

**Disclaimer:** The following rules are provided for the convenience of interested parties. While the HW Management Program has taken care with the accuracy of the rules, they are not the "official" administrative rules of the Department of Environmental Quality (Title 17). The Secretary of State, Administrative Rules Bureau, will publish the official rules in the spring of 2010. Please note that the HW fee rules were effective 12/11/09.

## 17.53.112

### 17.53.112 FACILITY PERMIT FEES: APPLICATION, REISSUANCE, MODIFICATION, AND MAINTENANCE FEES

(1) For the purposes of this rule, the following definitions apply:

(a) "Class I facility" means a hazardous waste management facility that:

(i) contains one or more regulated landfill units, surface impoundments, land treatment units, incinerators, boilers, or industrial furnaces; and

(ii) receives more than 50% of its hazardous waste from off-site sources not owned, controlled, or operated by the facility owner or operator.

(b) "Class II facility" means a hazardous waste management facility that is not a Class I facility or a Class III facility.

(c) "Class III facility" means a hazardous waste management facility that:

(i) does not contain a regulated landfill unit, surface impoundment, land treatment unit, incinerator, boiler, or industrial furnace; and

(ii) generates more than 50% of its hazardous waste on-site or receives more than 50% of its hazardous waste from off-site sources that are owned, controlled, or operated by the facility owner or operator.

(2) The department shall assess to an applicant for a hazardous waste management permit under this subchapter a filing and review fee based upon the following schedule:

(a) For Class I facilities, a maximum fee of \$150,000, payable as follows:

(i) a nonrefundable payment of \$50,000 due when the applicant files for a permit;

(ii) a payment of \$50,000 due when the department notifies the applicant that the application is complete; and

(iii) an additional payment of up to \$50,000 for the department's actual costs of review that exceed \$100,000. This payment is due within 30 days after the department's final decision on the application.

(b) For Class II facilities, a maximum fee of \$90,000, payable as follows:

(i) a nonrefundable payment of \$40,000 due when the applicant files for a permit; and

(ii) an additional payment of up to \$50,000 for the department's actual costs of review that exceed \$40,000. This payment is due within 30 days after the department's final decision on the application.

(c) For Class III facilities, a maximum fee of \$25,000, payable as follows:

(i) a nonrefundable payment of \$10,000 due when the applicant files for a permit; and

(ii) an additional payment of up to \$15,000 for the department's actual costs of review that exceed \$10,000. This payment is due within 30 days after the department's final decision on the application.

(d) If, after receipt of the payment required in (2)(a)(ii), the applicant notifies the department in writing of its intent to withdraw the application, the department shall return to the applicant any portion of the payment received pursuant to (2)(a)(ii) that exceeds the department's actual costs of permit review.

(3) At the time the permit reissuance process is initiated, the department shall assess a permit reissuance fee. The fees are as follows:

- (a) \$15,000 for a Class I facility;
- (b) \$7,000 for a Class II facility; and
- (c) \$3,000 for a Class III facility.

(4) If payment for permit reissuance is not received by the department within ten days after initial billing, the department may suspend all work on the permit reissuance until the fee has been received.

(5) The department shall assess a permit modification fee for all permit modifications, at the time the modification process is initiated, regardless of whether the modification is requested by the permittee or initiated by the department.

(6) The fees for permit modifications at the request of the permittee are as follows:

- (a) \$7,200 for Class 3 modifications as listed in 40 CFR 270.42, Appendix I;
- (b) \$3,600 for Class 2 modifications, as listed in 40 CFR 270.42, Appendix I; and
- (c) for Class 1 modifications listed in 40 CFR 270.42, Appendix I:
  - (i) \$240 for Class 1 modifications listed in A through E of Appendix I; and
  - (ii) \$1,200 for Class 1 modifications listed in F through L of Appendix I; and

(d) for "other modifications," as provided in 40 CFR 270.42(d), the fees will be assessed as set forth in this section pursuant to a modification class as determined by the department.

(7) The fees for permit modifications initiated by the department, pursuant to 40 CFR 270.41, are as follows:

- (a) for modifications, for causes described in 40 CFR 270.41, the fees are as follows:
  - (i) \$7,200 for Class 3 modifications, as listed in 40 CFR 270.42, Appendix I;
  - (ii) \$3,600 for Class 2 modifications, as listed in 40 CFR 270.42, Appendix I; and
  - (iii) for Class 1 modifications listed in 40 CFR 270.42, Appendix I:
    - (A) \$240 for Class 1 modifications listed in A through E of Appendix I; and
    - (B) \$1,200 for Class 1 modifications listed in F through L of Appendix I;

and

(b) for causes to revoke and reissue a permit as described in 40 CFR 270.41, the fees are as provided in the schedule set forth in (3).

(8) If a Class 1 permit modification is very minor (e.g., changing only a name or an address on the permit documents), the department may waive the fee.

(9) If payment for a permit modification is not received by the department within ten days after initial billing, the department may suspend all work on the permit modification until the permit modification fee has been received.

(10) A hazardous waste management facility that receives more than 50% of its hazardous wastes from off-site generators that are not owned or operated by the facility owner or operator or site owner shall pay to the department hazardous waste management fees based upon the amount of waste received, as follows:

(a) \$8 per ton of hazardous waste received at the facility or site for management in regulated landfill units, surface impoundments, land treatment units, incinerators, boilers or industrial furnaces; and

(b) \$4 per ton of hazardous wastes received at the facility or site for management in any regulated unit or units other than those described in (10)(a).

(c) The fees established in (10)(a) and (b) may be prorated for amounts of hazardous waste received that are less than one ton in weight.

(d) Payment of the fees established in (10)(a) and (b) shall be submitted to the department quarterly, with payments due on March 31, June 30, September 30, and December 31 of each year. (History: 75-10-404, 75-10-405, 17-10-406, MCA; IMP, 75-10-405, 75-10-406, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; 2009 MAR p. xxxx, Eff. 12/11/09.)