

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MSM
12/27/91

RULE REVIEW CHECKLIST

File No. 1884
DATE RECEIVED 12-26-91
REVIEW DATE 1-6-92
DUE DATE 1-9-92
~~(DIS)~~APPROVED 1-7-92
WITHDRAWN

Docket No. 05 0009 0703
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-27-91
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 1/8/92
RETURNED TO AGENCY 1/9/92 (memo dated 1/8/92)

✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion (if applicable)
___ Date published in State Register
___ Comments

___ ~~Petition~~ for Adoption of a Rule

✓ Board's Authorizing Resolution
August 27, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule — Check fees
116.07 subd 4d Statutory Authority
✓ Small Business Statement
Expenditure of public money statement
August 29, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)
no statement Small Business Statement
✓ Fees - § 16A.128 obtained permission from finance ~~letter~~ don't letters sent Okay

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
September 12, 1991 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
September 16, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of ~~comment period~~ (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
Dec 19, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Dec 17, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Steve Shakman Name of SAAG representing agency

___ Notice of Submission to Attorney General (if applicable)

___ Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Amendments to the Rule Governing
Water Quality Permit Fee Amounts,
Minn. Rules Pts. 7002.0210 to 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 (MPCA) on the 17th day of December, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial rule, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, 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 with a dual notice was sent by mail to the Chairs of the House Appropriations and Senate Finance Committees on August 28, 1991, and was published in the State Register on September 16, 1991, and was sent by mail to all water quality permittees and all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) on September 12, 1991.

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 October 18, 1991.

4. During the comment period the MPCA received 13 requests for public hearing. Therefore, the MPCA did not receive request for a public hearing from 25 or more persons and the public hearing was withdrawn.

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

6. During the comment period the MPCA received, including the 13 hearing requests, 27 total written comments.

7. The MPCA adopts the Statement of Need and Reasonableness, with the following addition to page 3 and 4, under Section III. NEED FOR RULE AMENDMENTS, as the factual basis for the proposed rules. The addition is to clarify the MPCA's authorizing appropriation pertaining to the permit fee rule amendments.

Minn. Laws 1991, ch. 254, art. I, section 2, subdivision 2 (as cited in the original SONAR) is the authorizing appropriation for the Water Quality Division. This appropriation was requested from the 1991 Legislature with the Water Quality permit fees as the revenue source supporting the request. All appropriations requests from the Environmental Fund must be presented with an equal revenue source in order for the fund to be sustained. This is reflected in the fund statements which are prepared as supporting documentation to the legislature.

The MPCA is authorized to raise permit fees based on the above-mentioned criteria, and the fee increase is concurrent with the policy directive of the authorizing appropriation.

The MPCA hereby incorporates the Statement of Need and Reasonableness into these findings.

8. (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 MPCA 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 pts. 7002.0210 to 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 (1990).

Dated:

MINNESOTA POLLUTION CONTROL AGENCY

(9)

Patricia A. Bloomgren for
Charles W. Williams
Commissioner

July 15, 1991

Water Quality Fee Targets

	92	93
Biennial Budget Base-Fees	$1,155,000	$1,151,000
Biennial Budget Base-Rev. Loan	302,000	300,000
Salary Inflation	70,000	144,000
Transfer from General Fund	360,000	360,000
Total Division	$1,887,000	$1,955,000
ADD: Agency Indirect Costs		
W.Q. Fee Program	296,000	296,000
Revolving Loan Program	110,000	110,000
TOTAL FEE TARGET PER FISCAL YEAR	$2,293,000	$2,361,000

* The salary inflation may be allocated between the two programs at the discretion of the division.

Balance forward from the 1990-1991 biennium is -$55,423.
(see attached fee statement)

STATEMENT FOR ALL MPCA FEES

	ACT 1989	ACT 1990	EST 1991	GOV REC 1992	GOV REC 1993
ACTUAL AND ESTIMATED RESOURCES					
Balance Forward-In	0	0	-241	-297	0
Prior Year Adjustments				297	
Adjusted Balance Forward	0	0	-241	0	0
Receipts					
Department Earnings		3,333	4,303	6,959	9,098
Interest on Investments					
Other					
Total Receipts	0	3,333	4,303	6,959	9,098
Revenue Refunds		14			
Net Receipts	0	3,319	4,303	6,959	9,098
Total Resources Available	0	3,319	4,062	6,959	9,098
ACTUAL AND ESTIMATED USES					
Expenditures					
Pollution Control					
Water Quality Fees		1,054	1,436	1,887	1,955
Air Quality Fees		591	618	2,008	4,006
Hazardous Waste Fees		1,156	1,342	1,740	1,813
Groundwater Solid Waste Fees				360	360
Agency Indirect		720	854	925	925
Low Level Radioactive Waste Fees		25	39	39	39
Fee Refunds		14			
Resource Recovery-Oper. Trng.			70		
Total Expenditures	0	3,560	4,359	6,959	9,098
Total Uses	0	3,560	4,359	6,959	9,098
Balance Forward-Out	0	-241	-297	0	0

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: January 8, 1992

TO: SCOTT R. THOMPSON
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

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

The above-referenced rule has been approved as to its legality by the Attorney General on January 7, 1992.

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.

MJM:jj
Enclosures
cc: Stephen Shakman
William Brown, Chief Judge
MaryAnn Hruby

Pollution Control Agency

Proposed Permanent Rules Relating to Water Quality Permit Fees

Rules as Proposed

WATER QUALITY PERMIT FEES

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, E, and F~~, and H~~.

7002.0220 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **General storm water permit.** "General storm water permit" means a general permit as defined in part 7001.0010, subpart 4, issued to a municipality or nonmunicipal entity that discharges storm water.

Subp. 3b. **Individual storm water permit.** "Individual storm water permit" means a permit as defined in part 7001.0010, subpart 3, governing the discharge of storm water. Fees for this permit are set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

Subp. 4. **Major NPDES facility~~; definition~~.** "Major NPDES facility" means a wastewater treatment discharger designated by the commissioner and the regional administrator of the United States Environmental Protection Agency as part of the annual work plan that is developed in accordance with and that is subject to the public participation requirements of Code of Federal Regulations, title 40, part 35, and subject to review and approval of the agency. The agency and the United States Environmental Protection Agency shall designate the following types of facilities as major NPDES facilities unless the agency and the United States Environmental Protection Agency find that the facility does not have a potential for significantly impacting water quality:

[For text of items A to D, see M.R.]

Approved by Revisor CMR

Subp. 5. **Municipal permit~~;-definition~~.** "Municipal permit" means a permit issued to a municipality as defined in part 7001.1020, subpart 18, for the discharge or disposal of wastewater which is five percent or more sewage. Permits issued to municipalities for facilities treating or disposing of waste that is less than five percent sewage shall be considered nonmunicipal permits.

[For text of subp 6, see M.R.]

Subp. 6a. **Sanitary sewer extension permit.** "Sanitary sewer extension permit" means a state disposal system permit for the extension, addition, or change of a municipal sanitary system.

[For text of subps 7 to 9, see M.R.]

7002.0230 FEE DETERMINATION.

The agency shall calculate ~~processing and~~ annual fees based upon the schedule in ~~part~~ parts 7002.0305 and 7002.0310 and shall notify the permittee of the amount due prior to each payment date.

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of the ~~Division of~~ Water Quality Division.

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1 ~~and~~, 2, and 3, shall pay an annual fee for processing of the permit and enforcement of applicable statutes and rules as described in items A to F. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

A. A permittee holding a new or reissued permit after the effective date of the amendments to parts 7002.0210 to 7002.0310 is subject to the fees established in part 7002.0310. A permittee holding an unexpired permit on the effective date of the amendments to those parts shall continue to comply with the payment schedules in part 7002.0305 until the permit expires.

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B. A permittee applying for a permit modification according to part 7001.0190, subpart 1, shall pay an additional fee equal to 50 percent of the permittee's annual fee as established in part 7002.0310.

C. A permittee holding an unexpired permit on the effective date of the amendments to parts 7002.0210 to 7002.0310 that applies for the permit modification according to part 7001.0190, subpart 1, shall pay a modification fee as established in part 7002.0305.

D. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.

E. A permittee or applicant for an individual storm water permit must pay fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

F. A permittee holding a general storm water permit that does not require submittal of reports to the agency is exempt from paying the annual fee as defined in part 7002.0310, subpart 3.

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that ~~a basic processing fee or~~ an annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Water Quality, along with the assessed fee. If the director of the Division of Water Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

Permit fees for water quality permits are established in ~~part~~ parts 7002.0305 and 7002.0310.

7002.0305 TABLE, WATER QUALITY PERMIT FEES PAID BY HOLDERS OF UNEXPIRED PERMITS.

Subpart 1. **Major NPDES permit fees.** The following fees shall be paid by major NPDES facility permittees that have paid separate processing and annual fees under parts 7002.0210 to

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7002.0310 prior to the amendments to those parts. The following fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
50 and over	$85	$43,800	$117,000
20 to 49.99	85	19,000	23,400
5 to 19.99	85	8,800	7,500
Up to 4.99	85	4,100	2,800

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
20 to 49.99	$85	$18,900	$26,400
5 to 19.99	85	10,500	8,700
Up to 4.99	85	5,400	4,400
Cooling or Mine Pit Dewatering (any flow)	85	10,400	8,700

Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The fees in items A and B shall be paid by a permittee not designated as a major NPDES facility that has paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to the effective date of the amendments to those parts and that has applied for or received a state disposal system permit. The fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Greater than .100	$85	$1,800	$410
0 to .100	85	900	155
Sewage Sludge Landspreading Facilities	85	890	150

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Sewage 0 to .100	$85	$ 880	$145
Other nonmunicipal			

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(any flow)	85	1,825	510

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~~ 85	~~$62,600~~	~~$83,500~~	135,000
20 to 49.99	~~60~~ 85	~~27,100~~	~~16,700~~	31,000
5 to 19.99	~~60~~ 85	~~12,500~~	~~5,300~~	11,000
Up to 4.99	~~60~~ 85	~~5,900~~	~~2,000~~	4,500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	~~Processing~~ Fee	Annual Fee	
20 to 49.99	~~$60~~ 85	~~$27,100~~	~~$10,800~~	34,000
5 to 19.99	~~60~~ 85	~~15,000~~	~~6,200~~	14,000
Up to 4.99	~~60~~ 85	~~7,700~~	~~3,100~~	6,500
Cooling or Mine Pit Dewatering (any flow)	~~60~~ 85	~~15,000~~	~~6,200~~	13,000

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~~ 85	~~$2,610~~	~~$290~~	1,140
0 to .100	~~60~~ 85	~~1,250~~	~~110~~	505
Sewage Sludge Landspreading Facilities	~~60~~ 85	~~1,250~~	~~110~~	500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	~~Processing~~ Fee	Annual Fee	
Sewage 0 to .100	~~$60~~ 85	~~$1,250~~	~~$110~~	495
Other nonmunicipal (any flow)	~~60~~ 85	~~2,610~~	~~360~~	1,230

Subp. 3. **Other water quality permit fees.** The following

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application fees shall be paid by a permittee that has applied for or received a general permit as defined in part 7001.0010, subpart 4, a sanitary sewer extension permit, or ~~liquid-storage~~ a general storm water permit.

~~A.--General,-$60;~~

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

~~C.--liquid-storage,-$530.~~

	Application Fee	Annual Fee
General	$ 85	$260
General Storm	85	270
Sanitary Sewer Extension	240	

REPEALER. Minnesota Rules, part 7002.0260, is repealed.

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

Minnesota Pollution Control Agency

Proposed Rule Amendments
Governing Water Quality
Permit Fees, Minn. Rules
Parts 7002.0210 to 7002.0310.

Notice of Intent to Adopt
Rules Without a Public Hearing;
and Intent to Adopt Rules With
Public Hearing Upon Receiving
25 or More Requests For a Public
Hearing.

(1) NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act in Minnesota Statutes 14.22 to 14.28 (1990). The Agency's authority to adopt the rule is set forth in Minnesota Statutes 116.07. subd. 4d (1990); and Minnesota Statutes 16A.128 (1990).

(2) All persons have until 4:30 p.m. on October 18, 1991, to submit comments on the proposed rule amendments. Comments from all interested or affected parties are encouraged. Any person can submit a written request for a public hearing on the rules within the comment period. (3) Each comment should identify the portion of the proposed rules addressed, reason for the comment, and proposed changes.

IF 25 OR MORE PERSONS SUBMIT A WRITTEN REQUEST FOR A PUBLIC HEARING WITHIN THE COMMENT PERIOD A PUBLIC HEARING WILL BE HELD. THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING.

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

(5)

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7223

(4) If 25 or more requests for a public hearing are received, a hearing will be held pursuant to Minnesota Statutes 14.14 subdivision 1. The hearing will be held at 520 Lafayette Road, St. Paul, Minnesota, on Wednesday, October 23, 1991, beginning at 9:00 a.m. If necessary the hearing will continue on additional days. All interested or affected persons are invited to attend the hearing. All interested or affected persons have an opportunity to participate in the rule making process.

(8) If a hearing is not required, the proposed rules may be modified without a public hearing 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) Minnesota Rules pts. 7002.0210 to 7002.0310 provides for the administration of water quality permit fees. The subject of the proposed rule amendments is to increase fees, change the fee schedule, and add storm water permit fees to the schedule. For additional information reference the proposed

rules following this notice. One free copy of the proposed rules and statement of needs and reasonableness is available from Scott R. Thompson at the address and telephone number stated above.

(12) A STATEMENT OF NEED AND REASONABLENESS (SONAR) includes a summary of all evidence and arguments justifying the need for and reasonableness of the proposed rule amendments. In addition, the SONAR identifies data and information used for preparation of the proposed rules. Copies of the SONAR 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 cost of reproduction.

(9) IF A HEARING IS NOT REQUIRED, this fact will be stated in the rule adoption published by the Agency in the State Register. Upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General for review as to legality and form; to the extent which form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to receive a copy of the rule as adopted, must submit a written request to Scott R. Thompson.

(7) IF A HEARING IS REQUIRED, rule making will proceed in accordance with Minnesota Statutes 14.14 to 14.20 and rule parts 1400.0200 to 1400.1200. Questions about these procedures can be directed to Administrative Law Judge Allan Klein, Office of Administrative Hearings, 5th Floor Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, 612/341-7609. The proposed rules are subject to change as a result of the rule hearing process.

All interested or affected persons will have an opportunity to participate in the hearing by asking questions about the SONAR and by presenting oral and written comments about the proposed rules. Comments are most helpful if commenters state objections, or support, of specific provisions in the proposed rules. Comments are helpful if specific alternative rule language is proposed and supported with reasons and data.

A person may present hearing comments on the proposed rules in one, or more of the following ways: 1) Submit written data and comments to the Administrative Law Judge at any time before the start of the hearing, 2) Submit oral or written data at the hearing, and 3) Submit written data to the Administrative Law Judge during the comment period following the hearing. Statements may be submitted without appearing at the hearing.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Written material received during this period shall be available for review at the office of administrative hearings. The Agency and interested persons may respond to any new information that is submitted. Response must be made in writing within three business days after the submission period ends. No additional evidence may be submitted during this three-day comment period.

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.

The proposed rule amendments 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 rule amendments. Therefore, if you are affected in any manner by the proposed rule amendments, you are urged to participate in the rule hearing process.

(14) YOU ARE HEREBY ADVISED, pursuant to Minn. Stat. § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rule amendments will affect small businesses which hold, or require water quality permits. The proposed rule amendments will increase permit fees approximately 40 percent, change the fee schedule, and add a fee for storm water discharge permittees. The proposed rules do not impose any particular or unreasonable requirements on small businesses.

(13) The Agency estimates that the cost of these rule amendments, for the 1992-1993 biennium immediately following their adoption, to all local public bodies in the state, will be approximately $308,000, which is the total fee increase to municipalities. For the purpose of this estimate, "local public bodies" is defined in Minn. Stat. 14.11 (1990).

Lobbyists must register with State Ethical Practices Board within five working days after commencement of lobbying, as required in Minn. Stat. § 10A. A lobbyist is defined in Minnesota Statutes 10A.01, subd. 11 (1990) 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 the 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 612/296-5148.

Patricia A. Bloomquist

Charles W. Williams
Commissioner

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Official File Copy

September 10, 1991

Ms. Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules
Room 55, State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Dear Ms. Hruby:

The statement of need and reasonableness and proposed rule language for the amendment of Minn. Rules. Pts. 7002.0210 to 7002.0310 is enclosed for your review as required by Minn. Stat. 14.131 (1990). The 30-day public comment period will begin on September 16, 1991 when it is published as a dual notice in the State Register.

If you require additional information, please call me at (612) 296-7223.

Sincerely,

Scott R. Thompson

Scott R. Thompson
Rule Revision Coordinator
Assessment and Planning Section
Water Quality Division

SRT/jmg

Pollution Control Agency

Adopted Permanent Rules Relating to Water Quality Permit Fees

Rules as Adopted

WATER QUALITY PERMIT FEES

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, E, and F.

7002.0220 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **General storm water permit.** "General storm water permit" means a general permit as defined in part 7001.0010, subpart 4, issued to a municipality or nonmunicipal entity that discharges storm water.

Subp. 3b. **Individual storm water permit.** "Individual storm water permit" means a permit as defined in part 7001.0010, subpart 3, governing the discharge of storm water. Fees for this permit are set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

Subp. 4. **Major NPDES facility.** "Major NPDES facility" means a wastewater treatment discharger designated by the commissioner and the regional administrator of the United States Environmental Protection Agency as part of the annual work plan that is developed in accordance with and that is subject to the public participation requirements of Code of Federal Regulations, title 40, part 35, and subject to review and approval of the agency. The agency and the United States Environmental Protection Agency shall designate the following types of facilities as major NPDES facilities unless the agency and the United States Environmental Protection Agency find that the facility does not have a potential for significantly impacting water quality:

[For text of items A to D, see M.R.]

Subp. 5. **Municipal permit.** "Municipal permit" means a permit issued to a municipality as defined in part 7001.1020, subpart 18, for the discharge or disposal of wastewater which is five percent or more sewage. Permits issued to municipalities for facilities treating or disposing of waste that is less than five percent sewage shall be considered nonmunicipal permits.

[For text of subp 6, see M.R.]

Subp. 6a. **Sanitary sewer extension permit.** "Sanitary sewer extension permit" means a state disposal system permit for the extension, addition, or change of a municipal sanitary system.

[For text of subps 7 to 9, see M.R.]

7002.0230 FEE DETERMINATION.

The agency shall calculate annual fees based upon the schedule in parts 7002.0305 and 7002.0310 and shall notify the permittee of the amount due prior to each payment date.

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of the Water Quality Division.

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1, 2, and 3, shall pay an annual fee for processing of the permit and enforcement of applicable statutes and rules as described in items A to F. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

A. A permittee holding a new or reissued permit after the effective date of the amendments to parts 7002.0210 to 7002.0310 is subject to the fees established in part 7002.0310. A permittee holding an unexpired permit on the effective date of the amendments to those parts shall continue to comply with the payment schedules in part 7002.0305 until the permit expires.

B. A permittee applying for a permit modification according to part 7001.0190, subpart 1, shall pay an additional

fee equal to 50 percent of the permittee's annual fee as established in part 7002.0310.

C. A permittee holding an unexpired permit on the effective date of the amendments to parts 7002.0210 to 7002.0310 that applies for the permit modification according to part 7001.0190, subpart 1, shall pay a modification fee as established in part 7002.0305.

D. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.

E. A permittee or applicant for an individual storm water permit must pay fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

F. A permittee holding a general storm water permit that does not require submittal of reports to the agency is exempt from paying the annual fee as defined in part 7002.0310, subpart 3.

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that an annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Water Quality, along with the assessed fee. If the director of the Division of Water Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

Permit fees for water quality permits are established in parts 7002.0305 and 7002.0310.

7002.0305 TABLE, WATER QUALITY PERMIT FEES PAID BY HOLDERS OF UNEXPIRED PERMITS.

Subpart 1. **Major NPDES permit fees.** The following fees shall be paid by major NPDES facility permittees that have paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to the amendments to those parts. The following fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
50 and over	$85	$43,800	$117,000
20 to 49.99	85	19,000	23,400
5 to 19.99	85	8,800	7,500
Up to 4.99	85	4,100	2,800

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
20 to 49.99	$85	$18,900	$26,400
5 to 19.99	85	10,500	8,700
Up to 4.99	85	5,400	4,400
Cooling or Mine Pit Dewatering (any flow)	85	10,400	8,700

Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The fees in items A and B shall be paid by a permittee not designated as a major NPDES facility that has paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to the effective date of the amendments to those parts and that has applied for or received a state disposal system permit. The fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Greater than .100	$85	$1,800	$410
0 to .100	85	900	155
Sewage Sludge Landspreading Facilities	85	890	150

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Sewage 0 to .100	$85	$ 880	$145
Other nonmunicipal (any flow)	85	1,825	510

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	Annual Fee
50 and over	$ 85	$ 135,000
20 to 49.99	85	31,000
5 to 19.99	85	11,000
Up to 4.99	85	4,500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Annual Fee
20 to 49.99	$ 85	$ 34,000
5 to 19.99	85	14,000
Up to 4.99	85	6,500
Cooling or Mine Pit Dewatering (any flow)	85	13,000

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	Annual Fee
Greater than .100	$ 85	$ 1,140
0 to .100	85	505
Sewage Sludge Landspreading Facilities	85	500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Annual Fee
Sewage 0 to .100	$ 85	$ 495
Other nonmunicipal (any flow)	85	1,230

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 permit as defined in part 7001.0010,

subpart 4, a sanitary sewer extension permit, or a general storm water permit.

	Application Fee	Annual Fee
General	$ 85	$260
General Storm	85	270
Sanitary Sewer Extension	240	

REPEALER. Minnesota Rules, part 7002.0260, is repealed.

APPROVED AS TO FORM AND LEGALITY
HUBERT H. HUMPHREY III
ATTORNEY GENERAL
BY: SPECIAL ASSISTANT ATTORNEY GENERAL
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 06 1992

APPROVED AS TO FORM AND LEGALITY

Jan 7 1992

HUBERT H. HUMPHREY, III
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JAN 08 1992

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ADMINISTRATIVE

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Amendment of Rules Governing Water Quality Permit Fees of the Minn. Rules Pts. 7002.0210 to 7002.0310.

AFFIDAVIT OF MAILING THE NOTICE TO ADOPT RULES WITHOUT A PUBLIC HEARING; AND INTENT TO ADOPT RULES WITH A PUBLIC HEARING UPON RECEIVING 25 OR MORE REQUESTS FOR A PUBLIC HEARING.

STATE OF MINNESOTA
COUNTY OF RAMSEY

Scott R. Thompson, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. 14.14 subd. 1a and 14.22 (1990) that their names be placed on the Minnesota Pollution Control Agency's rule hearing mailing list is accurate, complete, and current as of this 12th day of September, 1991.

That on the 12th day of September at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice to adopt rules without a public hearing; and intent to adopt rules with a public hearing upon receiving 25 or more requests for a public hearing. I mailed the aforementioned notices by depositing in the State of Minnesota Central Mail System or in the United States Mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Scott R. Thompson

subscribes and sworn to before me this 13 day of Sept., 1991.

Thomas W. Nash
Notary Public

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NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My commission expires 3-19-95

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STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Governing Water Quality Permit Fees of the
Minn. Rules Pts. 7002,0210 to 7002.0310

AFFIDAVIT OF MAILING ADDITIONAL
DISCRETIONARY NOTICE

STATE OF MINNESOTA
COUNTY OF RAMSEY

Scott R. Thompson, being duly sworn says:

I hereby certify that on the 12th day of September, 1991 at the city of St. Paul, county of Ramsey, state of Minnesota, I mailed the attached Notice to adopt rules without a public hearing; and intent to adopt rules with a public hearing upon receiving 25 or more requests for a public hearing. I mailed the aforementioned notice by depositing it in the state of Minnesota Central Mail System or in the United States Mail for first class mailing a copy thereof, with postage prepaid, to all persons and associations on the attached list who are being notified at the Minnesota Pollution Control Agency's discretion.

Scott R Thompson

Subscribes and sworn to before me

this 16 day of Sept, 1991.

Thomas W. Nash

Notary Public

THOMAS W. NASH
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My commission expires 3-19-95

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City Hall
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Permit Number MN0029599
City Hall
Baudette, MN 56623

The Honorable Jim Steinberg
Mayor, City of WILLIAMS
Permit Number MN0021679
City Hall
Williams, MN 56686

The Honorable C. Gordon Dickie
Mayor, City of CLEVELAND
Permit Number MN0057240
City Hall
Cleveland, MN 56017

The Honorable Roland Wagner
Mayor, City of ELYSIAN
Permit Number MN0041114
City Hall

Elysian, MN 56028

The Honorable Robert Brunson
Mayor, City of LECENTER
Permit Number MN0023931
City Hall
Le Center, MN 56057

The Honorable John King
Mayor, City of LESUEUR
Permit Number MN0022152
City Hall
Le Sueur, MN 56058

The Honorable Harold Miller
Mayor, City of MONTGOMERY
Permit Number MN0024210
City Hall
Montgomery, MN 56069

The Honorable Verdis Flaten
Mayor, City of WATERVILLE
Permit Number MN0025208
City Hall
Waterville, MN 56096

The Honorable Norman Madsen
Mayor, City of ARCO
Permit Number MN0053317
City Hall
Arco, MN 56113

The Honorable Harvey Buckholz
Mayor, City of HENDRICKS
Permit Number MN0021121
City Hall
Hendricks, MN 56136

The Honorable Elliot Sovell
Mayor, City of IVANHOE
Permit Number MN0023825
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The Honorable Anthony DeZeeuw
Mayor, City of LAKE BENTON
Permit Number MN0023884
City Hall
Lake Benton, MN 56149

The Honorable Larry Deboer
Mayor, City of TYLER
Permit Number MN0022039
City Hall
Tyler, MN 56178

The Honorable Glenn Mitzner
Mayor, City of BALATON
Permit Number MN0020559
City Hall
Balaton, MN 56115

The Honorable Tim Fruin
Mayor, City of COTTONWOOD
Permit Number MN0049557
City Hall
Cottonwood, MN 56229

The Honorable Ted DeRoode Jr.
Mayor, City of GHENT
Permit Number MN0039730
City Hall
Ghent, MN 56239

The Honorable John Feda
Mayor, City of MARSHALL
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Minneota, MN 56264

The Honorable Brian Peltier
Mayor, City of LYND
Permit Number MN0052434
City Hall
Lynd, MN 56157

The Honorable Jerald Fulton
Mayor, City of RUSSELL
Permit Number MN0024686
City Hall
Russell, MN 56169

The Honorable Vicent Gawarecki
Mayor, City of TAUNTON
Permit Number MN0047414
City Hall
Taunton, MN 56291

The Honorable Kenneth Anderson
Mayor, City of TRACY
Permit Number MN0021725
City Hall
Tracy, MN 56175

The Honorable Carl Wachter
Mayor, City of BROWNTON
Permit Number MN0022951
City Hall
Brownton, MN 55312

The Honorable Ray Wilkins
Mayor, City of GLENCOE
Permit Number MN0022233
City Hall
Glencoe, MN 55336

The Honorable Paul Ackland
Mayor, City of HUTCHINSON
Permit Number MN0055832
City Hall
Hutchinson, MN 55350

The Honorable Duane Yurek
Mayor, City of SILVER LAKE
Permit Number MN0024902
City Hall
Silver Lake, MN 55381

The Honorable Ellan Kottke
Mayor, City of STEWART
Permit Number MN0053210
City Hall
Stewart, MN 55385

The Honorable Don C Gruggemos
Mayor, City of WINSTED
Permit Number MN0021571
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The Honorable Paul Ackland
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Permit Number MN0056511
City Hall
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The Honorable Eugene Bement
Mayor, City of WAUBUN
Permit Number MN0022110
City Hall
Waubun, MN 56589

The Honorable Jerome Erickson
Mayor, City of ALVARADO
Permit Number MN0021989
City Hall
Alvarado, MN 56710

The Honorable Bruce Anderson
Mayor, City of ARGYLE
Permit Number MN0052451
City Hall
Argyle, MN 56713

The Honorable DelRay Ruud
Mayor, City of GRYGLA
Permit Number MN0040771
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Grygla, MN 56727

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Permit Number MN0052272
City Hall
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Mayor, City of NEWFOLDEN
Permit Number MN0024287
City Hall
Newfolden, MN 56738

The Honorable Donovan Flaagan
Mayor, City of OSLO
Permit Number MN0024431
City Hall
Oslo, MN 56744

The Honorable Lawrence Sunsdahl
Mayor, City of STEPHEN
Permit Number MN0024996
City Hall
Stephen, MN 56757

The Honorable Roy Engh
Mayor, City of WARREN
Permit Number MN0020842
City Hall
Warren, MN 56762

The Honorable Wayne Brolsma
Mayor, City of DUNNELL
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Dunnell, MN 56127

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Permit Number MN0030112
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The Honorable Robert Malliet
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City Hall
Granada, MN 56039

The Honorable Loren Poppe
Mayor, City of NORTHROP
Permit Number MN0024384
City Hall
Northrop, MN 56075

The Honorable Wayne Weber

Mayor, City of SHERBURN
Permit Number MN0024872
City Hall
Sherburn, MN 56171

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Mayor, City of TRUMAN
Permit Number MN0021652
City Hall
Truman, MN 56088

The Honorable Gordon Schawger
Mayor, City of WELCOME
Permit Number MN0021296
City Hall
Welcome, MN 56181

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Permit Number MN0022071
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Trimont, MN 56176

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Mayor, City of COSMOS
Permit Number MN0038792
City Hall
Cosmos, MN 56228

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Permit Number MN0023159
City Hall
Darwin, MN 55324

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City Hall
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Permit Number MN0051365
City Hall
Watkins, MN 55389

The Honorable Leonard Mueller
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Permit Number MN0022845
City Hall
Bock, MN 56313

The Honorable Aaron Batty
Mayor, City of FORESTON
Permit Number MN0047503
City Hall
Foreston, MN 56330

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Permit Number MN0023809
City Hall
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City Hall
Milaca, MN 56353

The Honorable Larry Milton
Mayor, City of ONAMIA
Permit Number MN0052906
City Hall
Onamia, MN 56359

The Honorable Steve Van Hooser
Mayor, City of PRINCETON
Permit Number MN0024538
City Hall
Princeton, MN 55371

The Honorable Wendell Frederickson
Mayor, City of WAHKON
Permit Number MN0047066
City Hall
Wahkon, MN 56386

The Honorable Ronald Lyschik
Mayor, City of BOWLUS
Permit Number MN0020923
City Hall
Bowlus, MN 56314

The Honorable Mark Piekarski
Mayor, City of FLENSBURG
Permit Number MN0023434
City Hall
Flensburg, MN 56328

The Honorable Patricia Spence
Mayor, City of LITTLE FALLS
Permit Number MN0020761

City Hall
Little Falls, MN 56345

The Honorable Patricia Spence
Mayor, City of LITTLE FALLS
Permit Number MN0057762
City Hall
Little Falls, MN 56345

The Honorable Bill Postel
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The Honorable LeRoy Hoheisel
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Permit Number MN0025089
City Hall
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The Honorable Donna Osmundson
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Permit Number MN0021261
City Hall
Adams, MN 55909

The Honorable John O'Rourke
Mayor, City of AUSTIN
Permit Number MN0022683
City Hall
Austin, MN 55912

The Honorable Marvin Foster
Mayor, City of BROWNSDALE
Permit Number MN0022934
City Hall

Brownsdale, MN 55918

The Honorable Randy Stephenson
Mayor, City of DEXTER
Permit Number MN0023183
City Hall
Dexter, MN 55926

The Honorable Larry Hilton
Mayor, City of ELKTON
Permit Number MN0021385
City Hall
Elkton, MN 55933

The Honorable Dorothy Youngblood
Mayor, City of GRAND MEADOW
Permit Number MN0023558
City Hall
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The Honorable Everett Kinter
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Permit Number MN0021041
City Hall
Le Roy, MN 55951

The Honorable Harold Rohne
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Permit Number MN0022101
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The Honorable Fred Licktieg
Mayor, City of ROSE CREEK
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Rose Creek, MN 55970

The Honorable Horst Eggert
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City Hall
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The Honorable Raymond Thompson
Mayor, City of RACINE
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The Honorable William Johnson
Mayor, City of AVOCA
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The Honorable Henry DeKruif
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Permit Number MN0039748
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The Honorable Steve Zens
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The Honorable Mary Magnus
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The Honorable Jean Schumacher
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The Honorable Neal Gilbertson
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The Honorable Edward Suedbeck
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The Honorable Peter Rheaume
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The Honorable David Edwards
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City Hall
Adrian, MN 56110

The Honorable Richard Cotter
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Ellsworth, MN 56129

The Honorable Charles Bartlett
Mayor, City of ROUND LAKE
Permit Number MN0051713
City Hall
Round Lake, MN 56167

The Honorable Gary Wagley
Mayor, City of RUSHMORE
Permit Number MN0025836
City Hall
Rushmore, MN 56168

The Honorable Paul A Grant
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The Honorable Don Visser
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Permit Number MN0021709
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Ada, MN 56510

The Honorable Bruce Somers
Mayor, City of BORUP
Permit Number MN0022853
City Hall
Borup, MN 56519

The Honorable Harold Natwick
Mayor, City of GARY
Permit Number MN0051993
City Hall
Gary, MN 56545

The Honorable Cleighton Hastad

Mayor, City of HALSTAD
Permit Number MN0020770
City Hall
Halstad, MN 56548

The Honorable Jon Leiseth
Mayor, City of HENDRUM
Permit Number MN0021644
City Hall
Hendrum, MN 56550

The Honorable John Hinckley
Mayor, City of PERLEY
Permit Number MN0024481
City Hall
Perley, MN 56574

The Honorable Marvin Sandber
Mayor, City of SHELLY
Permit Number MN0024864
City Hall
Shelly, MN 56581

The Honorable Kermit Cary
Mayor, City of TWIN VALLEY
Permit Number MN0025054
City Hall
Twin Valley, MN 56584

The Honorable Roy Gene Kruger
Mayor, City of BYRON
Permit Number MN0049239
City Hall
Byron, MN 55920

The Honorable Charles Hazama
Mayor, City of ROCHESTER
Permit Number MN0024619
City Hall
Rochester, MN 55901

The Honorable Larry Gray
Mayor, City of STEWARTVILLE
Permit Number MN0020681
City Hall
Stewartville, MN 55976

The Honorable Ronald Stabnow
Mayor, City of BATTLE LAKE
Permit Number MN0051829
City Hall
Battle Lake, MN 56515

The Honorable Richard Hanson
Mayor, City of DALTON
Permit Number MN0023141
City Hall
Dalton, MN 56324

The Honorable Carol A Melcher
Mayor, City of DEER CREEK

Permit Number MN0020281
City Hall
Deer Creek, MN 56527

The Honorable Eugene Stoll
Mayor, City of DENT
Permit Number MN0023175
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The Honorable Donald Kowalski
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The Honorable Kelly Ferber
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The Honorable Lyle Rosenow
Mayor, City of HENNING
Permit Number MN0041131
City Hall
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The Honorable Dean Simpson
Mayor, City of NEW YORK MILLS
Permit Number MN0054330
City Hall
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The Honorable Gary Anderson
Mayor, City of PARKERS PRAIRIE
Permit Number MN0024465
City Hall
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The Honorable James O McDonald
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The Honorable James M. Johnson
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The Honorable David Brown
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Permit Number MN0051861
City Hall
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The Honorable Larry Kruse
Mayor, City of SAINT HILAIRE
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City Hall
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The Honorable Robert Carlson
Mayor, City of THIEF RIVER FALLS AIRPORT
Permit Number MN0044415
City Hall
Thief River Falls, MN 56701

The Honorable Robert Carlson
Mayor, City of THIEF RIVER FALLS
Permit Number MN0021431
City Hall
Thief River Falls, MN 56701

The Honorable Harold Fisher
Mayor, City of ASKOV
Permit Number MN0022616
City Hall
Askov, MN 55704

The Honorable LeRoy Thurn
Mayor, City of FINLAYSON
Permit Number MN0023418
City Hall
Finlayson, MN 55735

The Honorable Tom Cieluch
Mayor, City of HINCKLEY
Permit Number MN0023701
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The Honorable Bill Sauter
Mayor, City of PINE CITY
Permit Number MN0021784
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The Honorable John Wright
Mayor, City of SANDSTONE
Permit Number MN0020371
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The Honorable Gene Feltus
Mayor, City of WILLOW RIVER
Permit Number MN0021971
City Hall

Willow River, MN 55795

The Honorable Oscar Van Essen
Mayor, City of EDGERTON
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The Honorable Howard Paulson
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Hatfield, MN 56135

The Honorable Dorothy Roemeling
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Permit Number MN0021270
Mayor, City of Holland
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The Honorable Myron Koets
Mayor, City of PIPESTONE
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The Honorable Leroy Burch
Mayor, City of RUTHTON
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The Honorable Jeffrey Larson
Mayor, City of CLIMAX
Permit Number MN0023060
City Hall
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The Honorable Douglas Oman
Mayor, City of CROOKSTON
Permit Number MN0021423
City Hall
Crookston, MN 56716

The Honorable Ken Moulds
Mayor, City of EAST GRAND FORKS
Permit Number MN0021814
City Hall
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The Honorable Ronald Nelson
Mayor, City of ERSKINE
Permit Number MN0022527
City Hall
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The Honorable Duane Knutson
Mayor, City of FERTILE
Permit Number MN0052370
City Hall
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The Honorable Steve Williams
Mayor, City of FISHER
Permit Number MN0023426
City Hall
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The Honorable Arvid Clementson
Mayor, City of FOSSTON
Permit Number MN0022128
City Hall
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The Honorable Lynn Nornes
Mayor, City of MCINTOSH
Permit Number MN0020320
City Hall
McIntosh, MN 56556

The Honorable Roger Ruthenberg
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Hon Leo Kalinoski
WINGER
Permit Number MN0046671
City Hall
Winger, MN 56592

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Permit Number MN0052396
City Hall
Cyrus, MN 56323

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The Honorable Greg McIver
Mayor, City of LOWRY
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The Honorable Woodrow Kramer

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The Honorable Doug Strand
Mayor, City of WABASSO
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The Honorable Greg Hansen
Mayor, City of WALNUT GROVE
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The Honorable John Altermah
Mayor, City of WANDA
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The Honorable Maurice Woelfel
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Mayor, City of BUFFALO LAKE
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The Honorable Harvey Kleinhuizen
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The Honorable Mike Johnson
Mayor, City of FAIRFAX
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The Honorable Ron Degner
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The Honorable Albert Nicolai
Mayor, City of HECTOR
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The Honorable John Seehausen
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Permit Number MN0051292
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The Honorable John Stumpf
Mayor, City of OLIVIA
Permit Number MN0020907
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The Honorable William Smith
Mayor, City of RENVILLE
Permit Number MN0020737
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The Honorable Carlyle Harried
Mayor, City of SACRED HEART
Permit Number MN0024708
City Hall
Sacred Heart, MN 56285

The Honorable Dean Purdie
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The Honorable Harold Vosejpka
Mayor, City of LONSDALE
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The Honorable Jack O'Rourke
Mayor, City of MORRISTOWN
Permit Number MN0025895
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The Honorable John Stull
Mayor, City of NORTHFIELD
Permit Number MN0024368
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The Honorable Clifford Boom
Mayor, City of BEAVER CREEK
Permit Number MN0030210
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The Honorable Janyce Baustian
Mayor, City of HARDWICK
Permit Number MN0039713
City Hall
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The Honorable Burdell Bush
Mayor, City of HILLS
Permit Number MN0023698

City Hall
Hills, MN 56138

The Honorable Gordon P Gits
Mayor, City of LUVERNE
Permit Number MN0020141
City Hall
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The Honorable Marilyn Jansen
Mayor, City of MAGNOLIA
Permit Number MN0025712
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The Honorable Art Hoogeveen
Mayor, City of STEEN
Permit Number MN0053406
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The Honorable Jan Geroy
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The Honorable Lyle C. Soucle
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The Honorable Robert C. Olsen
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The Honorable Robert C. Olsen
Mayor, City of BABBITT
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The Honorable Robert Woods
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The Honorable Jack Frahm
Mayor, City of BUHL-KINNEY
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The Honorable Edward Pessenda
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The Honorable Don Simonson
Mayor, City of COOK
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The Honorable Frank Salemo
Mayor, City of ELY
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The Honorable Robert Vlaisavljevich
Mayor, City of EVELETH
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The Honorable Kenneth Stephen
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The Honorable Karl Oberstar Jr.
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STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Governing Water Quality Permit Fees
of the Minn. Rules Pts. 7002.0210 to 7002.0310

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have registered, pursuant to Minn. Stat. § 14.14 (1990) 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 this 9:00 a.m., this 12th day of September 12, 1991.

Scott R. Thompson

Minnesota Pollution Control Agency

Proposed Rule Amendments Governing Water Quality Permit Fees, Minn. Rules Parts 7002.0210 to 7002.0310.

Notice of Intent to Adopt Rules Without a Public Hearing; and Intent to Adopt Rules With Public Hearing Upon Receiving 25 or More Requests For a Public Hearing.

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act in Minn. Stat. §§ 14.22 to 14.28 (1990). The Agency's authority to adopt the rule is set forth in Minn. Stat. § 116.07., subd. 4d (1990); and Minn. Stat. § 16A.128 (1990).

The proposed rules follow this notice. All persons have until 4:30 p.m. on October 18, 1991, to submit comments on the proposed rule amendments. Comments from all interested or affected parties are encouraged. Any person can submit a written request for a public hearing on the rules within the comment period. Each comment should identify the portion of the proposed rules addressed, reason for the comment, and proposed changes.

IF 25 OR MORE PERSONS SUBMIT A WRITTEN REQUEST FOR A PUBLIC HEARING WITHIN THE COMMENT PERIOD A PUBLIC HEARING WILL BE HELD. THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING.

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

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St. Paul, Minnesota 55155
612/296-7223

If 25 or more requests for a public hearing are received, a hearing will be held pursuant to Minn. Stat. § 14.14, subd. 1. The hearing will be held at 520 Lafayette Road, St. Paul, Minnesota, on Wednesday, October 23, 1991, beginning at 9:00 a.m. If necessary, the hearing will continue on additional days. All interested or affected persons are invited to attend the hearing. All interested or affected persons have an opportunity to participate in the rule making process.

If a hearing is not required, the proposed rules may be modified without a public hearing 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.

Minn. Rules pts. 7002.0210 to 7002.0310 provides for the administration of water quality permit fees. The subject of the proposed rule amendments is to increase fees, change the fee schedule, and add storm water permit fees to the schedule. For additional information reference the proposed rules following this notice. One free copy of the proposed rules and statement of need and reasonableness is available from Scott R. Thompson at the address and telephone number stated above.

A STATEMENT OF NEED AND REASONABLENESS (SONAR) includes a summary of all evidence and arguments justifying the need for and reasonableness of the proposed rule amendments. In addition, the SONAR identifies data and information used for preparation of the proposed rules. Copies of the SONAR 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 cost of reproduction.

IF A HEARING IS NOT REQUIRED, this fact will be stated in the rule adoption published by the Agency in the State Register. Upon adoption of the rule, the rule and required supporting documents will be submitted to the Attorney General

for review as to legality and form; to the extent which form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to receive a copy of the rule as adopted, must submit a written request to Scott R. Thompson.

IF A HEARING IS REQUIRED, rule making will proceed in accordance with Minn. Stat. §§ 14.14 to 14.20 and rule parts 1400.0200 to 1400.1200. Questions about these procedures can be directed to Administrative Law Judge Allan Klein, Office of Administrative Hearings, 5th Floor Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, 612/341-7609. The proposed rules are subject to change as a result of the rule hearing process.

All interested or affected persons will have an opportunity to participate in the hearing by asking questions about the SONAR and by presenting oral and written comments about the proposed rules. Comments are most helpful if commenters state objections, or support, of specific provisions in the proposed rules. Comments are helpful if specific alternative rule language is proposed and supported with reasons and data.

A person may present hearing comments on the proposed rules in one, or more of the following ways: 1) Submit written data and comments to the Administrative Law Judge at any time before the start of the hearing; 2) Submit oral or written data at the hearing; and 3) Submit written data to the Administrative Law Judge during the comment period following the hearing. Statements may be submitted without appearing at the hearing.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Written material received during this period shall be available for

review at the office of administrative hearings. The Agency and interested persons may respond to any new information that is submitted. Response must be made in writing within three business days after the submission period ends. No additional evidence may be submitted during this three-day comment period.

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.

The proposed rule amendments 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 rule amendments. Therefore, if you are affected in any manner by the proposed rule amendments, you are urged to participate in the rule hearing process.

YOU ARE HEREBY ADVISED, pursuant to Minn. Stat. § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rule amendments will affect small businesses which hold, or require water quality permits. The proposed rule amendments will increase permit fees approximately 40 percent, change the fee schedule, and add a fee for storm water discharge permittees. The proposed rules do not impose any particular or unreasonable requirements on small businesses.

The Agency estimates that the cost of these rule amendments, for the 1992-1993 biennium immediately following their adoption, to all local public bodies in the state, will be approximately $308,000, which is the total fee increase to municipalities. For the purpose of this estimate, "local public bodies" is defined in Minn. Stat. 14.11 (1990).

Lobbyists must register with State Ethical Practices Board within five working days after commencement of lobbying, as required in Minn. Stat. § 10A. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1990) 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 the 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 612/296-5148.

Dated: August 29,1991

Patricia A. Bloomquist for
Charles W. Williams
Commissioner

policies and procedures for identifying, recording, and reporting losses or thefts and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors shall include the written policies and procedures described in items A to D.

A. A procedure where the oldest approved stock of a drug product is distributed first. The procedure may permit deviation from this requirement, if the deviation is temporary and appropriate.

B. A procedure to be followed for handling recalls and withdrawals of drugs. The procedure shall be adequate to deal with recalls and withdrawals due to:

(1) any action initiated at the request of the Food and Drug Administration or other federal, state, or local law enforcement or other government agency, including the board of pharmacy;

(2) any voluntary action by the manufacturer to remove defective or potentially defective drugs from the market; or

(3) any action undertaken to promote public health and safety by replacing of existing merchandise with an improved product or new package design.

C. A procedure to ensure that wholesale drug distributors prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state, or national emergency.

D. A procedure to ensure that any outdated prescription drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall provide for written documentation of the disposition of outdated drugs. This documentation shall be maintained for two years after disposition of the outdated drugs.

Subp. 10. **Responsible persons.** Wholesale drug distributors shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

Subp. 11. **Compliance with federal, state, and local law.** Wholesale drug distributors shall operate in compliance with applicable federal, state, and local laws and regulations.

Wholesale drug distributors shall permit the board of pharmacy and authorized federal, state, and local law enforcement officials to enter and inspect both their premises and delivery vehicles and to audit their records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law.

Wholesale drug distributors who deal in controlled substances shall register with the board of pharmacy and with the Drug Enforcement Administration, and shall comply with all applicable state, local, and Drug Enforcement Administration regulations.

Subp. 12. **Salvaging and reprocessing.** Wholesale drug distributors are subject to any applicable federal, state, or local laws or regulations that relate to drug product salvaging or reprocessing, including Code of Federal Regulations, title 21, parts 207, 210, and 211, and *Minnesota Statutes*, section 151.39.

Pollution Control Agency

Proposed Permanent Rules Relating to Water Quality Permit Fees

Notice of Intent to Adopt Rules Without a Public Hearing; and Intent to Adopt Rules With Public Hearing Upon Receiving 25 or More Requests for a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.07., subd. 4d (1990); and *Minnesota Statutes* § 16A.128 (1990).

The proposed rules follow this notice. All persons have until 4:30 p.m. on October 18, 1991, to submit comments on the proposed rule amendments. Comments from all interested or affected parties are encouraged. Any person can submit a written request for a public hearing on the rules within the comment period. Each comment should identify the portion of the proposed rules addressed, reason for the comment, and proposed changes.

If 25 or more persons submit a written request for a public hearing within the comment period a public hearing will be held. The hearing will be canceled if fewer than 25 persons request a hearing.

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

Scott R. Thompson
Water Quality Division

Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
612/296-7223

If 25 or more requests for a public hearing are received, a hearing will be held pursuant to *Minnesota Statutes* § 14.14, subd. 1. The hearing will be held at 520 Lafayette Road, St. Paul, Minnesota, on Wednesday, October 23, 1991, beginning at 9:00 a.m. If necessary, the hearing will continue on additional days. All interested or affected persons are invited to attend the hearing. All interested or affected persons have an opportunity to participate in the rule making process.

If a hearing is not required, the proposed rules may be modified without a public hearing 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.

Minnesota Rules pts. 7002.0210 to 7002.0310 provides for the administration of water quality permit fees. The subject of the proposed rule amendments is to increase fees, change the fee schedule, and add storm water permit fees to the schedule. For additional information reference the proposed rules following this notice. One free copy of the proposed rules and statement of need and reasonableness is available from Scott R. Thompson at the address and telephone number stated above.

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The proposed rule amendments 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 rule amendments. Therefore, if you are affected in any manner by the proposed rule amendments, you are urged to participate in the rule hearing process.

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.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1990), "Small business considerations in rulemaking," that the proposed rule amendments will affect small businesses which hold, or require water quality permits. The proposed rule amendments will increase permit fees approximately 40 percent, change the fee schedule, and add a fee for storm water discharge permittees. The proposed rules do not impose any particular or unreasonable requirements on small businesses.

The Agency estimates that the cost of these rule amendments, for the 1992-1993 biennium immediately following their adoption, to all local public bodies in the state, will be approximately $308,000, which is the total fee increase to municipalities. For the purpose of this estimate, "local public bodies" is defined in *Minnesota Statutes* 14.11 (1990).

Lobbyists must register with State Ethical Practices Board within five working days after commencement of lobbying, as required in *Minnesota Statutes* § 10A. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1990) 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 612/296-5148.

Dated: 29 August 1991

Charles W. Williams
Commissioner

Rules as Proposed

WATER QUALITY PERMIT FEES

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, E, and F~~, and H~~.

7002.0220 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **General storm water permit.** "General storm water permit" means a general permit as defined in part 7001.0010, subpart 4, issued to a municipality or nonmunicipal entity that discharges storm water.

Subp. 3b. **Individual storm water permit.** "Individual storm water permit" means a permit as defined in part 7001.0010, subpart 3, governing the discharge of storm water. Fees for this permit are set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

Subp. 4. **Major NPDES facility~~; definition~~.** "Major NPDES facility" means a wastewater treatment discharger designated by the commissioner and the regional administrator of the United States Environmental Protection Agency as part of the annual work plan that is developed in accordance with and that is subject to the public participation requirements of Code of Federal Regulations, title 40, part 35, and subject to review and approval of the agency. The agency and the United States Environmental Protection Agency shall designate the following types of facilities as major NPDES facilities unless the agency and the United States Environmental Protection Agency find that the facility does not have a potential for significantly impacting water quality:

[For text of items A to D, see M.R.]

Subp. 5. **Municipal permit~~; definition~~.** "Municipal permit" means a permit issued to a municipality as defined in part 7001.1020, subpart 18, for the discharge or disposal of wastewater which is five percent or more sewage. Permits issued to municipalities for facilities treating or disposing of waste that is less than five percent sewage shall be considered nonmunicipal permits.

[For text of subp 6, see M.R.]

Subp. 6a. **Sanitary sewer extension permit.** "Sanitary sewer extension permit" means a state disposal system permit for the extension, addition, or change of a municipal sanitary system.

[For text of subps 7 to 9, see M.R.]

7002.0230 FEE DETERMINATION.

The agency shall calculate ~~processing and~~ annual fees based upon the schedule in ~~part~~ parts 7002.0305 and 7002.0310 and shall notify the permittee of the amount due prior to each payment date.

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of the ~~Division of~~ Water Quality Division.

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1 ~~and~~, 2, and 3, shall pay an annual fee for processing of the permit and enforcement of applicable statutes and rules as described in items A to F. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

A. A permittee holding a new or reissued permit after the effective date of the amendments to parts 7002.0210 to 7002.0310 is subject to the fees established in part 7002.0310. A permittee holding an unexpired permit on the effective date of the amendments to those parts shall continue to comply with the payment schedules in part 7002.0305 until the permit expires.

B. A permittee applying for a permit modification according to part 7001.0190, subpart 1, shall pay an additional fee equal to 50 percent of the permittee's annual fee as established in part 7002.0310.

C. A permittee holding an unexpired permit on the effective date of the amendments to parts 7002.0210 to 7002.0310 that applies for the permit modification according to part 7001.0190, subpart 1, shall pay a modification fee as established in part 7002.0305.

D. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.

E. A permittee or applicant for an individual storm water permit must pay fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

F. A permittee holding a general storm water permit that does not require submittal of reports to the agency is exempt from paying the annual fee as defined in part 7002.0310, subpart 3.

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that ~~a basic processing fee or~~ an annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Water Quality, along with the assessed fee. If the director of the Division of Water Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

Permit fees for water quality permits are established in ~~part~~ parts 7002.0305 and 7002.0310.

7002.0305 TABLE, WATER QUALITY PERMIT FEES PAID BY HOLDERS OF UNEXPIRED PERMITS.

Subpart 1. **Major NPDES permit fees.** The following fees shall be paid by major NPDES facility permittees that have paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to the amendments to those parts. The following fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
50 and over	$85	$43,800	$117,000
20 to 49.99	85	19,000	23,400
5 to 19.99	85	8,800	7,500
Up to 4.99	85	4,100	2,800

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B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
20 to 49.99	$85	$18,900	$26,400
5 to 19.99	85	10,500	8,700
Up to 4.99	85	5,400	4,400
Cooling or Mine Pit Dewatering (any flow)	85	10,400	8,700

Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The fees in items A and B shall be paid by a permittee not designated as a major NPDES facility that has paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to the effective date of the amendments to those parts and that has applied for or received a state disposal system permit. The fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Greater than .100	$85	$1,800	$410
0 to .100	85	900	155
Sewage Sludge Landspreading Facilities	85	890	150

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Sewage 0 to .100	$85	$ 880	$145
Other nonmunicipal (any flow)	85	1,825	510

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~~ 85	~~$62,600~~	~~$83,500~~ 135,000
20 to 49.99	~~60~~ 85	~~27,100~~	~~16,700~~ 31,000
5 to 19.99	~~60~~ 85	~~12,500~~	~~5,300~~ 11,000
Up to 4.99	~~60~~ 85	~~5,900~~	~~2,000~~ 4,500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	~~Processing Fee~~	Annual Fee
20 to 49.99	~~$60~~ 85	~~$27,100~~	~~$18,800~~ 34,000
5 to 19.99	~~60~~ 85	~~15,000~~	~~6,200~~ 14,000
Up to 4.99	~~60~~ 85	~~7,700~~	~~3,100~~ 6,500
Cooling or Mine Pit Dewatering (any flow)	~~60~~ 85	~~15,000~~	~~6,200~~ 13,000

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~~ 85	~~$2,610~~	~~$290~~ 1,140
0 to .100	~~60~~ 85	~~1,250~~	~~110~~ 505
Sewage Sludge Landspreading Facilities	~~60~~ 85	~~1,250~~	~~110~~ 500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	~~Processing Fee~~	Annual Fee
Sewage 0 to .100	~~$60~~ 85	~~$1,250~~	~~$110~~ 495
Other nonmunicipal (any flow)	~~60~~ 85	~~2,610~~	~~360~~ 1,230

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 permit as defined in part 7001.0010, subpart 4, a sanitary sewer extension permit, or ~~liquid storage~~ a general storm water permit.

~~A. General, $60;~~

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

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

	Application Fee	Annual Fee
General	$ 85	$260
General Storm	85	270
Sanitary Sewer Extension	240	

REPEALER. *Minnesota Rules*, part 7002.0260, is repealed.

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Stat Authority 116.07 subd 4d

The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of reviewing and acting upon application for agency permits . . . Permit fees shall not include litigation. The agency shall adopt rules under section 16A.128 establishing the amounts and methods of collection of any permit fees collected under the subdivision.

end of comment period Oct 18, 1991

Notice of Intent

missing E 6 - person requesting a ~~her~~ hearing should state his or her name and address . .=

- 4th paragraph on 2nd page has some of the language but more applies to hearing

what about letters to House Appr. & Senate Finance
Sent letters have copies sent on Aug 21, 1991

Fiscal Note

ment fee requirements - obtained approval from Finance and sent letters O.K.

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

12-26-91

December 23, 1991

Ms. Patty Nolte
Assistant Attorney General
Office of the Attorney General
Capital Office Building
Suite 500
525 Park Street
St. Paul, Minnesota 55103

Dear Ms. Nolte:

RE: In the Matter of Proposed Rules Governing Water Quality Permit Fees, Minn. Rules Chapter 7002.

On December 17, 1991, the Minnesota Pollution Control Agency adopted the above-captioned rules. Enclosed for your review are the following:

1. Certificate of Authorizing Resolution.

2. Proposed rule with Revisor of Statutes certificate.

3. Notice of Intent to Adopt Rule without a public hearing, as mailed.

4. Statement of Need and Reasonableness.

5. Submittal letter to Legislative Commission to Review Administrative Rules.

6. Affidavit of Mailing Notice of Intent to Adopt Rule Without a Public Hearing.

7. Affidavit of mailing additional discretionary notice.

8. Certificate of mailing lists.

9. Copy of notice of intent to adopt rule without a public hearing as published in the State Register.

10. Rule as adopted (four copies).

11. Certificate of resolution adopting the rule.

12. Findings of Fact, Conclusions, and Order adopting the rule (two copies).

13. Copies of comments received during the comment period.

14. Declaration of Attorney

RECEIVED
DEC 24 1991
Office of the Attorney General
Government Services Section
Capitol Office Bldg. - Suite 500
525 Park Street
St. Paul, MN 55103

15. Affidavit of sending notice and proposed rules to chairs of House Appropriations and Senate Finance Committees.

16. Order for Hearing.

No person or association requested a copy of the attorney general rule submission notice. For purposes of billing, our attorney general client code is 75.0001.0703. Please call me at (612) 296-7223 if you have any questions.

Sincerely,

Scott R. Thompson
Assessment and Planning
Water Quality Division

SRT:jae

CERTIFICATE OF AGENCY'S AUTHORIZING RESOLUTION

I, Patricia A. Bloomgren, do hereby certify that I am the Assistant 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 27th day of August, 1991, 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 proposes the attached amendments to the rules of the Agency governing water quality permit fees Minn. Rules pts. 7002.0210 to 7002.0310, as supported by the attached Statement of Need and Reasonableness.

BE IT FURTHER RESOLVED, that the Assistant Commissioner of the Minnesota Pollution Control Agency (Agency) is hereby granted the authority and directed to call a hearing for the purpose of amending Minn. Rules Pts. 7002.0210 to 7002.0310, to sign the Notice thereof, 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 in Minn. Stat. 14.07, subd.2 (1990).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of August, 1991.

Patricia A. Bloomgren

PATRICIA A. BLOOMGREN
Assistant 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 pt. 7002.0310

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this proceeding is the amendment of the rules of the Minnesota Pollution Control Agency (hereinafter referred to MPCA, or "Agency") that govern Water Quality Permit Fees. Water Quality Permit Fees are established under Minn. Stat. § 116.07 subd 4d. (1990), Minn. Rules. ch. 7002 are for the administration of the Water Quality Permit Fees.

The goal for having water quality permit fees is to have the regulated community participate with paying the costs of operating the water quality program. Proposed amendments are being made based on legislative directive and the need for an improved fee schedule.

Background:

In 1985 the Legislature required the MPCA to begin collecting money through water quality permit fees. The Agency was directed to cover reasonable costs of administration, enforcement, and regulation of permittees and permit applicants. Minn. Laws 1985, First Special Session, ch. 13 required the Agency to collect $750,000 annually for the Water Quality Division. Based on this mandate the Agency adopted Minn. Rules pts. 7002.0210 to 7002.0310 which relate to water quality permit fees. The effective date of the rules was April 7, 1986.

In 1987 the Legislature increased the required amount of fee collection. Minn. Laws 1987, ch. 404 required the Agency to collect $2,115,585 for the 1987-1989 biennium. Based on this mandate the Agency revised the water quality

permit fee rules in January, 1988, increasing fee amounts to collect additional revenue as required by the Legislature.

In 1989 the Legislature increased the required amount of fee collection. Minn. Laws 1989, ch. 335 required the Agency to collect $2,667,900 for the 1989-1991 biennium. Based on this mandate the Agency revised the water quality permit fee rules in July 1989, increasing fee amounts to collect additional revenue as required by the Legislature.

The 1991 Legislature increased the required amount of permits fees to be collected. Minn. Laws 1991, ch. 254 article 2 section 37, and ch. 347, article 1, section 8. required the Agency to collect $3,842,000 for the 1992-1993 biennium. Based on this mandate the Agency has proposed the following rule amendments.

The proposed fee increases are the result of Legislative directive to replace a portion of the general fund revenue with permit fee revenue in the Water Quality Division, Minn. Laws 1991, ch. 254, part I, section 2, subdivision 2. Additional permit fee revenue will be used to maintain existing service levels, and not used used to increase program services. Permit fee revenues pay for existing agency activities that administer, enforce, and regulate water quality permits. If fee revenues do not increase, the agency would have to reduce services because general fund appropriations have been reduced for the 1992-1993 biennium.

This document contains the Agency's affirmative presentation of facts on the need for, and the reasonableness of the proposed amendments. Section II identifies the Agency's statutory authority for rulemaking. Section III describes the need for amendments to rules. Section IV describes the reasonableness of the proposed amendments.

II. STATEMENT OF AGENCY'S STATUTORY AUTHORITY

The Agency's statutory authority to adopt permit fee rules is established in Minn. Stat. § 116.07, subd. 4d (1990):

> The agency may collect permit fees in amounts not greater than those necessary to cover the 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, permit fee rules were adopted in accordance with Minn. Stat. § 16A.128, subd. 1a, which requires fees to be reviewed regularly and, if necessary, adjusted. The statute specifies, in a relevant part:

> These fees must be reviewed each fiscal year. Unless the commissioner determines that the fee must be lower, fees 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. NEED FOR RULE AMENDMENTS

Minn. Stat. ch. 14 (1990) 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 reasons for its proposal, and 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 has to come to mean that the solution proposed by the Agency is appropriate. The need for the rule amendments is discussed below.

Proposed rule amendments were developed based on Legislative directive from Minn. Law 1991 ch. 254, art. I, section 2, subdivision 2. The 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 in attachment (fiscal note).

Proposed amendments will increase water quality fees approximately 40 percent. The 1991 Legislature appropriated $1,887,000 for fiscal year 1992, and $1,955,000 for fiscal year 1993, or $3,832,000 for the 1991-1993 biennium to the Water Quality Division. This appropriation is from the Special Revenue Fund for direct salary, fringe, supply, and expense costs. Minn. Laws 1991, ch. 254, art. I, section 2, subdivision 2. Of this amount, $1,515,000 for fiscal year 1992 and $1,511,000 for fiscal year 1993, or $3,026,000 for the 1992-1993 biennium is a "base" appropriation to cover established ongoing activities associated with water quality permits. In addition, the Division has reallocated six positions from general fund appropriation funding to special revenue funding.

The 1991 Legislature authorized $296,000 for fiscal years 1992 and 1993, or $592,000 for the 1992-1993 biennium to the Water Quality Division from the Special Revenue Fund for indirect costs. Minn. Laws 1991, ch. 254, art. I, section 2, subdivision 2. Indirect costs are for general operations such as personnel and fiscal services, office space rent, etc.

In addition, the 1991 Legislature appropriated $70,000 for fiscal year 1992 and $144,000 for fiscal year 1993, or $214,000 for the 1992-1993 biennium as an open appropriation for salary supplement. Minn. Laws 1991, ch. 254, art. I, section 2, subdivision 2. The Legislature followed a traditional practice of appropriating funding for salary and fringe benefits based on costs of approved staff complement at the end of the current biennium.

The Legislature does not attempt to predict salary and fringe increases between the state and collective bargaining units representing state employees. Instead, the Legislature establishes an open appropriation for the future salary and fringe increases.

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

	FY 1992	FY 1993	Biennium
Direct appropriation	$1,515,000	$1,511,000	$3,026,000
Indirect appropriation	$296,000	$296,000	$592,000
Salary supplement	$70,000	$144,000	$214,000
Total	$1,881,000	$1,915,000	$3,832,000

The Division is authorized to collect $3,842,000. The authorized number includes loan fees and does not include indirect costs. The listed total -- $3,832,000 -- includes indirect costs, minus loan fees which are not part of this program.

This amount is greater than the previous 1989-1991 biennium total of $2,667,900 which was required to be collected under Minn. Laws 1989, chapter 335. Therefore, based on Legislative directive, it is necessary for the Agency to increase permit fee revenues in the 1992-1993 biennium. The proposed changes are needed to provide the Agency's Water Quality Program sufficient permit revenue as specified in the Minn. Law ch. 254, art. I, section 2, subdivision 2.

Proposed amendments will change the water quality permit fee schedule in part 7002.0310 by combining the processing fee and the annual fee. The current fee schedule has three separate types of fees, an application fee, processing fee, and annual fee. The application fee is paid when a proposed permittee is requesting a permit. The processing fee is paid once every five years and it is intended to cover agency costs of permit processing. The annual fee is paid once annually, and it is intended to cover costs of permit regulation.

The proposed rule amendments would eliminate the processing fee as a separate fee. The new annual fee would be combined with one fifth of the processing fee, and the combined fee would be increased approximately 40 percent. Proposed changes will provide more efficient billing for the agency by having only one annual fee. The "new" annual fee will include processing charges.

The current processing fee is billed to permittees once every five years and the billed amount can be considerably large relative to a permittees annual fee. Agency staff involved with billing have received comments that describe financial hardships brought on by the processing fee billed once every five years. With a combined fee the agency would have to manage only two fee types, an application fee and the annual fee. The proposed changes would simplify the billing process by combining processing charges and annual charges in to one fee.

Another advantage to the proposed changes will be a consistent cash flow in the Water Quality Division's special revenue fund. The special revenue fund receives permit fee revenues and there has been a degree of oscillation with the fund balance because of irregular revenue cycles. Because the processing fee is paid once every five years, and not all permittees and proposed permittees are issued permits on a regular time schedule, revenue enters the fund in unequal cycles.

The proposed changes are needed to provide more efficient billing, consistent cash flow, and simplified billing for permittees and proposed permittees.

Proposed amendments will add the general storm water permit to the fee schedule. The United States Environmental Protection Agency (EPA) is requiring certain municipalities and industries to obtain permits for discharging storm

water. Based on EPA regulations the Agency is responsible for administering storm water permits. The Agency has estimated that 4000 public and private entities will be required to obtain a permit for storm water discharge. Because of the large number of potential permittees, the majority of storm water dischargers will be regulated through general permits. The inclusion of the storm water permit fee is needed to comply with EPA regulations.

IV. REASONABLENESS OF PROPOSED RULE AMENDMENTS

The Agency is required by Minn. Stat. ch. 14 to make an affirmative presentation of facts establishing the need and reasonableness of proposed rule amendments. 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.

A. Reasonableness of the Rules as a Whole: The proposed rules are reasonable because the Legislature has determined that permittees, and proposed permittees are to pay a larger share of the Agency's costs for administering, regulating, and enforcing water quality permits. The proposed rules that change the water quality fee schedule are reasonable because the changes improve efficiency of fee billing for the Agency and the regulated community. The proposed rules that change administration of water quality fees are reasonable because the rules assist the regulated community with a more equitable system of billing fees.

B. Reasonableness of Individual Rules: The following discussion addresses the specific provisions of the proposed rules.

Part 7002.0210 SCOPE.

The Agency proposes to eliminate item H. Item H has been deleted because the fee schedule no longer includes application fees for liquid storage. This change is reasonable because liquid storage fees will be administered by the

Hazardous Waste Division and there is no need for the Water Quality Division to have this fee listed in its fee schedule.

Part 7002.0220 DEFINITIONS.

The Agency proposes to add the following subparts.

Subpart 4 and 5.

The Agency proposes to delete the word "definition." This proposal is reasonable because the word definition is used as a title for part 7002.0220, and there is no need to duplicate the word in each subpart.

Subpart 3a. General Storm Water Permit.

The Agency proposes to add a definition to define "general storm water permit." This proposal is reasonable because the term is used in part 7002.0270 and in part 7002.0310, subpart 3. The definition is reasonable because it is used in the rule, and the term "storm water permit" is not defined anywhere else in the chapter.

Subpart 3b. Individual Storm Water Permit.

The Agency proposes to add a definition to define "individual storm water permit." This proposal is reasonable because the term is used in part 7002.0270 subpart 5 and in part 7002.0310, subpart 2. The definition is reasonable because it is used in the rule, and the term "individual storm water permit" is not defined any where else in the chapter.

Subpart 6a. Sanitary Sewer Extension Permit.

Sanitary Sewer Extension Permit. The Agency proposes to add a definition to define "sanitary sewer extension permit." This proposal is reasonable because the term is used in part 7002.0310, subpart 3. The definition is reasonable because it is used in the rule, and the term "sewer extension permit" is not defined anywhere else in the chapter.

Part 7002.0230 FEE DETERMINATION.

The Agency proposes to add language that indicates the location of the additional fee schedule in the proposed rule amendments. This proposal is reasonable because this rule has two schedules. It is reasonable to direct the reader to the appropriate table.

Part 7002.0240 PAYMENT OF FEES.

The Agency proposes to change rule language which identifies the name of the Water Quality Division. Prior to this rule amendment the official name of the Water Quality Division was changed from Division of Water Quality to Water Quality Division. This proposal is reasonable because it formulates consistent and current title language throughout the rules. The previous rule language referred to the Water Quality Division with its old title.

Part 7002.0260 PROCESSING FEE.

The Agency proposes to delete rule language detailing the processing fee. This proposal is reasonable because the former processing fee has been combined with the annual fee in part 7002.0310. The current processing fee has been billed to permittees and permit applicants once every five years. As a method of reducing the burden of the processing bill on permittees the processing fee was divided by five, and added to the annual fee. The combined processing and annual fee will give permittees and permit applicants a combined bill once a year. This section of the rules is no longer necessary because the processing fee has been combined with the annual fee, and it is therefore reasonable to delete it.

Part 7002.0270 ANNUAL FEE.

The Agency proposes to add language which specifies that the annual fee will contain costs associated with permit processing. This proposal is reasonable because the added language specifies that the annual fee includes

costs associated with permit processing. The proposed language also clarifies what the annual fee is.

The Agency proposes to add the following parts.

A.

The Agency proposes to add language that describes who pays fees established in part 7002.0310, and who pays fees established in part 7002.0305. All permits issued after the adoption of these rules will be subject to the fee schedule in part 7002.0310. All unexpired permits will be subject to the fee schedule in part 7002.0305, until the permit expires. This proposal is reasonable because the added language specifies who will use the fee schedule in part 7002.0310; and who will use the fee schedule in part 7002.0305. Permit fees are reasonable because fees pay for Agency costs of administering permits.

B.

The Agency proposes to add language that describes how the fee for a permit modification will be determined. This proposal is reasonable because the added language provides a simple and concise explanation of how the modification fee will be determined for permittees. Major modifications require additional staff time for review, public notice, and administration. Agency costs attributed to issuance of a major modification are similar to the costs of issuing a new permit. The cost of processing a permit on a routine schedule is addressed within the context of an annual fee. The cost of a permit modification is an additional cost to the Agency, and beyond routine permit processing costs. The proposal is reasonable because the fees pay for Agency costs of processing a major permit modification.

C.

The Agency proposes to add language that identifies the fee for major permit modifications for permittees who have paid a five year processing fee, and have unexpired permits. The former rule language had separate processing and annual fees, and the fee for processing of a major permit modification was based on a percentage of the permit processing fee. This set of rule amendments combines the processing and annual fees which eliminates the need for identifying a permit processing fee in the fee schedule tables. The new "modification processing fee" is based on the old the formula. This subpart identifies the fee which is billed to a permittee with an unexpired permit who requests a permit modification. If a permittee has an unexpired permit, and requests a permit modification, the permittee shall pay the modification fee set in part 7002.0305. In addition, the proposed rule language establishes a payment time frame for paying the modification fee; paid within 30 days of receipt of an invoice from the agency. This is reasonable because the time frame has not been changed from the previous rule as it had been set forth in 7002.0260.

D.

The Agency proposes to add language which specifies that after an existing permit expires, the permittee must begin paying fees as specified in 7002.0310. This proposal is reasonable because the permit term for which the processing fee had already been paid would have passed. The proposed subpart is reasonable because it establishes consistent application of part 7002.0310 as individual unexpired permits expire. When all unexpired permits have expired all permit fees will be based from one schedule; part 7002.0310.

E.

The Agency proposes to add language that specifies the fees for individual storm water permits. The language states that fees set forth in part 7002.0310, subpart 2b, other nonmunicipal, are for individual storm water permittees and applicants. Current individual permits regulating storm water discharges fall into this category. The subpart was added to the rules for two reasons: 1) There is a new storm water permit program which will require more municipalities and industries to apply for storm water permits; and 2) A separate category for general storm water permits was established. It was necessary to distinguish between general permits and individual permits in order to avoid confusion. This part of the rule is reasonable because it clarifies, to the reader, which fee category applies to his permit.

F.

The Agency proposes to add language specifying that permittees under a general storm water permit, not required to submit reports, are exempt from paying the annual fee as defined in part 7002.0310, subpart 3. This is reasonable because the purpose of a general storm water permit annual fee is to recover the Agency's cost of reviewing reports submitted to the Agency, and assess permit compliance. The Agency has estimated that there will be more than 4000 water permit applicants. However, the agency will only assess compliance of permittees who are required to submit reports. Therefore it is reasonable to assess fees only on permits which require compliance monitoring activity by the agency.

Part 7002.0280 NOTIFICATION OF ERROR.

The Agency proposes to delete language that references the basic processing fee which will not exist with the amendment of these rules. This proposal is reasonable because the former statement is no longer true with these rule amendments.

Part 7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

The Agency proposes to add language which states the existence of two fee schedules. Part 7002.0305 is a fee schedule for permittees holding unexpired permits. Part 7002.0310 is for new or reissued permits. This proposal is reasonable because it is necessary to have a fee schedule for unexpired permits along with a fee schedule for new and reissued permits. This proposal is reasonable because holders of unexpired permits have paid a separate processing fee pursuant to previous rule language prior to the 1991 amendments, and therefore, should not pay an annual fee which includes the processing fee. The amount of the permit fee increase is 40 percent on both tables. It is reasonable to have holders of unexpired permits pay the same percentage of fee increase as holders of new and reissued permits.

Part 7002.0305 TABLE WATER QUALITY PERMIT FEES PAID BY HOLDERS OF UNEXPIRED PERMITS.

Subparts 1 and 2.

The Agency proposes to add a fee schedule for holders of unexpired permits. Permittees which have paid a separate processing and annual fee will use the amended fee schedule in part 7002.0305 to pay annual fees and modification fees. The annual fee has been increased 40 percent. The modification fee covers the Agency cost of processing permit modifications as requested by a permittee. The modification fee is based on one half the former processing fee and increased by 40 percent. The current rule identifies the fee for processing a minor modification as 1/2 of the permit processing fee. The 40 percent increase is due to the "across the board" 40 percent increase in this rule. This proposal is reasonable because the processing fee and the annual fees have been combined and listed in part 7002.0310. The modification fee is reasonable because the former practice of basing the modification fees on the processing fee is invalid because there is no longer a separate processing fee. The fee increase is

reasonable because the Legislature directed the Agency to pay more permit administration costs with permit fee revenue. The Agency determined that a 40 percent increase was the adequate amount to meet the Legislative appropriation.

Subpart 3

The Agency proposes to delete this subpart because information in this subpart has been transferred to part 7002.0310 subpart 3. This proposal is reasonable because the information is not applicable, there are not holders of unexpired permits qualifying in part 7002.0305.

Part 7002.0310 WATER QUALITY PERMIT FEE SCHEDULE.

Subparts 1 and 2.

The Agency proposes to add a new fee schedule which reflects the Legislative directive to pay more permit administration costs with permit fee revenue. The fee schedule is a shell of the previous schedule with the following changes. The Processing fee has been combined with the annual fee. One fifth of the former processing fee was combined with the former annual fee. The combined fee was increased 40 percent and listed in the annual fee column. The application fee was increased 40 percent and listed in the application fee column. This proposal is reasonable because the 1991 Legislature directed the agency to collect more permit fee revenue in place of general fund appropriations. The Agency determined that a 40 percent increase was the adequate amount to meet the Legislative appropriation.

Subpart 3.

The Agency proposes to add the annual fee column. The annual fee is based on the cost to the Agency for administering the general, general storm water, and sewer extension permits. In addition, the Agency proposes to add the "General Storm Water" category. This category is based on EPA regulations concerning storm water discharge. Not all permittees will be required to paid

the annual fee; however, all permittees will be required to pay the application fee. This proposal is reasonable because the Agency has been directed by the Legislature to collect more permit administration costs through permit fees.

V. CONCLUSIONS

Based on the foregoing, the proposed amendments to Minn. Rules ch. 7002 are both needed and reasonable.

Dated: August 29, 1991

Charles W. Williams
Commissioner

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : POLLUTION CONTROL AGENCY

DATE : August 6, 1991

TO : John Gunyou, Commissioner
Department of Finance

FROM : Charles W. Williams
Commissioner

PHONE : 296-7301

SUBJECT : FEE SCHEDULE APPROVAL

In accordance with M.S. 16A.128, the fee schedule for the Minnesota Pollution Control Agency's proposed amendments to the water quality permit fee rules is submitted for your review and approval. The attached sheets show the proposed fees, the expected revenues, and the required revenues.

Approval to begin rulemaking procedures is expected from the Agency Board at its August 27, 1991, meeting. In light of the time consuming nature of the overall process, we ask for your prompt consideration and written approval of our request. If you have any questions on this matter, please call Scott Thompson of the Water Quality Division at 296-7223.

CWW:ach

Fiscal Note

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

The Legislature has directed the MPCA to collect more revenues through permit fees to replace a reduction in general fund appropriations.

A. Projected increase in costs resulting form the rule revisions:

FY 92-93 projected total permit fees at present rates	$3,448,750
FY 92-93 projected total permit fees at revised rates	$3,842,000
Projected increase	$ 393,250

The projected increase is based on a 40 percent increase to all Water Quality Permit fees.

B. Statutory authority for the rule revisions:

Minn. Stat. 116.07, subd. 4d and 16A.128 (1990)

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

Permit fees will be charged in 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 changed by the Legislature.

Notes:

1) Current fee rules include a one-time application fee, a one-time processing fee, and an annual fee for each of the following five years following permit issuance.

2) New fee rules include a one-time application fee and an annual fee. (The new annual fee is composed of the previous annual fee amount, plus one fifth of the previous processing fee amount, and increased by 40 percent.)

3) The following estimates include the new general permit category of General Stormwater permits. Approximately 4,000 general stormwater permittees will be required to pay an application fee, and an estimated 800 will be required to pay the annual fee.

Charles W. Williams
Commissioner

WATER QUALITY DIVISION ESTIMATE OF REVENUES FROM REVISED PERMIT FEE SCHEDULE

Facility Type	Existing Annual Fee	Existing Processing Fee	Proposed Annual/Proc. Combined Fee	Total Permits in Cat.	FY 1992* Estimated Collection	FY 1993* Estimated Collection	Amount Estimated in Biennium
Major NPDES							
Municipal							
50 & over	83,500	62,600	135,000	1	116,100	116,100	
20 - 49.99	16,700	27,100	31,000	3	85,570	85,400	
5 - 19.99	5,300	12,500	11,000	11	89,220	96,320	
Up to 4.99	2,000	5,900	4,500	38	118,895	130,795	
Non-Municipal							
20 - 49.99	18,800	27,100	34,000	1	34,085	34,000	
5 - 19.99	6,200	15,000	14,000	5	48,885	54,185	
Up to 4.99	3,100	7,700	6,500	9	43,620	47,920	
Cool/Dewater	6,200	15,000	13,000	13	121,870	134,855	
Non-Major NPDES							
Municipal							
> .100	290	2,610	1,300	140	83,580	108,780	
0 - .100	110	1,250	500	315	75,915	97,650	
Sludge	110	1,250	490	58	13,610	17,715	
Non-Municipal							
0 - .100	110	1,250	480	72	16,900	21,450	
Other	360	2,610	1,200	669	439,690	533,440	
General**	0	0	260	300	83,100	83,100	
Stormwater (New Cat.)***	0	0	270	4,000	340,000	216,000	
Extensions	0	0	240	500	102,500	120,000	
Subtotal				→	$1,813,540	$1,897,710	$3,711,250
Estimate of Late Payments from FY 1991 and Permit Modifications							150,000
Grand Total							$3,861,250

* Includes New Application Fee of $85. Previous Application Fee was $60.

** In addition to paying at new Application Fee rate, this catagory will begin paying an annual amount as well.

*** It is estimated that only 800 in this catagory will require an annual fee after review of applications.

[Note - Processing fees are assessed on a five-year permit reissuance cycle, and "Estimated Collection" figures represent yearly averages.]

July 1991

Department: of Finance

STATE OF MINNESOTA

Office Memorandum

Date: August 13, 1991

To: Charles W. Williams, Commissioner
Pollution Control Agency

From: Bruce J. Reddemann, Director BJR.
Budget Operations

Phone: 296-5188

Subject: Water Quality Permit Fees for F.Y. 1992

The Water Quality Permit Fees as shown on the attached pages in the proposed rule language are approved for fiscal year 1992.

cc: Doug Watnemo
Scott Thompson
Glenn Olson

Pollution Control Agency

Proposed Permanent Rules Relating to Water Quality Permit Fees

Rules as Proposed

WATER QUALITY PERMIT FEES

7002.0210 SCOPE.

Parts 7002.0210 to 7002.0310 apply to all persons required to obtain a permit from the Minnesota Pollution Control Agency as described in part 7001.0020, items C, E, and F~~,~~ ~~and~~ H.

7002.0220 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **General storm water permit.** "General storm water permit" means a general permit as defined in part 7001.0010, subpart 4, issued to a municipality or nonmunicipal entity that discharges storm water.

Subp. 3b. **Individual storm water permit.** "Individual storm water permit" means a permit as defined in part 7001.0010, subpart 3, governing the discharge of storm water. Fees for this permit are set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

Subp. 4. **Major NPDES facility~~,~~ ~~definition~~.** "Major NPDES facility" means a wastewater treatment discharger designated by the commissioner and the regional administrator of the United States Environmental Protection Agency as part of the annual work plan that is developed in accordance with and that is subject to the public participation requirements of Code of Federal Regulations, title 40, part 35, and subject to review and approval of the agency. The agency and the United States Environmental Protection Agency shall designate the following types of facilities as major NPDES facilities unless the agency and the United States Environmental Protection Agency find that the facility does not have a potential for significantly impacting water quality:

[For text of items A to D, see M.R.]

Approved by Revisor

Subp. 5. **Municipal permit~~;-definition~~.** "Municipal permit" means a permit issued to a municipality as defined in part 7001.1020, subpart 18, for the discharge or disposal of wastewater which is five percent or more sewage. Permits issued to municipalities for facilities treating or disposing of waste that is less than five percent sewage shall be considered nonmunicipal permits.

[For text of subp 6, see M.R.]

Subp. 6a. **Sanitary sewer extension permit.** "Sanitary sewer extension permit" means a state disposal system permit for the extension, addition, or change of a municipal sanitary system.

[For text of subps 7 to 9, see M.R.]

7002.0230 FEE DETERMINATION.

The agency shall calculate ~~processing and~~ annual fees based upon the schedule in ~~part~~ parts 7002.0305 and 7002.0310 and shall notify the permittee of the amount due prior to each payment date.

7002.0240 PAYMENT OF FEES.

A person submitting a fee shall make the fee payable to the "Minnesota Pollution Control Agency" and submit it to the director of the ~~Division of~~ Water Quality Division.

7002.0270 ANNUAL FEE.

All persons required to obtain a permit listed in part 7002.0310, subparts 1 ~~and~~, 2, and 3, shall pay an annual fee for processing of the permit and enforcement of applicable statutes and rules as described in items A to F. The annual fee shall be paid within 30 days of receipt of an invoice from the agency.

A. A permittee holding a new or reissued permit after the effective date of the amendments to parts 7002.0210 to 7002.0310 is subject to the fees established in part 7002.0310. A permittee holding an unexpired permit on the effective date of the amendments to those parts shall continue to comply with the payment schedules in part 7002.0305 until the permit expires.

Approved by Revisor _____

B. A permittee applying for a permit modification according to part 7001.0190, subpart 1, shall pay an additional fee equal to 50 percent of the permittee's annual fee as established in part 7002.0310.

C. A permittee holding an unexpired permit on the effective date of the amendments to parts 7002.0210 to 7002.0310 that applies for the permit modification according to part 7001.0190, subpart 1, shall pay a modification fee as established in part 7002.0305.

D. An applicant for reissuance of an expired permit under part 7001.0160 must pay fees set in part 7002.0310.

E. A permittee or applicant for an individual storm water permit must pay fees set in part 7002.0310, subpart 2, item B, under "other nonmunicipal."

F. A permittee holding a general storm water permit that does not require submittal of reports to the agency is exempt from paying the annual fee as defined in part 7002.0310, subpart 3.

7002.0280 NOTIFICATION OF ERROR.

A person who thinks that ~~a basic processing fee or~~ an annual fee for a specific facility is in error shall provide written notice of the error to the director of the Division of Water Quality, along with the assessed fee. If the director of the Division of Water Quality finds, upon reviewing the data, that the assessed fee was in error, the overpayment shall be refunded to the permittee or credited to the permittee's account.

7002.0300 WATER QUALITY PERMIT FEE SCHEDULE.

Permit fees for water quality permits are established in ~~part~~ parts 7002.0305 and 7002.0310.

7002.0305 TABLE, WATER QUALITY PERMIT FEES PAID BY HOLDERS OF UNEXPIRED PERMITS.

Subpart 1. **Major NPDES permit fees.** The following fees shall be paid by major NPDES facility permittees that have paid separate processing and annual fees under parts 7002.0210 to

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7002.0310 prior to the amendments to those parts. The following fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
50 and over	$85	$43,800	$117,000
20 to 49.99	85	19,000	23,400
5 to 19.99	85	8,800	7,500
Up to 4.99	85	4,100	2,800

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
20 to 49.99	$85	$18,900	$26,400
5 to 19.99	85	10,500	8,700
Up to 4.99	85	5,400	4,400
Cooling or Mine Pit Dewatering (any flow)	85	10,400	8,700

Subp. 2. **Nonmajor NPDES and state disposal permit fees.** The fees in items A and B shall be paid by a permittee not designated as a major NPDES facility that has paid separate processing and annual fees under parts 7002.0210 to 7002.0310 prior to the effective date of the amendments to those parts and that has applied for or received a state disposal system permit. The fees shall be paid during the remaining term of the permit.

A. Municipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Greater than .100	$85	$1,800	$410
0 to .100	85	900	155
Sewage Sludge Landspreading Facilities	85	890	150

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Modification Fee	Annual Fee
Sewage 0 to .100	$85	$ 880	$145
Other nonmunicipal			

Approved by Revisor _____

(any flow)	85	1,825	510

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 85	~~$62,600~~	~~$83,500~~ 135,000
20 to 49.99	~~60~~ 85	~~27,100~~	~~16,700~~ 31,000
5 to 19.99	~~60~~ 85	~~12,500~~	~~5,300~~ 11,000
Up to 4.99	~~60~~ 85	~~5,900~~	~~2,000~~ 4,500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
20 to 49.99	$60 85	~~$27,100~~	~~$10,000~~ 34,000
5 to 19.99	~~60~~ 85	~~15,000~~	~~6,200~~ 14,000
Up to 4.99	~~60~~ 85	~~7,700~~	~~3,100~~ 6,500
Cooling or Mine Pit Dewatering (any flow)	~~60~~ 85	~~15,000~~	~~6,200~~ 13,000

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 85	~~$2,610~~	~~$290~~ 1,140
0 to .100	~~60~~ 85	~~1,250~~	~~110~~ 505
Sewage Sludge Landspreading Facilities	~~60~~ 85	~~1,250~~	~~110~~ 500

B. Nonmunicipal permits:

Design Flow in Million Gallons per Day (MGD)	Application Fee	Processing Fee	Annual Fee
Sewage 0 to .100	$60 85	~~$1,250~~	~~$110~~ 495
Other nonmunicipal (any flow)	~~60~~ 85	~~2,610~~	~~360~~ 1,230

Subp. 3. **Other water quality permit fees.** The following

Approved by Revisor _____

application fees shall be paid by a permittee that has applied for or received a general permit as defined in part 7001.0010, subpart 4, a sanitary sewer extension permit, or ~~liquid-storage~~ a general storm water permit.

~~A.--General,-$60,~~

~~B.--Sewer-extension,-$170,-and~~

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

	Application Fee	Annual Fee
General	$ 85	$260
General Storm	85	270
Sanitary Sewer Extension	240	

REPEALER. Minnesota Rules, part 7002.0260, is repealed.

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

CERTIFICATE OF RESOLUTION ADOPTING RULES

I, Charles W. Williams, do hereby certify that I am the Commissioner of the Minnesota Pollution Control Agency (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 Agency duly and properly called and held on the 17th day of December, 1991, 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 Agency hereby approves and adopts the amendments to rules governing Water Quality Permit Fees pursuant to the authority vested in the Agency by Minn. Stat. § 116.07, subd. 4d (1990).

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 (1990).

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 18th day of December, 1991.

Patricia A. Bloomquist

Charles W. Williams
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 Pts. 7002.0210 to 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 (MPCA) on the 17th day of December, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the MPCA, in accordance with statutory requirements regarding the adoption of noncontroversial rule, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the MPCA, 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 with a dual notice was sent by mail to the Chairs of the House Appropriations and Senate Finance Committees on August 28, 1991, and was published in the State Register on September 16, 1991, and was sent by mail to all water quality permittees and all persons on the list maintained by the MPCA pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1990) on September 12, 1991.

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 October 18, 1991.

4. During the comment period the MPCA received 13 requests for public hearing. Therefore, the MPCA did not receive request for a public hearing from 25 or more persons and the public hearing was withdrawn.

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

6. During the comment period the MPCA received, including the 13 hearing requests, 27 total written comments.

7. The MPCA adopts the Statement of Need and Reasonableness, with the following addition to page 3 and 4, under Section III. NEED FOR RULE AMENDMENTS, as the factual basis for the proposed rules. The addition is to clarify the MPCA's authorizing appropriation pertaining to the permit fee rule amendments.

Minn. Laws 1991, ch. 254, art. I, section 2, subdivision 2 (as cited in the original SONAR) is the authorizing appropriation for the Water Quality Division. This appropriation was requested from the 1991 Legislature with the Water Quality permit fees as the revenue source supporting the request. All appropriations requests from the Environmental Fund must be presented with an equal revenue source in order for the fund to be sustained. This is reflected in the fund statements which are prepared as supporting documentation to the legislature.

The MPCA is authorized to raise permit fees based on the above-mentioned criteria, and the fee increase is concurrent with the policy directive of the authorizing appropriation.

The MPCA 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 MPCA 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 pts. 7002.0210 to 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 (1990).

Dated:

MINNESOTA POLLUTION CONTROL AGENCY

Patricia A. Bloomgren for
Charles W. Williams
Commissioner

July 15, 1991

Water Quality Fee Targets

	92	93
Biennial Budget Base-Fees	$1,155,000	$1,151,000
Biennial Budget Base-Rev. Loan	302,000	300,000
Salary Inflation	70,000	144,000
Transfer from General Fund	360,000	360,000
Total Division	$1,887,000	$1,955,000
ADD: Agency Indirect Costs		
W.Q. Fee Program	296,000	296,000
Revolving Loan Program	110,000	110,000
TOTAL FEE TARGET PER FISCAL YEAR	$2,293,000	$2,361,000

* The salary inflation may be allocated between the two programs at the discretion of the division.

Balance forward from the 1990-1991 biennium is -$55,423.
(see attached fee statement)

STATEMENT FOR ALL MPCA FEES

	ACT 1989	ACT 1990	EST 1991	GOV REC 1992	GOV REC 1993
ACTUAL AND ESTIMATED RESOURCES					
Balance Forward-In	0	0	-241	-297	0
Prior Year Adjustments				297	
Adjusted Balance Forward	0	0	-241	0	0
Receipts					
Department Earnings		3,333	4,303	6,959	9,098
Interest on Investments					
Other					
Total Receipts	0	3,333	4,303	6,959	9,098
Revenue Refunds		14			
Net Receipts	0	3,319	4,303	6,959	9,098
Total Resources Available	0	3,319	4,062	6,959	9,098
ACTUAL AND ESTIMATED USES					
Expenditures					
Pollution Control					
Water Quality Fees		1,054	1,436	1,887	1,955
Air Quality Fees		591	618	2,008	4,006
Hazardous Waste Fees		1,156	1,342	1,740	1,813
Groundwater Solid Waste Fees				360	360
Agency Indirect		720	854	925	925
Low Level Radioactive Waste Fees		25	39	39	39
Fee Refunds		14			
Resource Recovery-Oper. Trng.			70		
Total Expenditures	0	3,560	4,359	6,959	9,098
Total Uses	0	3,560	4,359	6,959	9,098
Balance Forward-Out	0	-241	-297	0	0

Minnesota Asphalt Pavement Association
900 Long Lake Road, Suite 202, New Brighton, MN 55112
Phone: 612-636-4666 FAX: 612-636-4790

1991 Board of Directors

John Erickson, President
Joe McCrossan, Vice President
Bob Ulland, Secretary/Treasurer
Dave Bauerly
Rich Carron
Harris Duininck
Steve Hall
Matt Hindermann
Wayne Monson
Jon Pederson
Dick Peterson
David S. Holt, P.E., Executive Vice President
Kenneth G. Paulson, P.E., Staff Engineer
Gordon M. Fay, Governmental Liaison
Ann Perry, Office Manager

September 24, 1991

RECEIVED
SEP 2 ? 1991
M.P.C.A.
WATER QUALITY DIV

Mr. Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Dear Mr. Thompson:

I would like to comment on the proposed permanent rules relating to water quality permit fees, on behalf of the Minnesota Asphalt Pavement Association and its many members now covered by a general permit and the many more soon to be covered by a general Storm Water permit.

We worked very closely with MPCA in the development of a general permit, SDS permit MN G490000, for asphalt wet scrubber waste water systems. This was a long and arduous procedure and at its conclusion, permits were priced at $60. As I understand it, the permit is valid until 1995.

We now strongly object to an annual fee of $260 as is being proposed. At the very least, it would seem a grandfathering in would be in order.

I would also like to comment on the proposed $270 annual fee for a storm water permit. While the details of this permit are still in the works it seems an arbitrary number. As I understand this process, the testing that may be required and test data produced will probably remain in the files of the facility being tested, for review by MPCA personnel if need be. I fail to se the merit of a $270 annual fee to accomplish that goal.

I believe that the storm water fee schedule should be left open until details are worked out, the number of permits determined and the potential work load to be financed. As it now stands, the $270 annual figure is a shot in the dark, and I urge you to reconsider.

Sincerely,

MINNESOTA ASPHALT PAVEMENT ASSN

David S. Holt

David S. Holt, P.E.
Executive Vice President

DSH/ap

Metropolitan Waste Control Commission
Mears Park Centre, 230 East Fifth Street, St. Paul, Minnesota 55101
612 222-8423

RECEIVED
OCT 16 1991
M.P.C.A.
WATER QUALITY DIV.

October 14, 1991

Mr. Scott Thompson
Assessment and Planning Section
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

SUBJECT: PROPOSED WATER QUALITY FEE RULES

Dear Mr. Thompson:

The Metropolitan Waste Control Commission holds 18 NPDES permits in Minnesota, and therefore, is an affected party in the amendment of the fee rules, and any increases in fees which are proposed.

Staff of the MWCC have reviewed the proposed amendments to the water quality fee rules and have the following comments on the SONAR as well as the rules themselves.

1. Comment. SONAR, p.4, paragraph 2. The SONAR states that the 1991 Legislature authorized funding to the Water Quality Division from the Special Revenue Fund for indirect costs in Minn. Laws 1991, ch. 254, art. I, section 2, subdivision 2. A review of subdivision 2 shows no such authorization, and discussions with the Office of Revisor of Statutes indicated that there is no Revenue Fund appropriation in subd. 2. Subsequent discussions between you and Melba Hensel of MWCC resolved the confusion, and you concurred that the fact that part of the "Environmental Fund" appropriations in subd. 2 are actually from the Special Revenue Fund could have been stated more clearly.

2. Comment. SONAR, p.4, paragraph 3. The SONAR states that the 1991 Legislature authorized an open appropriation for salary supplement. A review of subdivision 2 shows no such appropriation, and discussions with the Office of Revisor of Statutes indicated no open appropriation for salary supplement in subd. 2. Similar to Comment 1. above, the open appropriation for salary supplement is actually part of the "Environmental Fund" appropriation in subd. 2.

3. Comment. SONAR, p.6, paragraph 3. The SONAR states that the proposed fee structure changes will result in a consistent cash flow to the special revenue fund. If permits were issued in a timely manner every five years without being allowed to expire, the Agency would be receiving its funds on a consistent and predictable basis. However, the delays in permit reissuance result in failure to meet biennial revenue forecasts.

4. Comment. SONAR. The MWCC raises its concern that there is no hourly or permit-by-permit breakdown on actual expenditures for permit issuance and administration. We suggest that when an application is received, Water Quality Division staff estimate the number of work-hours needed for permit issuance to help assure the regulated community that permits will be reissued in a timely manner. It would not be difficult for staff to account for hours spent working on specific major facility permits, or categories of minor permits. The Water Quality Division would then have more supporting information for future fee increase proposals.

5. Comment. Part 7002.0270. We would propose the following for a clarification to the rules as Item G:

"G. A permit modification which is initiated by the Division of Water Quality due to changes in rules or errors in content of existing permits shall not be subject to the modification fee in Item B. and C. above."

Reason: The rule should clarify that if the Agency is making a modification of a permit to correct an error, the permittee is not subject to the modification fee.

6. Comment. Part 7002.0300, Part 7002.0310. The incorporation of the permit processing fee into the annual fee results in the possibility that permittees will be paying a fee for a service (permit processing.) that they are not receiving because the permits so frequently expire before a new permit is issued. Minn. Rules part 7002.0260 already contains a provision for dividing the processing fee into annual installments. It appears that this provision could have been expanded upon to be available to more dischargers as a means of changing the payment system.

Should you have any questions regarding our comments, contact Rebecca Flood, MWCC's Regulatory Compliance Manager, at 229-2073.

Sincerely,

Helen Boyer DCA

for Gordon O. Voss
Chief Administrator

GOV:MMH:jl

cc: Mark Thompson Neil Haugerud

DEPARTMENT : HEALTH

STATE OF MINNESOTA

Office Memorandum

DATE : October 8, 1991

TO : Gary L. Englund, P.E., Chief
Section of Water Supply
and Well Management

FROM : Edwin H. Ross, Assistant to the Chief
Section of Water Supply
and Well Management

PHONE : 627-5126

SUBJECT : MPCA Proposed Rule Amendments Governing Water Quality Permit Fees, Minnesota Rules, Parts 7002.0210 to 7002.0310

Review of the above-referenced document indicates the agency will adopt rules for fees without a hearing unless 25 or more request a public hearing.

The notice does not contain the language of the proposed rule.

Information in the notice does not appear to be of significant environmental health concern unless the MPCA role in protecting environmental health cannot be carried out without the funds to be raised by the fees.

EHR:tvs

DEPARTMENT : HEALTH

STATE OF MINNESOTA

Office Memorandum

DATE : October 9, 1991

TO : Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency

FROM : Gary L. Englund, P.E., Chief
Section of Water Supply
and Well Management

PHONE : 627-5133

SUBJECT : MPCA Proposed Rule Amendments Governing Water Quality Permit Fees, Minnesota Rules, Parts 7002.0210 to 7002.0310

Attached, for your information, is the review of the above project completed by Ed Ross of my Staff. If the issues in the memorandum have been addressed during the review process, no further response to this office is necessary.

GLE:tvs
Attachment

RECEIVED
OCT 17 1991
M.P.C.A.
WATER QUALITY DIV.

Dear Sir:

I been reading about the cost of water quality permits going up.

I am a resident of Hatfield, Mn.. We have 16 households in Hatfield. There is less than 1 million gallons of flow per year through our system. The smallest permit is for 4.99 millon per day at a charge of $4550. You divide 4550 by 16 we would have to pay 285 per year per household just for the permit. We would have to pay $30 per month just to cover expenses.

The state has told us that we have to build a slush fund to up grade our system some day.

We did a survey in the Hatfield and 52% are low income households. I don't know how we could pay these kinds of rates.

I definitely think this has to be talked about!!

VERY CONCERNED

Ernest Prato

RECEIVED
OCT 17 1991
M.P.C.A.
WATER QUALITY DIV.

Dear Sir:

I been reading about the cost of water quality permits going up.

I am a resident of Hatfield, Mn.. We have 16 households in Hatfield. There is less than 1 million gallons of flow per year through our system. The smallest permit is for 4.99 millon per day at a charge of $4550. You divide 4550 by 16 we would have to pay 285 per year per household just for the permit. We would have to pay $30 per month just to cover expenses.

The state has told us that we have to build a slush fund to up grade our system some day.

We did a survey in the Hatfield and 52% are low income households. I don't know how we could pay these kinds of rates.

I definitely think this has to be talked about!!

VERY CONCERNED

Geo. F. Power

Working for the Nature of Tomorrow®

NATIONAL WILDLIFE FEDERATION

Great Lakes Natural Resource Center
802 Monroe St., Ann Arbor, MI 48104

(313) 769-3351
FAX (313) 769-1449

RECEIVED
NOV 12 1991
M.P.C.A.
WATER QUALITY DIV.

November 6, 1991

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Dear Mr. Thompson:

Please send one copy each of the following reports. These reports were noted in the Minnesota Pollution Control Agency's "Notice of Intent to Adopt Rules Without a Public Hearing."

1. "Proposed Rule Amendments Governing Water Quality Permit Fees, Minn. Rules" Parts 7002.0210 to 7002.0310

2. "A Statement of Need and Reasonableness (SONAR)"

Thank you very much.

Yours truly,

Beth Vaina

Beth Vaina

BAV/bv

Printed on recycled paper

City of Granite Falls

885 Prentice
Granite Falls, MN 56241-1598
Phone 612-564-3011

Office of the City Manager

FAX 612-564-3013

RECEIVED
OCT 17 1991
M.P.C.A.
WATER QUALITY DIV.

15 October 1991

Mr. Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: REQUEST FOR PUBLIC HEARING RELATIVE TO WATER QUALITY PERMIT FEES
MINN. RULES PARTS 7002.0210 TO 7002.0310

Dear Mr. Thompson:

Please accept this letter as a formal request for a public hearing relative to the above-mentioned proposed rule amendment. The City of Granite Falls strongly objects to the proposed increases in water quality permit fees as indicated in the proposed rules. It is the City's understanding that the new rate structure calls for a 40% increase in permit fees. However, there appears to be no indication as to who would be affected by the increases nor what methodologies were used in determining this adjustment. In addition, justification for this increase does not appear to be consistent with the Legislature's intent to reduce the budget of state agencies. All cities throughout the state of Minnesota were greatly affected by reductions in local government aid payments yet we are still subject to a 3% levy limit. Giving an agency a blank check to make substantial increases in permit fees to offset legislative cutbacks is totally unacceptable.

Further, there is no indication as to what these funds would be used for. This is simply one more hidden cost that cities are expected to squeeze into an already restricted budget.

With only two categories of permits, this places an unfair burden on both small cities and our small industries. The only part of the proposed rules that appear reasonable would be to change 5-year processing fee to an annual billing. Please note that in comparing permit fees paid by the City of Granite Falls in 1990 to those paid in 1991, the City has already experienced an increase in excess of 20%.

While the proposed rules indicate that if revenues do not increase the agency would have to reduce services because general fund appropria-

tions have been reduced for the 1992-1993 biennium, there is no indication as to what these service reductions would be. Reducing services is nothing new to municipalities in greater Minnesota. We have had to do with less for the past three years.

The rules also mention that the division has reallocated six positions from general fund appropriation funding to special revenue funding. The question would be asked as to what these positions were and could they not have been eliminated. Further, the rules mention that the legislature established an open appropriation for future salary and fringe increases. What is the open appropriation based on? What has the agency proposed for future salary and fringe benefit increases? Again, there is no indication as to who would be affected should the "General Storm Water" permit fee be added to the schedule.

In addition, on page 7 of the proposed rules there is an indication that the agency has estimated that 4000 public and private entities would be required to obtain a permit for storm water discharge. How was this figure arrived at? Again, there is no methodologies indicated as to what criteria was used to select the entities that would be affected.

Please advise as to whether or not an adequate number of written requests have been received relative to the scheduling of a public hearing. The City would formally request any additional information relative to the propose rule amendments.

Very truly yours,

William P. Lavin
City Manager

WPL:mb

minnetonka

RECEIVED
OCT. 0 4 1991
M.P.C.A.
WATER QUALITY DIV

September 27, 1991

Mr. Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Proposed Rule Amendments Governing Water Quality
Permit Fees, Minn. Rules Parts 70002.0210 to 7002.0310

Dear Mr. Thompson:

I have received a notice of intent to adopt rules without a public hearing and subsequently the statement of need and reasonableness and the proposed amendments. The purpose of this letter is to request that the hearing be held and to submit my comments.

In reviewing the information provided, I can sympathize with MPCA in terms of having to operate under legislative mandate. By mandating a specific revenue amount which MPCA must attain through its fee structure, it appears as though you are being required to estimate the number of permits that will be active during the upcoming biennium and assign proportionate fees that will result in the required revenue amount. Because of the small number of NPDES permits currently active and the confusion that the USEPA rules have generated with respect to how they will be applied, the issuance or renewal of fewer permits will result in insufficient revenue and the issuance or renewal of more permits will result in a state windfall at the expense of private parties and local taxpayers. Additionally, there is no indication that the proposed fees relate in any way to the costs that MPCA incurs to process and monitor permits. Given that it appears this revenue is to replace funds that the legislature is no longer allocating, and that your staff is already insufficient to process and issue the small number of permit applications currently received, the net result appears to be the creation of private and municipal subsidies to finance state responsibilities.

In addition to the general philosophical problem that this approach raises, the uncertainty of how NPDES regulations will apply to Minnetonka when viewed in the context of the proposed permit fees is of great concern. In reviewing our Storm Water Management Plan, I have found that the City of Minnetonka has currently defined 753 subwatersheds which arguably discharge into waters of the United States. Again, because of the uncertainty as to how NPDES regulations will apply to Minnetonka, it appears as though application of this fee structure could result in annual payments to MPCA of between $675,000 and $2,100,000. While I'm sure such is not the intent, it certainly appears as though the possibility exists. I do not believe that most municipalities would want such a potential to exist in MPCA regulations. Certainly Minnetonka does not.

On behalf of the City of Minnetonka, I am requesting that MPCA suspend the rule making process and advise the legislature that an appropriate fee schedule cannot be established in such a context. If you feel that sufficient safeguards are or can be put in place to protect the financial interests of local units of government and their taxpaying constituents, I would appreciate it if that information could be furnished to me and to the other cities within Minnesota so that each can individually determine whether or not its interests are being adequately protected.

The basic legislative process with respect to this issue is faulty. Short of referring the entire matter back to the legislature for reasonable direction, I would appreciate a response to the issues I have raised.

Sincerely,

David J. Sonnenberg, P.E.
Director of Engineering

DJS/ph

cc: Mayor and Members of the City Council
Mr. W. Peter Enck, Chairman
Bassett Creek Water Management Commission
Mr. Conrad Fiskness, President
Riley-Purgatory-Bluff Creek Watershed District
Ms. Aileen Kulak, President
Nine Mile Creek Watershed District
Mr. James R. Spensley, President
Minnehaha Creek Watershed District

MIDWEST FOOD PROCESSORS ASSOCIATION, INC.

502 E. MAIN STREET • P.O. BOX 1297 • MADISON, WISCONSIN 53701
Telephone: 608/255-9946 FAX: 608/255-9838



RECEIVED
OCT 18 1991
M.P.C.A.
WATER QUALITY DIV.

October 16, 1991

Mr. Scott Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Proposed Rule Amendments Governing Water Quality Permit Fees, Minnesota Rules Parts 7002.0210 to 7002.0310.

Dear Mr. Thompson:

The Midwest Food Processors Association, Inc. represents numerous vegetable processors with operations in the state of Minnesota. Various members of our organization would be severely impacted by the Water Quality Permit Fee increases proposed by the MPCA.

The Midwest Food Processors Association, Inc. respectfully requests a public hearing concerning the Water Quality Permit Fee increases (Minnesota Rules, Parts 7002.0210 to 7002.0310).

Sincerely,

John D. Exner

John D. Exner
Executive Assistant

JDE/kes

Faribault Foods

Cokato Office
Faribault Foods, Inc
Northland Division
P.O. Box C
Cokato, MN 55321
(612) 286-2166

Corporate Office
Baker Building
706 Second Avenue South
Minneapolis, MN 55402
(612) 333-6461

Faribault Office
Sales and Operations
P.O. Box 598
Faribault, MN 55021
(507) 334-5521

Durand Office
Durand Division
P.O. Box 188
Durand, WI 54736
(715) 672-8971

Mondovi Office
Durand Division
457 Canal Street
Mondovi, WI 54755
(715) 926-5075

Denver Office
Kuner-Empson Division
P.O. Box 309
Brighton, CO 80601
(303) 659-1710

RECEIVED
OCT 18 1991
M.P.C.A.
WATER QUALITY DIV.

10/16/91

Mr. Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Proposed Rule Amendment Governing Water Quality Permit Fees
parts 7002.0210 to 7002.0310 - Request for public hearing.

Dear Mr. Thompson:

Faribault Foods is a Minnesota based food processor manufacturing canned vegetable products with production facilities in Faribault and Cokato Minnesota both of these facilities have a NPDES permit. Following review of above mentioned proposed rule amendments we wish to make the following comments.

1. We agree that combining the processing fee with the annual fee makes good fiscal sense for both the MPCA and permit holders.

2. We do not feel an immediate across the board 40% increase is a reasonable increase as an increase of such proportions will no doubt cause undue hardship on industry during our current recessionary period. We believe this increase was determined by calculating the shortfall created by reduced legislative funding and then passing this shortfall entirely to users. We question if it really was the legislatures intent to pass this reduction entirely on to users but in fact were envisioning a somewhat reduced spending level of the MPCA.

3. We find it pre-preposterous to include a fee for stormwater when it is currently unknown who this stormwater fee will apply to and how the MPCA will administer the actual program.

Based on these concerns we formally request a public hearing concerning the above mentioned rule amendment.

Please notify us concerning time and location of the public hearing in the event one is held concerning this matter.

Sincerely,

Jim Nelson
Corporate Engineer

cc: Mr. Gary Kindseth - Executive Vice President
Mr. Andrew Murray - Vice President Production

THE PILLSBURY COMPANY
Law Department
200 South Sixth Street
Minneapolis, Minnesota 55402

October 17, 1991

David F. Fisher
Vice President
Associate General Counsel

Mail Station: 3726
Telex: 290658
Telecopier: 612/330-8893
Telephone: 612/330-5017

Mr. Scott Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Proposed Rule Amendments Governing Water Quality Permit Fees, Minnesota Rules 7002.0210 to 7002.0310

Dear Mr. Thompson:

The Pillsbury Company, and its Green Giant division, operates food processing facilities in the State of Minnesota, and is issued Water Quality Permits with respect to operations at these facilities. We understand that the Minnesota Pollution Control Agency now is considering an increase in fees to be collected for such permits, and has proposed that the increase be implemented without the necessity for a public hearing.

In our view, any significant increase in fees or charges payable for permitted operations in the State of Minnesota should be implemented only after a full public hearing on issues thereby raised, and a greater opportunity for comment by those most affected.

The Pillsbury Company therefore respectfully requests that a public hearing be held for the purpose of consideration of proposed increases in Water Quality Permit fees.

Very truly yours,

THE PILLSBURY COMPANY

David F. Fisher

DFF/geg
cc: D. Vaughn
W. Brosz

Thompson.ltr

October 11, 1991

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Dear Mr. Thompson:

In regards to "Proposed Rule Amendments Governing Water Quality Permit Fees, Minn. Rules Parts 7002.0210 to 7002.0310, we would like to request a public hearing to respond to the increase in permit fees. We disagree with the inflationary rise of fees since 1987 for nonmajor NPDES permit fees.

Respectfully yours,

Judy M. Luoma
Luoma Egg Ranch, Inc.

City of Menahga

The "Gateway to the Pines"

218-564-4557
BOX C
MENAHGA, MINNESOTA 56464

RECEIVED
OCT 21 1991
M.P.C.A.
WATER QUALITY DIV.

October 16, 1991

Scott R. Thompson
Water Quality Division
520 Lafayette Rd. N.
St. Paul, MN 55155

Dear Mr. Thompson,

The City of Menahga is hereby requesting that a Public Hearing be held on the "Proposed Rule Amendments Governing Water Quality Permit Fees". The City is expressing it's opposition to the 40% permit fee increase.

The SONAR identifies the 40% permit fee increase as a "result of Legislative directive to replace a portion of general fund revenue with permit fee revenue" and that "if fee revenues do not increase, the agency would have to reduce services because general fund appropriations have been reduced". Cities have also been cut in state funding due to legislative action, with virtually no means of replacing the funds. This has resulted in a reduction of services to our residents.

Because of the City of Menahga's reduction in state funding, a needed $1,000,000 water and sewer extension into our industrial park has been put on hold, we did not replace one utilities/maintenance employee when he retired, which has resulted in our water/sewer utilities, streets, parks and buildings not being kept up as was previously done. We have cut services to our taxpayers, but have also been forced to increase taxes and some fees.

The City of Menahga feels that all cities have more than paid their share of MPCA's operating expense increases and legislative cuts with the 182% permit fee increase in January 1988 and a 26% permit fee increase in July 1989.

We agree that combining the processing fee and the annual fee and then billing every year will help with City budgeting and MPCA's cash flow, but the City and the taxpayers of Menahga do not have funds available for more than a 5% increase for this billing change. If this is not sufficient to operate the Division of Water Quality, then, like the rest of us, services should be cut.

Thank you.

Sincerely,
Vern Koskela
Vern Koskela
Mayor

cc/Senator Dallas Sams
Representative Syd Nelson
LMC

OFFICE OF THE CLERK
VILLAGE OF WILLIAMS
LAKE OF THE WOODS COUNTY
WILLIAMS, MINN. 56686

RECEIVED
OCT 13 1991
M.P.C.A.
WATER QUALITY DIV.

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Rd. North
St. Paul, MN 55155

Dear Sir:

The Council of The City of Williams requests that a public hearing be held pursuant to Minnesota Statutes 14.14 subdivision 1 .

We do not think that a storm sewer water discharge permit should be added.

We do not think that this amount of money should be raised by Permit fees. This makes another hardship for small towns.

Permit fees should be kept at the minimum. The bulk of these cost should be funded from State General Revenues.

By Order of City Council

Vera A. Hall

Vera A. Hall, Clerk
City of Williams
Williams, MN 56686



CITY OF VIRGINIA

327 FIRST STREET SOUTH
VIRGINIA, MINNESOTA 55792-2623

RECEIVED
SEP 30 1991
M.P.C.A.
WATER QUALITY DIV

September 25, 1991

Mr. Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: Request For Public Hearing For Proposed Rule Amendments Governing Water Quality Permit Fees, Minn. Rules Parts 7002.0210 to 7002.0310

Dear Mr. Thompson:

The City of Virginia requests a public hearing prior to the adoption of the above.

The City specifically objects to the statement of need and reasonableness, in particular, Water Quality Permit Fee Schedule.

We find a 40% increase in permit fees unreasonable and unacceptable. We fully intend to appear and testify at the Public Hearing.

Sincerely,

Nicholas R. Dragisich
City Administrator

NRD/tks

cc: Tom Rukavina
Ron Dicklich

Susan K. Lemieux 218-741-3890
City Clerk/Finance Director

Nicholas R. Dragisich
City Administrator 218-749-2938
City Engineer 218-741-2388

Elder E. Metsa 218-741-0483
Mayor

FAX 218-741-4840

Thomas Butorac 218-741-0581
City Attorney

James P. Carey 218-741-3038
City Assessor

EQUAL OPPORTUNITY EMPLOYER

"It Isn't Far To Cottonwood"

CITY OF COTTONWOOD

COTTONWOOD, MINNESOTA 56229

MUNICIPAL BUILDING
PHONE 423-6488

RECEIVED
OCT 14 1991
M.P.C.A.
WATER QUALITY DIV.

October 10, 1991

Scott Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: Water Quality Permit Fee Proposed Increase

Dear Mr. Thompson:

The City of Cottonwood is opposed to the proposed increases that the Minnesota Pollution Control Agency is proposing on water quality permit fees, and therefore requests that a public hearing be held on this proposal.

Thank you.

Very truly yours,

Gregory J. Isaackson
Clerk-Administrator
City of Cottonwood

RECEIVED
OCT 23 1991
M.P.C.A.
WATER QUALITY DIV.

Goodridge, MN 56725
October 17, 1991

Scott Thompson
Water Quality Division
MPCA
St. Paul, MN 55155

Dear Scott:

As City Clerk of the City of Goodridge, I am writing this letter at the request of the Goodridge City Council.

At their regular council meeting this evening they discussed the cost of water quality permits increase. They would hereby like to request a public hearing in regards to this matter. According to the release in the Minnesota Cities Bulletin, a public hearing will be held if there are 25 requests. Please add the City of Goodridge to this list.

Sincerely,

Avis Marquis, Clerk

CITY OF
MOORHEAD
MINNESOTA
500 CENTER AVENUE, BOX 779, MOORHEAD, MINNESOTA 56561
(218) 299-5301

RECEIVED
OCT 07 1991
M.P.C.A.
WATER QUALITY DIV.

October 3, 1991

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul MN 55155

RE: Proposed Rule Amendments
Minn. Rules Parts 7002.0210 to 7002.0310

Dear Mr. Thompson:

On behalf of the Wastewater Systems Division, Public Works Department of the City of Moorhead, I am submitting a written request for a public hearing on the Proposed Rule Amendments Governing Water Quality Permit Fees, Minnesota Rules Parts 7002.0210 to 7002.0310.

Sincerely,

Robert A Zimmerma

Robert A. Zimmerman
Superintendent of Environmental Systems

tsl

TOPS Snap-off

CARBON FORM 3703

Triplicate Form

NOTE: Send White and Pink copies. Sender retains Canary copy.

RAPID LETTER

TO

Scott R. Thompson
Water Quality Division
Mn. Pollution Control Agency
520 Lafayette Road North
St. Paul, Mn. 55155

FROM

CITY OF SLEEPY EYE
200 MAIN STREET EAST
SLEEPY EYE, MINNESOTA 56085
PH. 507-794-3731

SUBJECT

MESSAGE

DATE 9/11/91

Dear Sir:

Please send us one free copy of the proposed rules and statement of needs and reasonableness regarding proposed rule amendments governing water quality permit fees, Minn. rules Parts 7002.0210 to 7002.0710.

We hereby also request that a hearing be held on the above subject matter as provided by Minnesota statutes.

Yours truly,

E. V. Treml

Edwin V. Treml, City Clerk for the
City of Sleepy Eye, ~~Inc~~ Minnesota

SIGNED

REPLY

DATE

SIGNED

WINCO INC

225 South Cordova Avenue
Le Center, MN 56057 • (612) 357-6821

RECEIVED
OCT 10 1991
M.P.C.A.
WATER QUALITY DIV.

October 8, 1991

Mr. Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: WATER QUALITY PERMIT FEES

Dear Mr. Thompson:

The proposed rule amendments which increase permit fees approximately 40 percent would be yet another increase in our cost of doing business. WINCO is trying to do everything we can to reduce operating costs and the proposed increase in fees comes at a time when we are working out of a major economic downturn.

Our operating budget was cut by one-half to put us in a recovery mode. We would hope that your agency has considered, or will consider, budget cutting rather than 40 percent fee increases. These kind of increases will have a negative impact on our recovery plan.

Sincerely,

D Schemmel

Donald L. Schemmel
Vice President
Personnel

DLS:nfk

BLUE EARTH RENDERING COMPANY

RECEIVED
OCT 01 1991
M.P.C.A.
WATER QUALITY DIV

September 30, 1991

Mr. Scott R. Thompson
Water Quality Division
MN Pollution Control Agency
520 Lafayette Rd. North
St. Paul, MN 55155

Dear Mr. Thompson:

Please be advised that the Blue Earth Rendering Co., Div. of Darling and Company, objects to the "Proposed Rule Amendments Governing Water Quality Permit Fees, Minn. Rules Parts 7002.0210 to 7002.0310." A forty (40) percent increase in permit fees is very substantial and not in the best economic interest of businesses. Please reconsider this increase to a much smaller percentage, or a gradual increase periodically to obtain this goal over a period of time.

Sincerely,

Mr. Tim Guzek
General Manager

A Division of Darling & Company

R.R. 3, Box 1 • Blue Earth, MN 56013 • (507) 526-3296 • FAX (507) 526-4054

C I T Y O F A L V A R A D O

M I N N E S O T A 5 6 7 1 0

2 1 8 9 6 5 - 4 9 1 1

JEROME ERICKSON, Mayor
LLOYD WILKE, Councilman
GARY BOMAN, Councilman

JOHN P. DUFFY, Councilman
EUGENE OLSON, Councilman
LORRAINE STEINBERG, Clerk-Treas.

September 16, 1991

RECEIVED
SEP 18 1991
M.P.C.A.
WATER QUALITY DIV

Water Quality Divison
MN Pollution Control Agency
520 Lafayette Rd N
St Paul MN 55155

ATTN: SCOTT R. THOMPSON

Dear Mr. Thompson:

The City received a notice of the "Proposed Rule Amendment Governing Water Quality Permit Fees" and we would like to voice our opposition to adoption of this rule without a public hearing.

The City is tired of the State imposing all these fees. There are too many places already where the State is coming up with charges.

Jerome Erickson
JEROME ERICKSON
Mayor

RECEIVED
SEP 19 1991
M.P.C.A.
WATER QUALITY DIV

Winona
MINNESOTA

CITY HALL
207 Lafayette Street
P.O. Box 378
Winona, MN 55987-0378
FAX: 507/457-8212

September 18, 1991

Mr. Scott R. Thompson
Water Quality Divison
MPCA
520 Lafayette Road
St. Paul, MN 55155

RE: Water Quality Permit Fees

Dear Mr. Thompson:

The City of Winona herein objects to the proposed increase in Water Quality Permit Fees.

In 1985, when the Water Quality Permit Fee was introduced, the goal was to collect $750,000 annually.

The proposed goal for 1992-1993 biennium is $3,842,000 or $1,921,000 annually. This calculates out to be:

$1,921,000/$750,000 X 100 = 256 percent increase

The City of Winona objected to the fee when it was initiated in 1985 because of the fear of these tremendous increases. Our fears have become a reality.

The proposed 1992 City Budget contains zero dollars for capital improvement in the general fund due to State levy limits and State cuts in local government aid.

The proposed increase in the Water Quality Permit Fee fo
is $5,700 (from $5,300 to $11,000). The City of Winona
to this increase.

Respectfully submitted,

Robert J. Bollant
Director of Public Works

RJB/lmb
cc: Eric Sorensen, City Manager

city of **northfield**
801 Washington Street, Northfield, Minnesota 55057
(507) 645-8833 FAX (507) 645-3055

RECEIVED
SEP 27 1991
M.P.C.A.
WATER QUALITY DIV

September 25, 1991

Mr. Scott Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 LaFayette Road North
St. Paul, Mn. 55155

Re: PCA Rule Changes

Dear Mr. Thompson:

I would like to speak against the increase in fees for the administration of storm water quality permit fees. I do not see any justification as to why the fees should be increased when we are not receiving the service which we are presently paying for.

I do not believe it is necessary to start a fee schedule for storm water permits. If more money is needed, the state or federal government should tax for the implementation of their own rules and programs. We are continually getting taxed through fees and there is no accounting of how our money is spent.

I urge you not to allocate an increase in fees or authorize new permit fees.

Yours truly,

Peter E. Stolley

Peter E. Stolley
City Administrator

PES:ln

CITY OF BREEZY POINT
HCR 2, Box 46
Breezy Point, MN 56472
(218) 562-4441

RECEIVED
SEP 23 1991
M.P.C.A.
WATER QUALITY DIV

September 19, 1991

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN. 55155

RE: Increase Permit Fees for City's Wastetreatment Plant

Dear Mr. Thompson:

The Sewer Dept. of the City of Breezy Point is becoming concerned about the cost of permit fees needed in order to run our treatment plant. The City is bombarded with increases of 100%, 40% and so on while our ability to raise rates increases in the 2-3% range.

Breezy Point is a small city (432 population) which provides wastewater services to a 500 unit resort. In an environment of economic uncertainty there will become a time when we will not be able to meet our obligations if our expenses keep escalating.

The City would appreciate some consideration when you set your rates. We are willing to pay our fair share, but something must be done to keep that share to a reasonable level.

Thank you.

Sincerely yours,

CITY OF BREEZY POINT

Tim Polipnick

Tim Polipnick, Sewer Sup.

City of Pelican Rapids

the world's largest Pelican

P.O. Box 350, Pelican Rapids, Minnesota 56572

September 13, 1991

RECEIVED
SEP 16 1991
M.P.C.A.
WATER QUALITY DIV.

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Re: Water Quality Rule Amendments

TO WHOM IT MAY CONCERN:

On behalf of the City of Pelican Rapids, I object to increase in fees and changing of the fee schedule and the addition of storm water permits to the fee schedule.

The increase in fees is another case where State mandates are forced to be paid by local governments. The City is striving to keep our costs and expenses and rates down, but are forced into increasing rates by mandates.

In regard to storm water permits, the City of Pelican Rapids has a separate system for our storm drains and can see no benefit whatsoever for a fee to be charged for that system or extension to it. It appears to be another ploy to mandate State control over local governments and the locals having to fund the control.

In addition, one area to save a small portion of money would be to send one notice per City in lieu of the three (3) the City of Pelican Rapids received.

If you wish to contact me regarding these comments, please call me at 218-863-6571.

Very truly yours,

Richard A. Jenson
Administrative Assistant

RAJ:sb



City of Iron Junction

IRON, MINNESOTA 55751

RECEIVED
OCT 18 1991
M.P.C.A.
WATER QUALITY DIV.

October 16, 1991

Scott R. Thompson
Water Quality Division
MPCA
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Proposed Rule Amendments Governing Water Quality Permit Fees

Dear Sir:

After reading the article about water quality permits in the September 27 issue of the League of Minnesota Cities "Cities Bulletin", we must respond to you.

The City of Iron Junction Wastewater Treatment Facility has a flow of approximately .008 MGD. According to the article, the annual fee for up to 4.99 MGD will be $4,500. This would be quite out of reach for the City of Iron Junction. We have 25 homes and 1 business connected to the City Sewer System. Your proposed fee would more than double the sewer charge rate. We would appreciate it if a realistic fee for permit renewal were proposed, taking into consideration a facility of our size. Some consideration must be given to facilities "run in compliance" as we forecast ours to be. We hope that we, along with other diligent cities,are not having to pay extra administrative and associated costs due to endless efforts of the MPCA to bring cities like Eveleth into honesty and compliance.

We would appreciate your response to our concerns.

Sincerely,

Lee Peterson

Lee Peterson
Mayor

cc: Tom Rukavina,

Minnesota Department of Transportation

Transportation Building, St. Paul, MN 55155

612-296-1637

RECEIVED

OCT 28 1991

M.P.C.A.
WATER QUALITY DIV.

October 23, 1991

Scott R. Thompson
Water Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

SUBJECT: PROPOSED RULE AMENDMENTS GOVERNING WATER QUALITY PERMIT FEES, MINN. RULES PARTS 7002.0210 TO 7002.0310

Dear Mr. Thompson:

The Minnesota Department of Transportation (Mn/DOT) appreciates the opportunity to comment on MPCA's proposed Rule amendments to raise all water quality permit fees. Mn/DOT's comments relate specifically to the new general storm water permit application and annual fees.

Mn/DOT understands that the legislature has authorized MPCA to collect $3,842,000 in water quality permit fees for the 1992-1993 biennium. MPCA has proposed to generally increase fees by 40 percent to reach this level. This increase will result in a base application fee of $85 and an annual fee calculated from a formula which combines current annual and processing fees. Given that there were previously no storm water permit fees, Mn/DOT does not see the basis of the proposed $270 annual fee other than to provide a fee amount ($556,000) which will bring MPCA's total water quality fees to its $3.8 million requirement. It appears that the $556,000 was based on an estimated 4000 storm water permit application fees ($340,000 in FY 1992) and 800 (not all of the 4000 would be required to pay annual fees) storm water annual fees ($216,000 in FY 1993).

Under the general storm water permit strategy, potential permittees will submit to MPCA a Notice of Intent (NOI) to comply with the conditions of the General Permit. It appears the NOI is not strictly a written application as described at Mn Rules 7001.0050 (i.e., it does not request issuance, modification, revocation and reissuance or reissuance of a permit). As such, the proposed application fee ($ 85) would not apply to NOIs. If the intent of

MPCA is to have the fee apply to NOIs, the definition of "application" and "application fee" should be changed in the Rules.

Assuming fees apply to general storm water permits, Mn/DOT agrees with MPCA's proposal exempting permittees holding a general storm water permit from paying an annual fee ($ 270) when the permit does not require submittal of reports to MPCA. Under current and/or proposed EPA regulations however, annual monitoring and reporting may be required. This would render the no annual fee provision useless. Mn/DOT would prefer to not be required to annually monitor and submit reports due to the cost, time and resources necessary and the lack of useful information which would be generated. Mn/DOT has related these concerns directly to EPA and hopes MPCA would work to ensure that monitoring and reporting not be required for each and every permitted site. Mn/DOT also recommends that MPCA take no action on the proposed storm water annual fee until EPA makes its final determination on monitoring and reporting.

In the event that EPA would require annual monitoring and reporting for general storm water permits, MPCA would be in a position to collect annual fees on all 4000 storm water permits totaling $1,080,000 ($270*4000); $ 864,000 more than the agency had projected to collect on 800 storm water permits (see attached table). As such Mn/DOT feels it would be reasonable to reduce the annual fee to an amount which would result in total annual fee payments from storm water permits to be no more than MPCA's originally projected amount of $216,000 ($270*800). The annual fee would then be about $54 ($216,000/4000). If monitoring is required in general storm water permits, Mn/DOT recommends that the lower annual fee be utilized.

It is not clear how long a general storm water permit for construction activities is to be in force for a project. This is due to the possibility of multiple definitions of project completion. In Mn/DOT's situation, although the construction activities (that require a general storm water permit) on a project may be completed and the Best Management Practices in place and functioning, the entire project may not finalized for up to 3 years. It is not reasonable to require continued payment of annual fees during this extended time period. Therefore, Mn/DOT recommends that MPCA require only a one-time application fee and no annual fee for general storm water permits for construction activities.

In summary, Mn/DOT : questions the basis of the general storm water annual fee; recommends clarification of whether an NOI is subject to an application fee; supports no annual fee for general storm water permits and encourages MPCA to not require annual monitoring and reporting; recommends MPCA take no action on annual storm water permit fees until EPA finalizes reporting requirements; recommends MPCA set a lower annual storm water general permit fee if monitoring and reporting is required; and is concerned that if

annual fees are required for general storm water permits, a potentially open ended payment requirement may result and recommends that no annual fee be required for general storm water permits for construction.

Again , Mn/DOT appreciates the opportunity to comment on these proposed amendments. Please do not hesitate to contact me if you have any questions.

Sincerely,

Lawrence Foote, Director
Environmental Services Section

FEE COMPUTATION TABLE

WATER QUALITY FEES	MPCA PROJECTED	POTENTIAL IF REPORTS ARE REQUIRED	INCREASE ABOVE MPCA PROJECTION
NUMBER PAYING ANNUAL STORMWATER FEE	800	4000	3200
ANNUAL FEE ($)	270	270	
FY 93 STORMWATER ANNUAL FEE ($)	216,000	1,080,000	864,000
FY 92-93 ALL OTHER ($)	3,645,250	3,645,250	0
FY 92-93 TOTAL WATER QUALITY FEES ($)	3,861,250	4,725,250	864,000

If the annual fee were reduced to $54 and all 4000 stormwater permits paid this fee, the total FY 93 annual fee payments would equal $216,000. This would allow MPCA to collect the same total water quality fees it had previously projected ($3,861,250 for FY 92-93).

LEF:nt

bcc: E. Ofstead
Roger Hill
P. Hughes
R. Pletan
District Engineers
District Hydraulic Engineers
Construction ADEs
Ron Canner Engineering Services
Bob Cartford CAES
E. Fleege D-1
D. Halverson, Hydraulics
John Sampson Environmental Engineering
Leo Holm Rm 124
Wayne Murphy Construction
Doug McArthur Metro East
Paul Bergman Construction
Sue Klein Metro East
Dan Anderson Metro East
Paul Juckel Metro East
Roger Sadecki Environmental Engineering
Ken Moxness Environmental Engineering
Richard Hathaway Metro West
Greg Busacker Rm 124
Frank Pafko Rm 124
Nick Tiedeken Rm 124

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules
Governing Water Quality Permit Fees,
Minn. Rules pts. 7002.0210 to 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.

Dated: December 24, 1991.

Stephen Shakman

Stephen Shakman
Special Assistant
Attorney General

.BZ4

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of the Proposed Rules Governing Water Quality Permit Fees, Minn. Rules pts. 7002.0210 to 7002.0310.

AFFIDAVIT OF SENDING NOTICE AND PROPOSED RULES TO CHAIRS OF HOUSE APPROPRIATIONS AND SENATE FINANCE COMMITTEES

STATE OF MINNESOTA

COUNTY OF RAMSEY

Scott R. Thompson, being duly sworn says:

That on the 28th day of August, 1991, prior to submitting the Notice of Intent to adopt rules without a public hearing; and Intent to adopt rules with public hearing upon receiving 25 or more requests for a public hearing. I mailed a copy of the Notice and proposed rules, along with attached cover letters, to the chairs of the House Appropriations Committee and the Senate Finance Committee by depositing them in the United States Mail, properly enveloped and with first class postage prepaid.

Scott R. Thompson

Subscribed and sworn to before me
this 29 day of Aug., 1991.

Thomas W. Nash
Notary Public

THOMAS W. NASH
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My commission expires 3-19-95

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Official File Copy

August 29, 1991

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

Dear Senator Merriam:

The Minnesota Pollution Control Agency has proposed amendments to the water quality permit fee rules. The rule amendments are based on a legislative directive for the Agency to collect more revenue through permit fees. Enclosed are copies of; 1) proposed rule amendments, 2) statement of need and reasonableness which includes the fiscal note, and 3) public notice for the state register.

If you need additional information, please contact me.

Sincerely,

Patricia A. Bloomgren for

Charles W. Williams
Commissioner

CWW:ls

Minnesota Pollution Control Agency
520 Lafayette Road, Saint Paul, Minnesota 55155-3898
Telephone (612) 296-6300

Official File Copy

August 29, 1991

The Honorable Wayne Simoneau
Minnesota State Representative
Chairperson
House Appropriations Committee
365 State Office Building
St. Paul, Minnesota 55155

Dear Representative Simoneau:

The Minnesota Pollution Control Agency has proposed amendments to the water quality permit fee rules. The rule amendments are based on a legislative directive for the Agency to collect more revenue through permit fees. Enclosed are copies of; 1) proposed rule amendments, 2) statement of need and reasonableness which includes the fiscal note, and 3) public notice for the state register.

If you need additional information, please contact me.

Sincerely,

Patricia A. Bloomquist

Charles W. Williams
Commissioner

CWW:ls

STATE OF MINNESOTA
POLLUTION CONTROL AGENCY

In the Matter of Proposed Rules
Governing Water Quality Permit
Fees, Minn. Rules Pts. 7002.0210
to 7002.0310.

ORDER FOR HEARING

It is hereby ordered this 29th day of August, 1991, that a public hearing will be held on the proposed rules captioned above if 25 or more persons submit a written request for a public hearing within the comment period. The hearing will be canceled if fewer than 25 persons request a hearing.

If 25 or more persons submit a written request for a public hearing it will be held at 520 Lafayette Road North, St. Paul, Minnesota, commencing at 9:00 a.m. on Wednesday, October 23, 1991 and continuing in an evening session at the same location starting at 7:00 p.m.

IT IS FURTHER ORDERED, that notice of said hearing be given to all persons who have registered their names with the Minnesota Pollution Control Agency for that purpose and be published in the State Register.

Charles W. Williams
Commissioner