

6131.0200 VARIANCE PROCEDURES.

Subpart 1. **Application for variance.** A proceeding for requesting a variance from parts 6131.0010 to 6131.0340 is commenced when the permit applicant or permittee files an application for a variance with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed variance is consistent with the general welfare and the goals of parts 6131.0010 to 6131.0340.

Subp. 2. **Determination by commissioner.** Within 30 days after receipt of the application, the commissioner shall determine whether the proposed variance constitutes a substantial change from the requirements of parts 6131.0010 to 6131.0340.

If the commissioner determines that a substantial change, would result, the applicant shall follow the procedures for permit to mine applications in part 6131.0190.

If the commissioner determines that there would be no substantial change, the commissioner shall without a hearing allow the variance with or without additional terms or conditions which are consistent with parts 6131.0010 to 6131.0340, or deny the application stating reasons therefor.

Subp. 3. **Demand for hearing.** If the commissioner processes the application without a hearing, pursuant to subpart 2, the applicant may file with the commissioner a demand for hearing on the decision pursuant to part 6131.0190, subpart 4.

Subp. 4. **Simultaneous filing of applications.** Applications for variance from parts 6131.0010 to 6131.0340 may be filed simultaneously with an application for a permit to mine, provided that the advertisement contains all information required for applications for permits to mine and for variance.

Statutory Authority: *MS s 93.461*

History: *10 SR 277*

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