governmental Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

10. Rules as proposed.

11. Statement of Need and Reasonableness.

12. Declaration of Counsel.

[No requests for Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General were received by the Agency]

Very truly yours,

STEPHEN SHAKMAN
Special Assistant
Attorney General

Environmental Protection Division

SS:mah

Enc.

cc: David Christopherson, MPCA (w/enc)

RECEIVED

DEC 11 1989

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

Pollution Control

Stat Auth. 116.07 subd 4d

The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision.

16A.128 Fees - sent copies of letters to House appropriations and Senate Finance
- have memo from Dept of Finance approving the fee

have business statement - justify fee

RECEIVED
JUL 28 1989
ADMINISTRATIVE
HEARINGS

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION

I, Barbara Lindsey Sims, do hereby certify that I am the Deputy Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 25th day of July, 1989, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Commissioner of the Minnesota Pollution Control Agency (Agency) is hereby granted the authority to sign and give notice of the Agency's intent to adopt, without a public hearing, the attached proposed rules of the Agency governing water quality permit fee amounts, Minn. Rules Part 7002.0310 to all persons who have registered their names with the Agency for that purpose and publish the notice and the proposed rules in the State Register, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1988).
>
> BE IT FURTHER RESOLVED, that the Commissioner of the Agency is also granted the authority to call a hearing for the purpose of adopting the attached proposed rules of the Agency governing water quality permit fee amounts, Minn. Rules Part 7002.0310, to sign the Notice thereof, to act as the Agency's representative at the hearing, and to perform any acts incidental thereto, including making any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's certification as required by Minn. Stat. § 14.07, subd. 2 (1988).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26 day of July, 1989.

Barbara Lindsey Sims
BARBARA LINDSEY SIMS
Deputy Commissioner

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to the Rule Governing Water Quality Permit Fee Amounts, Minn. Rules Part 7002.0310

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE AMENDMENTS

The above-entitled matter came on for decision before the Minnesota Pollution Control Agency (Agency) on the 28th day of November, 1989. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Agency, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Agency, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Pollution Control Agency's intent to adopt the above-entitled rules without a public hearing was sent by mail to the Chairs of the House Appropriations and Senate Finance Committees on July 27, 1989, and was published in the State Register on August 14, 1989, and was sent by mail to all water quality permittees and all persons on the list maintained by the Agency pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1988) on August 10, 1989.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was sent by mail to the Chairs of the House Appropriations and Senate Finance Committees and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on September 13, 1989.

4. During the comment period the Agency received 5 requests for public hearing. Therefore, the Agency did not receive request for a public hearing from 25 or more persons which were not withdrawn.

5. No requests for notice of submission to the Attorney General were received by the Agency.

6. During the comment period the Agency received, including the 5 hearing requests, 9 total written comments.

7. The Agency adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Agency hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota Pollution Control Agency duly acquired and has jurisdiction over this proceeding.

2. The Agency published and served due, timely, and adequate notice of the intent to adopt the rules without a public

hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached Minn. Rules pt. 7002.0310 governing Water Quality Permit Fee Amounts are adopted pursuant to the authority vested in the Minnesota Pollution Control Agency by Minn. Stat. §§ 16A.128, subd. 1a and 116.07, subd. 4d (1988).

MINNESOTA POLLUTION CONTROL AGENCY

Dated: 11/28/89

(9) Gerald L. Willet

Gerald L. Willet
Commissioner

RECEIVED
AUG 18 1989
ADMINISTRATIVE
HEARINGS

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Water Quality Permit Fee Amounts, Minn. Rules Part 7002.0310

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING AND NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

(1) Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§14.22 to 14.28 (1988). The proposed rules, if adopted, will raise all water quality permit fees a uniform 20 percent. This is the increase necessary to collect the increased total fee revenue now required as a result of action taken during the 1989 legislative session (Minn. Laws 1989, ch. 335). The Agency's authority to adopt the rule is set forth in Minn. Stat. § 116.07, subd. 4d (1988).

(2) All persons have until 4:30 p.m. on September 13, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. (5) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1988).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, HEARINGS WILL BE HELD ON September 21, 25 and 27, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether hearings will be held, please call Karen Cibert of the Agency staff, between September 14, 1989, and the scheduled dates of hearing, at (612) 296-7752.

(5) Comments or written requests for a public hearing must be submitted to:

David Christopherson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7241

(8) The proposed rules may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rule as noticed.

(11) The proposed rules are published below. One free copy of the rules is available upon request from David Christopherson at the address and telephone number stated above.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from David Christopherson upon request.

(14) You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules affect small business because all fees charged under the existing fee rules will be increased by approximately 20 percent.

(13) The Agency estimates that the cost of these rule amendments, for the two years immediately following their adoption, to all local public bodies in the state, will be approximately $210,000, which is the total amount of the fee increase to municipalities. For the purposes of this estimate, "local public bodies" is defined by Minn. Stat. § 14.11 (1988) as "officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than state wide jurisdiction which have the authority to levy taxes."

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule as adopted, must submit a written request to David Christopherson.

Dated: July 26, 1989

/s/ Barbara Lindsey Sims
GERALD L. WILLET
Commissioner

Pollution Control Agency

Proposed Permanent Rules Relating to Water Quality Permit Fees

Rules as Proposed

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~~	$60	~~$52,200~~	$62,600	~~$69,600~~	$83,500
20 to 49.99	~~50~~	60	~~22,600~~	27,100	~~13,900~~	16,700
5 to 19.99	~~50~~	60	~~10,400~~	12,500	~~4,400~~	5,300
Up to 4.99	~~50~~	60	~~4,900~~	5,900	~~1,700~~	2,000

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
20 to 49.99	~~$50~~	$60	~~$22,600~~	$27,100	~~$15,700~~	$18,800
5 to 19.99	~~50~~	60	~~12,500~~	15,000	~~5,200~~	6,200
Up to 4.99	~~50~~	60	~~6,400~~	7,700	~~2,600~~	3,100
Cooling or Mine Pit Dewatering (any flow)	~~50~~	60	~~12,500~~	15,000	~~5,200~~	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.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
Greater than .100	~~$50~~	$60	~~$2,100~~	$2,610	~~$240~~	$290
0 to .100	~~50~~	60	~~1,040~~	1,250	~~90~~	110
Sewage sludge landspreading facilities	~~50~~	60	~~1,040~~	1,250	~~90~~	110

B. Nonmunicipal permits:

Design Flow in Million Gallons per	Application	Processing	Annual

Approved by Revisor

Day (MGD)	Fee	Fee	Fee
Sewage 0 to .100	~~$50~~ $60	~~$1,040~~ $1,250	~~$ 90~~ $110
Other nonmunicipal (any flow)	~~50~~ 60	~~2,180~~ 2,610	~~300~~ 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, ~~$50~~ $60;

B. Sewer extension, ~~$140~~ $170; and

C. Liquid storage, ~~$440~~ $530.

Approved by Revisor _____

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules Governing Water Quality Permit Fee Amounts, Minn. Rules Part 7002.0310

NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) will hold public hearings in the above-entitled matter at the following times and locations:

Date	Time	Location
Thurs., Sept. 21, 1989	1:30 p.m.	Board Room Minnesota Pollution Control Agency 520 Lafayette Road St. Paul, MN 55155
Mon., Sept. 25, 1989	1:30 p.m.	Meeting Room New Ulm Public Library 17 North Broadway New Ulm, MN 56073
Wed., Sept. 27, 1989	1:30 p.m.	County Board Room Itasca County Courthouse Highway 2 East Grand Rapids, MN 55744

Additional days of hearing will be scheduled if necessary. The subject of the hearing will be proposed amendments to the rules governing water quality permit fee amounts, Minn. Rules Part 7002.0310. The proposed rules, if adopted, will raise all water quality permit fees a uniform 20 percent. This is the increase necessary to collect the increased total fee revenue now required as a result of action taken during the 1989 legislative session (Minn. Laws 1989, ch. 335). The proposed rules are authorized by Minn. Stat. § 116.07, subd. 4d (1988). All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS

STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Karen Cibert of the Agency staff, between September 14, 1989, and the scheduled dates of hearing, at (612) 296-7752.

The matter will be heard before Administrative Law Judge Richard C. Luis, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota, 55415, (612) 341-7610. The rule hearing procedure is governed by Minn. Stat. §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, Minn. Rules Parts 1400.0200 to 1400.1200 (1987). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The proposed rules are published below. One free copy of the rules is available on request by contacting:

David Christopherson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7241

Notice is hereby given that a Statement of Need and Reasonableness, including a Fiscal Note, is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional

evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to David Christopherson at the address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules affect small business because all fees charged under the existing fee rules will be increased by approximately 20 percent.

The Agency estimates that the cost of these rule amendments, for the two years immediately following their adoption, to all local public bodies in the state, will be approximately $210,000, which is the total amount of the fee increase to municipalities. For the purposes of this estimate, "local public bodies" is defined by Minn. Stat. § 14.11 (1988) as "officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than state wide jurisdiction which have the authority to levy taxes."

Please be advised that Minn. Stat. ch. 10A (1988) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1988) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more

than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250 not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Dated: July 26, 1989

Barbara Lindsay Sims

Gerald L. Willet
Commissioner

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Gerald L. Willet, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency, an agency duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Pollution Control Agency duly and properly called and held on the 28th day of November, 1989, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Minnesota Pollution Control Agency (Agency) hereby approves the amendments to the rule governing Water Quality permit fee amounts pursuant to the authority vested in the Agency by Minn. Stat. §§ 16A.128, subd. 1a and 116.07, subd. 4d (1988).
>
> BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Commissioner is authorized to make any form changes in the rules that the Revisor of Statutes requires the Agency to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1988).
>
> BE IT FURTHER RESOLVED, that the Agency adopts the attached Findings of Fact, Conclusions, and Order Adopting Rule Amendments and that the Commissioner is hereby authorized to sign the above-mentioned document on behalf of the Agency and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29 day of November, 1989.

Gerald L. Willet

GERALD L. WILLET
Commissioner

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

July 27, 1989

The Honorable Gene Merriam
Minnesota State Senator
Chairperson
Senate Finance Committee
121 Capitol
St. Paul, Minnesota 55155

Dear Senator Merriam:

Enclosed, for your information, are copies of 1) the proposed amendments, 2) the public notices, and 3) the Statement of Need and Reasonableness, including the Fiscal Note, for the Minnesota Pollution Control Agency's proposed changes to the water quality permit fee rules. These changes are being proposed in response to legislative action taken during the 1989 session.

If you need any further information, please do not hesitate to call.

Sincerely,

Barbara Lindsay Sims

for Gerald L. Willet
Commissioner

GLW:jrk

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155
Telephone (612) 296-6300

Celebrate MINNESOTA 1990

July 27, 1989

The Honorable Glen Anderson
Minnesota State Representative
Chairperson
House Appropriations Committee
363 State Office Building
St. Paul, Minnesota 55155

Dear Representative Anderson:

Enclosed, for your information, are copies of 1) the proposed amendments, 2) the public notices, and 3) the Statement of Need and Reasonableness, including the Fiscal Note, for the Minnesota Pollution Control Agency's proposed changes to the water quality permit fee rules. These changes are being proposed in response to legislative action taken during the 1989 session.

If you need any further information, please do not hesitate to call.

Sincerely,

Barbara Lindsey Sims

for Gerald L. Willet
Commissioner

GLW:jrk

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HEARINGS

of a type or quality exceeding that customarily used in the locality for properties of the same general type as the property to be improved.

C. Each rehabilitation improvement must be made in compliance with all applicable health, fire prevention, building, and housing codes and standards; provided, however, that no application for a purchase and rehabilitation or refinance and rehabilitation mortgage loan for a property may be denied solely because the improvements will not bring such property into full compliance with all such codes and standards.

Subp. 4. **Scope of rehabilitation.** For purchase and rehabilitation or refinance and rehabilitation mortgage loans in which the cost of the rehabilitation work is over $5,000, the borrower shall enter into an agreement with a reputable contractor to complete the rehabilitation work in accordance with written bids. Borrowers shall submit a minimum of two written bids from eligible contractors when the cost of the rehabilitation work exceeds $5,000. No contractor is required if the cost of the rehabilitation work is under $5,000. However, in such cases, borrowers shall submit cost estimates and proposals in a form specified by the agency for the rehabilitation work.

Subp. 5. **Borrower eligibility.** Each borrower shall meet the following requirements:

A. Each borrower shall be a person or family, including nonrelated individual adults, whose adjusted income does not exceed 100 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development; provided, however, that the maximum adjusted income for targeted neighborhoods may not exceed 115 percent of the greater of state or area median income as determined and adjusted from time to time by the United States Department of Housing and Urban Development. Targeted neighborhoods are specific geographic areas specified by local governments or housing and redevelopment authorities as neighborhoods to receive special emphasis in terms of rehabilitation or preservation of the housing stock.

B. Each borrower shall occupy the residence upon completion of the rehabilitation work as the borrower's primary, year-round residence.

C. Each borrower shall be a reasonable credit risk with the ability to pay the loan obligation in accordance with underwriting standards of the mortgage industry for the type of mortgage loan being provided.

Subp. 6. **Maximum mortgage amount.** The maximum mortgage amount for any purchase and rehabilitation or refinance and rehabilitation mortgage loan must not exceed the maximum mortgage amount for applicable areas of the state for mortgage loans to be insured by the Federal Housing Administration as determined and adjusted from time to time by the United States Department of Housing and Urban Development.

Pollution Control Agency

Proposed Permanent Rules Relating to Water Quality Permit Fees

Notice of Intent to Adopt Rules Without a Public Hearing and of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The proposed rules, if adopted, will raise all water quality permit fees a uniform 20 percent. This is the increase necessary to collect the increased total fee revenue required as a result of action taken during the 1989 legislative session, (*Minnesota Laws 1989*, ch. 335). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.07, subd. 4d (1988).

All persons have until 4:30 p.m. on September 13, 1989, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, the public hearing will be held unless a sufficient number

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, HEARINGS WILL BE HELD ON September 21, 25 and 27, 1989, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether hearings will be held, please call Karen Cibert of the Agency staff, between September 14, 1989, and the scheduled dates of hearing, at (612) 296-7752.

Comments or written requests for a public hearing must be submitted to:

David Christopherson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7241

The proposed rules may be modified if the modifications are supported by data and views submitted to the Agency and do not result in a substantial change in the proposed rule as noticed.

The proposed rules are published below. One free copy of the rules is available upon request from David Christopherson at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from David Christopherson upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules affect small business because all fees charged under the existing fee rules will be increased by approximately 20 percent.

The Agency estimates that the cost of these rule amendments, for the two years immediately following their adoption, to all local public bodies in the state, will be approximately $210,000, which is the total amount of the fee increase to municipalities. For the purposes of this estimate, "local public bodies" is defined by *Minnesota Statutes* § 14.11 (1988) as "officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than state wide jurisdiction which have the authority to levy taxes."

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the rule as adopted, must submit a written request to David Christopherson.

Gerald L. Willet
Commissioner

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) will hold public hearings in the above-entitled matter at the following times and locations:

Date	Time	Location
Thurs., Sept. 21, 1989	1:30 p.m.	Board Room Minnesota Pollution Control Agency 520 Lafayette Road St. Paul, MN 55155
Mon., Sept. 25, 1989	1:30 p.m.	Meeting Room New Ulm Public Library 17 North Broadway New Ulm, MN 56073

Wed., Sept. 27, 1989	1:30 p.m.	County Board Room Itasca County Courthouse Highway 2 East Grand Rapids, MN 55744

Additional days of hearing will be scheduled if necessary. The subject of the hearing will be proposed amendments to the rules governing water quality permit fee amounts, *Minnesota Rules* Part 7002.0310. The proposed rules, if adopted, will raise all water quality permit fees a uniform 20 percent. This is the increase necessary to collect the increased total fee revenue now required as a result of action taken during the 1989 legislative session (*Minnesota Laws 1989*, ch. 335). The proposed rules are authorized by *Minnesota Statutes* § 116.07, subd. 4d (1988). All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE AGENCY. To verify whether a hearing will be held, please call Karen Cibert of the Agency staff, between September 14, 1989, and the scheduled dates of hearing, at (612) 296-7752.

The matter will be heard before Administrative Law Judge Richard C. Luis, Office of Administrative Hearings, 5th Floor, Flour Exchange Bldg., 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7610. The rule hearing procedure is governed by *Minnesota Statutes*, §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1987). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The proposed rules are published below. One free copy of the rules is available on request by contacting:

David Christopherson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7241

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness, including a Fiscal Note, is now available for review at the Agency offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be reviewed at the Agency offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Agency and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to David Christopherson at the address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Agency may not taken any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State.

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The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Agency at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rules affect small business because all fees charged under the existing fee rules will be increased by approximately 20 percent.

The Agency estimates that the cost of these rule amendments, for the two years immediately following their adoption, to all local public bodies in the state, will be approximately $210,000, which is the total amount of the fee increase to municipalities. For the purposes of this estimate, "local public bodies" is defined by *Minnesota Statutes* § 14.11 (1988) as "officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than state wide jurisdiction which have the authority to levy taxes."

Please be advised that *Minnesota Statutes* ch. 10A (1988) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1988) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250 not including his own travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Gerald L. Willet
Commissioner

Rules as Proposed

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~~	$60	~~$52,200~~	$62,600	~~$69,600~~	$83,500
20 to 49.99	~~50~~	60	~~22,600~~	27,100	~~13,900~~	16,700
5 to 19.99	~~50~~	60	~~10,400~~	12,500	~~4,400~~	5,300
Up to 4.99	~~50~~	60	~~4,900~~	5,900	~~1,700~~	2,000

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
20 to 49.99	~~$50~~	$60	~~$22,600~~	$27,100	~~$15,700~~	$18,800
5 to 19.99	~~50~~	60	~~12,500~~	15,000	~~5,200~~	6,200
Up to 4.99	~~50~~	60	~~6,400~~	7,700	~~2,600~~	3,100
Cooling or Mine Pit Dewatering (any flow)	~~50~~	60	~~12,500~~	15,000	~~5,200~~	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.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
Greater than .100	~~$50~~	$60	~~$2,180~~	$2,610	~~$240~~	$290
0 to .100	~~50~~	60	~~1,040~~	1,250	~~90~~	110
Sewage sludge landspreading facilities	~~50~~	60	~~1,040~~	1,250	~~90~~	110

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
Sewage 0 to .100	~~$50~~	$60	~~$1,040~~	$1,250	~~$ 90~~	$110
Other nonmunicipal (any flow)	~~50~~	60	~~2,180~~	2,610	~~300~~	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, ~~$50~~ $60;

B. Sewer extension, ~~$140~~ $170; and

C. Liquid storage, ~~$440~~ $530.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Rehabilitation Loan Program Limits

The rule proposed and published at *State Register*, Volume 13, Number 46, pages 2749-2750, May 15, 1989 (13 S.R. 2749) is adopted as proposed.

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ADMINISTRATIVE
HEARINGS

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Governing Water Quality Permit
Fee Amounts, Minn. Rules
Part 7002.0310

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dana Counts, being duly sworn, deposes and says:

That on the 10th day of August, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Pollution Control Agency for the purpose of receiving notice of the proposed adoption of rules by the Minnesota Pollution Control Agency.

Dana Rae Counts

Subscribed and sworn to before me
this 17th day of August, 1989.

Mary Jane Lewis
Notary Public

MARY JANE LEWIS
NOTARY PUBLIC—MINNESOTA
ISANTI COUNTY
MY COMM. EXPIRES JUNE 15, 1992

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STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

RECEIVED
AUG 18 1989
ADMINISTRATIVE
HEARINGS

In the Matter of the Proposed Rules Governing Water Quality Permit Fee Amounts, Minn. Rules Part 7002.0310

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14 (1988) that their names be placed on file with the Minnesota Pollution Control Agency (Agency) for the purpose of receiving notice of the proposed adoption of rules by the Agency is accurate and complete as of 9:00 a.m. on the 10th day of August, 1989.

Dona Rae Counts

RECEIVED
AUG 23 1989
ADMINISTRATIVE
HEARINGS

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules
Governing Water Quality Permit
Fee Amounts, Minn. Rules
Part 7002.0310

AFFIDAVIT OF MAILING
OF DISCRETIONARY NOTICE

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Dana R. Counts, being duly sworn upon oath, deposes and says:

That on the 10th day of August, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing, pursuant to Minn. Stat. § 14.14, subd. 1a, by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons, business and governmental units, on the attached Permit Applicant Public Notice List and Permit Holder Public Notice List. These entities are being notified at the Minnesota Pollution Control Agency's discretion.

Dana Rae Counts

Subscribed and sworn to before me
this 22 day of August, 1989.

Mary Ann Hammer

Notary Public

MARY ANN HAMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 10, 1991

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RECEIVED
AUG 18 1989
ADMINISTRATIVE
HEARINGS

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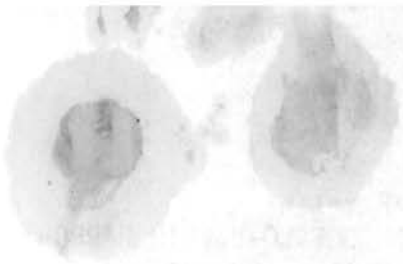

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STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendments to the Rule Governing Water Quality Permit Fee Amounts, Minn. Rules, Part 7002.0310

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The 1985 Legislature required the Minnesota Pollution Control Agency (Agency) to begin collecting money through water quality permit fees to cover the reasonable costs of reviewing and acting upon applications for Agency permits and implementing and enforcing the conditions of the permits. Minn. Laws 1985, First Special Session, ch. 13 required the Agency to collect the amount of $750,000 annually for the Division of Water Quality. Pursuant to this mandate, the Agency adopted Minn. Rules, Parts 7002.0210 to 7002.0310, relating to water quality permit fees. These rules became effective April 7, 1986.

The 1987 Legislature increased the amount that the Agency was required to collect. Minn. Laws 1987, ch. 404 required the Agency to collect a total amount of $2,115,585 for the 1987-1989 biennium. In response, the Agency revised the water quality permit fee rules in January of 1988, increasing the fee amounts so as to collect the increased revenue required by the Legislature.

The 1989 Legislature has again increased the amount that the Agency is required to collect. Minn. Laws 1989, ch. 335 requires the Agency to collect a total amount of $1,321,300 for fiscal year 1990 and $1,346,600 for fiscal year 1991 or $2,667,900 for the 1989-1991 biennium.

This increase is the result of two factors. The first is inflation: like everyone else's, the Agency's normal costs of operation have increased over the last two years and will undoubtedly continue to do so. The second is a decision of the Legislature to increase the level of effort, and hence the appropriation to the Agency, in the areas of toxics and ground water.

In response, the Agency is again proposing to revise the water quality permit fee rules, increasing the fee amounts so as to collect the increased revenue now required by the Legislature.

II. STATEMENT OF AGENCY'S STATUTORY AUTHORITY

The Agency's statutory authority to adopt the permit fee rules is set forth in Minn. Stat. sec. 116.07, subd. 4d (1988), which provides:

> The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon applications for agency permits and implementing and enforcing the conditions of permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under this subdivision. Any money collected under this subdivision shall be deposited in the special revenue fund.

As required in the above-quoted language, the permit fee rules were adopted in accordance with Minn. Stat. sec. 16A.128. Subdivision 1a of that statute requires the fees to be regularly reviewed and, if necessary, adjusted. The statute provides, in relevant part:

> These fees must by reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees must be set or fee adjustments must be made so the total fees nearly equal the sum of the appropriation for the accounts plus the agency's general support costs, statewide indirect costs, and attorney general costs attributable to the fee function.

Under these statutes the Agency has the necessary authority to adopt the proposed rule amendments.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1988) requires the Agency to make an affirmative presentation of facts establishing the need for and reasonableness of the rule amendments as proposed. In general terms, this means that the Agency must set

forth the reasons for its proposal and that the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness that the solution proposed by the Agency is appropriate. The need for the rules is discussed below.

As previously shown, Minn. Stat. sec. 16A.128, subd. 1a (1988) requires Agency fees to be reviewed annually and to be adjusted if collections under the current fee schedule will not cover the applicable appropriation. The 1989 Legislature has required the Agency's Water Pollution Control Program to collect sufficient permit fees to match the Special Revenue appropriation and salary supplement as described below.

The 1989 Legislature appropriated $1,270,000 for fiscal year 1990 and $1,459,000 for fiscal year 1991 or $2,729,000 for the 1989-1991 biennium to the Division of Water Quality from the Special Revenue Fund for direct salary, fringe, and supply and expense costs. Minn. Laws 1989 ch. 335, sec. 23, subd. 2. Of this amount, $860,000 for each of fiscal years 1990 and 1991 or $1,720,000 for the 1989-1991 biennium is a "base" appropriation to cover established, ongoing activities associated with water quality permits, and $158,000 for fiscal year 1990 and $150,000 for fiscal year 1991 or $308,000 for the 1989-1991 biennium is a "change level" appropriation to cover increased efforts for toxics and ground water. Along with the "change level" appropriation, the Division's complement was increased by two staff in each of the two areas.

The 1989 Legislature also appropriated $573,000 for each of fiscal years 1990 and 1991 or $1,146,000 for the 1989-1991 biennium to the Agency from the Special Revenue Fund for indirect costs. Minn. Laws 1989 ch. 335, sec. 23, subd. 7. Indirect costs are those costs needed to operate the Agency in general, such as personnel and fiscal services, office space rent, etc. The Agency has

apportioned this amount among its divisions; the Division of Water Quality's share related to permit fees is $274,900 for each of fiscal years 1990 and 1991 or $549,800 for the 1989-1991 biennium.

The 1989 Legislature also appropriated $40,722,000 for fiscal year 1990 and $88,992,000 for fiscal year 1991 or $129,714,000 for the 1989-1991 biennium as an open appropriation for salary supplement. Minn. Laws 1989 ch. 335, sec. 42, subd. 1. The Legislature followed its normal practice of appropriating funding for salary and fringe benefits based on the costs of approved staff complement at the end of the current biennium. As such, the Legislature does not attempt to anticipate the salary and fringe increases being concurrently negotiated between the state and the collective bargaining units representing state employees; instead, the Legislature establishes an open appropriation for these future increases. Since collective bargaining agreements have not yet been fully negotiated and executed, the actual total salary increases are unknown. However, based on a review of past years of salary increases as well as current progress in the ongoing negotiations, the Agency expects an average salary and fringe increase of five percent in each of the next two years. Therefore the Agency has included a salary supplement of $28,400 for fiscal year 1990 and $61,700 for fiscal year 1991 or $90,100 for the 1989-1991 biennium based on the existence of the open salary supplement appropriation which will be partially funded from the Special Revenue Fund through the collection of permit fees.

The appropriations and permit fee requirements for the Division of Water Quality are summarized below:

	FY 1990	FY 1991	biennium
direct appropriation			
base	860,000	860,000	1,720,000
toxics & ground water	158,000	150,000	308,000
indirect appropriation	274,900	274,900	549,800
salary supplement	28,400	61,700	90,100
total	1,321,300	1,346,600	2,667,900

This total amount is greater than the previous total amount of $2,115,585 which was required to be collected under Minn. Laws 1987, ch. 404. Therefore, it is necessary for the Agency to increase permit fee revenues and hence amend the water quality permit fee rules to increase the fee levels.

IV. STATEMENT OF REASONABLENESS

The Agency is required by Minn. Stat. ch 14 to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Agency's proposed action. The reasonableness of the proposed rules is discussed below.

The Agency is proposing to raise all of the water quality permit fees on a proportional basis and not to change the basic structure of the system. This is reasonable because the existing fee structure was carefully designed, through a process involving public meetings and a good deal of public comment, to be equitable in the original rulemaking, and the proposed fee increase maintains this equity by spreading the increase across all permittees in a proportional manner.

To do this, the Agency proposes to amend the table establishing the water quality permit fee schedule, part 7002.0310, to raise the application, processing, and annual fees for all permits by 20 percent, with some rounding of numbers. Processing and annual fees for major facilities have been rounded to the nearest $100, and processing and annual fees for minor facilities as well as application fees for all facilities have been rounded to the nearest $10.

The sufficiency of the 20 percent increase was determined by calculating the expected amount of revenue that would be generated, based on the current number of permits in each category. This expected revenue is $1,299,760 for fiscal year 1990 and $1,367,820 for fiscal year 1991 or $2,667,580 for the

1989-1991 biennium. See Exhibit 1, Estimated Yearly Water Quality Permit Fee Revenues. The amount collected in fiscal year 1990 is less than that in fiscal year 1991 because the fee increase would only be in place for a portion of the former year but all of the latter.

This expected revenue is in contrast both to the $2,097,334 that was actually collected in the 1987-1989 biennium and the $2,280,180 that would be expected to be collected in the 1989-1991 biennium under the existing fee schedule. See Exhibit 2, Fiscal Note. The latter amount is larger than the former because, likewise, the previously mentioned fee increase for the 1987-1989 biennium was not in place for the entire period.

The proposed level of increase is reasonable because, as closely as practicable, it would generate revenues sufficient to meet the total amount the Agency has been required by the Legislature to collect through water quality permit fees.

A part of the administrative requirement involved in adopting these rules is the review and approval of the fee schedule by the Minnesota Commissioner of Finance. This approval is Exhibit 3 hereto.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. sec. 14.115, subd. 2 (1988) requires the Agency, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule.

The proposed rules may affect small businesses as defined in Minn. Stat. sec. 14.115 (1988). As a result, the Agency has considered the above-listed methods for reducing the impact of the rule amendments on small businesses. However, the fee increase total has been mandated by the Legislature. If the Agency were to exempt small businesses from fee increases, all other permittees would have to pay even higher fees. The Agency has determined that across-the-board, proportional increases are more fair to all permittees and therefore has determined not to make a distinction between small businesses and other permittees for the purposes of these rule amendments. It should be noted, however, that part 7002.0060 of the existing rules does allow small businesses to lessen the financial impact of the processing fees by paying them in annual installments over the life of the permit, and, further, that small businesses are generally small sources of water pollution and therefore face permit fees considerably smaller than those for major facilities.

VI. CONSIDERATION OF ECONOMIC FACTORS

In exercising its powers, the Agency is required by Minn. Stat. sec. 116.07, subd. 6 (1988) to give due consideration to economic factors. The statute provides:

> In exercising all its powers the pollution control agency shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and shall take or provide for such action as may be reasonable, feasible, and practical under the circumstances.

Municipalities in the state pay, collectively, approximately $620,000 per year under the existing rules. Under the amended rules, municipalities will pay approximately $730,000 per year, accounting for approximately 55 percent of the total. Businesses in the state pay, collectively, approximately $520,000 per year under the existing rules. Under the amended rules, businesses will pay approximately $600,000 per year, accounting for approximately 45 percent of the permit fees. While the Agency is certainly aware of and has considered this economic impact, it does not have the option of eliminating the impact in light of the Legislature's requirement to collect additional fees.

VII. LIST OF WITNESSES AND EXHIBITS

A. Witnesses

The following Agency staff persons participated in the preparation of this Statement of Need and Reasonableness and, in the event a rulemaking hearing is held, will be available at the hearing to answer questions concerning the proposed rule amendments:

1. David Christopherson
2. Douglas Hall

B. Exhibits

In support of the need for and reasonableness of the proposed rules, the following exhibits will be entered into the hearing record by the Agency:

1. Estimate of Revenues from Revised Permit Fee Schedule.
2. Fiscal Note
3. Approval of the fee schedule by the Department of Finance.
4. Minn. Laws 1989, ch. 335, sec. 23, subds. 2 and 7 and sec. 42, subd. 1.

VIII. CONCLUSION:

Based on the foregoing, the proposed amendments to Minn. Rules part 7002.0310 are both needed and reasonable.

Dated: July 13, 1989

for Barbara Lindsay Sims
Gerald L. Willet
Commissioner

Division of Water Quality Estimate of Revenues from Revised Permit Fee Schedule

EXHIBIT 1

fee type	facility type	existing fee	proposed fee 120%	number of permits	amount collected FY 1990	amount collected FY 1991	amount collected Biennium
annual							
	major municipal						
	50 and over MGD flow	69,600	83,500	1	83,500	83,500	
	20 to 49.99 MGD flow	13,900	16,700	3	50,100	50,100	
	5 to 19.99 MGD flow	4,400	5,300	11	58,300	58,300	
	up to 4.99 MGD flow	1,700	2,000	36	72,000	72,000	
	major nonmunicipal						
	20 to 49.99 MGD flow	15,700	18,800	1	18,800	18,800	
	5 to 19.99 MGD flow	5,200	6,200	4	24,800	24,800	
	up to 4.99 MGD flow	2,600	3,100	11	34,100	34,100	
	cooling or mine dewatering	5,200	6,200	12	74,400	74,400	
	minor municipal						
	over .1 MGD flow	240	290	245	71,050	71,050	
	0 to .1 MGD flow	90	110	278	30,580	30,580	
	sludge facilities	90	110	11	1,210	1,210	
	minor nonmunicipal						
	0 to .1 MGD flow sewage	90	110	96	10,560	10,560	
	other (any flow)	300	360	391	140,760	140,760	
				1,100	670,160	670,160	
processing							
	major municipal						
	50 and over MGD flow	52,200	62,600	1	11,310	12,520	
	20 to 49.99 MGD flow	22,600	27,100	3	14,690	16,260	
	5 to 19.99 MGD flow	10,400	12,500	11	24,810	27,500	
	up to 4.99 MGD flow	4,900	5,900	36	38,280	42,480	
	major nonmunicipal						
	20 to 49.99 MGD flow	22,600	27,100	1	4,900	5,420	
	5 to 19.99 MGD flow	12,500	15,000	4	10,830	12,000	
	up to 4.99 MGD flow	6,400	7,700	11	15,270	16,940	
	cooling or mine dewatering	12,500	15,000	12	32,500	36,000	
	minor municipal						
	over .1 MGD flow	2,180	2,610	245	115,600	127,890	
	0 to .1 MGD flow	1,040	1,250	278	62,690	69,500	
	sludge facilities	1,040	1,250	11	2,480	2,750	
	minor nonmunicipal						
	0 to .1 MGD flow sewage	1,040	1,250	96	21,650	24,000	
	other (any flow)	2,180	2,610	391	184,490	204,100	
				1,100	539,500	597,360	
liquid storage		440	530	20	9,550	10,600	
sewer extension		140	170	450	68,630	76,500	
application		50	60	220	11,920	13,200	
					1,299,760	1,367,820	2,667,580

(Processing fees are assessed on a five-year permit reissuance cycle, and "amount collected" figures represent yearly averages. Liquid storage facilities and sewer extensions are assessed fees on a one-time basis, and "number of permits" figures represent the number of new permits issued per year.)

EXHIBIT 2

Fiscal Note

Revisions to Water Quality Permit Fee Rules (Minnesota Rules Part 7002.0310)

1. Projected increase in local costs resulting from the rule revisions:

FY 90-91 projected total permit fees at present rates	$2,280,180
FY 90-91 projected total permit fees at revised rates	2,667,580
projected increase	$387,400

FY 90-91 projected permit fees for local gov'ts at present rates	$1,247,700
FY 90-91 projected permit fees for local gov'ts at revised rates	$1,461,186
projected increase	$213,486

(For the projected increase in costs for individual permit holders, see permit fee rates in the rule itself.)

2. Statutory authority for the rule revisions:

Minn. Stat. §. 116.07, Subd. 4d and §. 16A.128 (1988)

3. Long-range fiscal implications of the rule revisions:

Permit fees will be charged on a continuing basis; the proposed rate structure is expected to remain in effect until the mandated total amount to be collected through permit fees is again changed by the Legislature.

Gerald L. Willet
Commissioner

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~~	$60	~~$52,200~~	$62,600	~~$69,600~~	$83,500
20 to 49.99	~~50~~	60	~~27,600~~	27,100	~~13,900~~	16,700
5 to 19.99	~~50~~	60	~~10,400~~	12,500	~~4,400~~	5,300
Up to 4.99	~~50~~	60	~~4,900~~	5,900	~~1,700~~	2,000

B. Nonmunicipal Permits

Design Flow in Million Gallons Per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
20 to 49.99	~~$50~~	$60	~~$22,600~~	$27,100	~~$15,700~~	$18,800
5 to 19.99	~~50~~	60	~~12,500~~	15,000	~~5,200~~	6,200
Up to 4.99	~~50~~	60	~~6,400~~	7,700	~~2,600~~	3,100
Cooling or Mine Pit Dewatering (any flow)	~~50~~	60	~~12,500~~	15,000	~~5,200~~	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.

A. Municipal permits

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
Greater than .100	~~$50~~	$60	~~$2,180~~	$2,610	~~$240~~	$290
0 to .100	~~50~~	60	~~1,040~~	1,250	~~90~~	110
Sewage sludge landspreading facilities	~~50~~	60	~~1,040~~	1,250	~~90~~	110

B. Nonmunicipal permits

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
Sewage 0 to .100	~~$50~~	$60	~~$1,040~~	$1,250	~~$ 90~~	$110
Other nonmunicipal (any flow)	~~50~~	60	~~$2,180~~	2,610	~~300~~	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, ~~$50~~ $60;

B. Sewer extension, ~~$140~~ $170; and

C. Liquid storage, ~~$440~~ $530.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Finance

DATE : July 21, 1989

TO : Gerald L. Willet, Commissioner
Pollution Control Agency

FROM : Bruce J. Reddemann, Director BJR.
Budget Operations and Support

PHONE : 6-5188

SUBJECT : Water Quality Permit Fees for F.Y. 1990

The Water Quality Permit Fees as shown on the attached pages are approved for fiscal year 1990.

BOBN556t

Environmental -	56	56
Metro Landfill Contingency -	2	2
Motor Vehicle Transfer -	18	18
Building -	23	23
Petroleum Cleanup -	19	20

Summary by Fund

General	$11,632,000	$10,667,000
Special Revenue	$ 3,817,000	$ 4,249,000
Environmental	$ 3,527,000	$ 3,527,000
Metro Landfill Abatement	$ 1,700,000	$ 1,700,000
Metro Landfill Contingency	$ 678,000	$ 678,000
Petroleum Cleanup	$ 1,425,000	$ 1,432,000
Motor Vehicle Transfer	$ 3,155,000	$ 2,862,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Water Pollution Control

$ 5,522,000 $ 4,211,000

Summary by Fund

General	$ 4,252,000	$ 2,752,000
Special Revenue	$ 1,270,000	$ 1,459,000

$225,000 the first year is from the general fund to be transferred to the department of trade and economic development for the capital cost component grant program established under Minnesota Statutes, section 116.18, subdivision 3b, for the purpose of providing full grants to those municipalities awarded partial capital cost component grants in 1989.

This appropriation is only available upon certification by the pollution control agency that the construction plans for the affected projects meet established requirements and the appropriate construction security bonds have been obtained by the contractor for each project.

The total state stop payment amount that is withheld from communities completing wastewater treatment

responders training academy for hazardous materials handling training.

Subd. 6. Regional Support

$ 52,000 $ 52,000

Summary by Fund

Environmental	$ 41,000	$ 41,000
Motor Vehicle		
Transfer	$ 2,000	$ 2,000
Petroleum Cleanup	$ 9,000	$ 9,000

Subd. 7. General Support

$ 3,131,000 $ 3,216,000

Summary by Fund

General	$ 1,807,000	$ 1,892,000
Environmental	$ 596,000	$ 596,000
Metro Landfill		
Contingency	$ 8,000	$ 8,000
Motor Vehicle		
Transfer	$ 37,000	$ 37,000
Special Revenue	$ 573,000	$ 573,000
Petroleum Cleanup	$ 110,000	$ 110,000

The program permit and assessment fees of the pollution control agency shall equal as nearly as possible the amount appropriated from the special revenue fund for the biennium and may not include any amounts to cover the cost items in Minnesota Statutes, section 16A.128, subdivision 1a, except to the extent that the cost items are included in the appropriations.

Beginning with fiscal year 1990, any new fee or fee increase adopted by the pollution control agency under Minnesota Statutes, chapter 14, shall be subject to legislative approval during the next biennial budget session following adoption. The commissioner shall submit a report of fee adjustments to the legislature as a supplement to the biennial budget. Any new fee or fee increase shall remain in effect unless the legislature passes a bill disapproving the new fee or fee increase. Any fee or fee increase disapproved by the legislature shall become null and void on July 1 following adjournment.

Subd. 8. Waste Tire Management

Motor Vehicle

Sec. 42. SALARY SUPPLEMENT 40,722,000 88,992,000

Subdivision 1. Appropriations

Except as limited by the direct appropriations made in this section, the amounts necessary to pay compensation and economic benefit increases covered by this section are appropriated from the various funds in the state treasury from which salaries are paid to the commissioner of finance for the fiscal years ending June 30, 1990, and June 30, 1991. In the case of salaries that are paid from one fund, but that fund is reimbursed by another fund, the amounts necessary to make these reimbursements are also appropriated.

(a) General Fund

$29,964,000 $60,836,000

(b) Game and Fish Fund

$ 1,369,000 $ 2,807,000

(c) Trunk Highway Fund

$11,520,000 $23,620,000

(d) Highway User Tax Distribution Fund

$ 301,000 $ 618,000

(e) Workers' Compensation

$ 532,000 $ 1,147,000

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ADMINISTRATIVE
HEARINGS

Pollution Control Agency

Proposed Permanent Rules Relating to Water Quality Permit Fees

Rules as Proposed

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~~	$60	~~$52,200~~	$62,600	~~$69,600~~	$83,500
20 to 49.99	~~50~~	60	~~22,600~~	27,100	~~13,900~~	16,700
5 to 19.99	~~50~~	60	~~10,400~~	12,500	~~4,400~~	5,300
Up to 4.99	~~50~~	60	~~4,900~~	5,900	~~1,700~~	2,000

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
20 to 49.99	~~$50~~	$60	~~$22,600~~	$27,100	~~$15,700~~	$18,800
5 to 19.99	~~50~~	60	~~12,500~~	15,000	~~5,200~~	6,200
Up to 4.99	~~50~~	60	~~6,400~~	7,700	~~2,600~~	3,100
Cooling or Mine Pit Dewatering (any flow)	~~50~~	60	~~12,500~~	15,000	~~5,200~~	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.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee		Processing Fee		Annual Fee	
Greater than .100	~~$50~~	$60	~~$2,180~~	$2,610	~~$240~~	$290
0 to .100	~~50~~	60	~~1,040~~	1,250	~~90~~	110
Sewage sludge landspreading facilities	~~50~~	60	~~1,040~~	1,250	~~90~~	110

B. Nonmunicipal permits:

Design Flow in Million Gallons per	Application	Processing	Annual

Approved by Revisor

Day (MGD)	Fee	Fee	Fee
Sewage 0 to .100	~~$50~~ $60	~~$1,040~~ $1,250	~~$ 90~~ $110
Other nonmunicipal (any flow)	~~50~~ 60	~~2,180~~ 2,610	~~300~~ 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, ~~$50~~ $60;

B. Sewer extension, ~~$140~~ $170; and

C. Liquid storage, ~~$440~~ $530.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Water Quality Permit Fees

AGENCY: Pollution Control Agency

MINNESOTA RULES: Chapter 7002

The attached rules are approved for publication in the State Register

Carla M. Riehle

Carla M. Riehle
Assistant Revisor

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Governing Water Quality Permit Fee
Amounts, Minn. Rules Part 7002.0310

DECLARATION OF COUNSEL

I, Stephen Shakman, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0703.

Dec. 8, 1989

Stephen Shakman
Special Assistant
Attorney General