

4350.3030 MASTER APPLICATION.

Subpart 1. **Scope.** A person proposing a project that might require more than one permit may, before the initial construction of the project or the initial operation of the project if construction of the project requires no permits, submit to the coordination unit a master application requesting the issuance of all permits necessary for construction and (or) operation of the project.

Other permits, in addition to those defined by these rules, may be included in these permit coordination procedures if the applicant and state regulatory agency so agree and if such procedure is permissible under the statutes and regulations that apply to such nonincluded permits. A written agreement to such an arrangement shall be provided by the agency to the coordination unit within 30 days of receipt by the agency of the master application. If such other permit applications are included within the master application process, they shall remain with the process until final disposition of the master application and for purposes of the master application process shall be included as a permit as defined by these rules.

If a permit is required for the operation of a project or if a state agency must approve the engineering design plans of a project, and if the information needed by the agency to reach a decision could not be made available through the master application process, because postconstruction or operation data are required to be collected or evaluated or because the issuance of the permit depends upon a postconstruction facilities inspection or performance demonstration, then that permit or approval may be processed independently from the master application process provided both the applicant and the agency agree.

Subp. 2. **Master application form.** The coordination unit shall provide a master application form which requests information necessary for agencies to determine permit applicability. Information required shall include but not be limited to the name and address of the applicant, the location of the project, and a description of the project, including but not limited to: possible discharges of waste; use of or interference with natural resources; the time for project completion; and, if the project is to be phased, the timing of such phases.

Subp. 3. **Signatories.** Permit forms of agencies shall be signed as required by the rules of the respective agencies. Any form, exclusive of the agencies' permit forms, submitted to the coordination unit shall be signed as follows:

A. in the case of a corporation, by a principal executive officer or that officer's duly authorized representative or agent, if such representative or agent is responsible for the project for which the permit is requested;

B. in the case of a partnership, by a general partner;

C. in the case of a sole proprietorship, by the proprietor;

D. in the case of a municipal, state, or other public signatory, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Subp. 4. **Certification.** The coordination unit shall provide certification application forms which shall be submitted respectively by all applicants as follows:

A. Certification must be obtained, from the local government units in which the proposed project will be located, that the project complies with all local zoning ordinances, subdivision regulations, and environmental rules administered by the local government unit. Certification under this item must be issued not more than 120 days before the submission date of the master application. The local government units shall either issue a certification or deny that certification in accord with the following procedures:

(1) Within 45 days after the applicant has submitted a certification application form to the local government unit, the unit shall return the completed form to the applicant or notify the applicant in writing that the certification is denied, including the reasons for the denial.

(2) No local government unit shall rescind such a certification for a master application, even though the local government may have changed its zoning ordinances, subdivision regulations, or environmental regulations. A change of zoning ordinances, subdivision regulations, or environmental rules shall not invalidate a previously given certification for the purpose of securing a state permit under parts 4350.3000 to 4350.3130. After certification, the local government may change such zoning ordinances, subdivision regulations, or environmental rules, but not so as to affect the proposed project until the procedures of parts 4350.3000 to 4350.3130, including any administrative or judicial reviews, are completed.

(3) A local government unit denial of certification shall not be appealable under these rules. Such denial shall not preclude the applicant from filing a permit application under any other available statute or procedure.

B. Certification must be obtained from the board that an environmental impact statement on the project either has been completed or is not required. Within five days after the first board meeting following submission of a certification application form to the board, the board shall return the completed form or notify the applicant in writing that the proposed project is undergoing review under the environmental review process. If the project is undergoing review under the environmental review process, the board shall return a completed form to the applicant within ten days after such process is completed. If an environmental impact statement was required on the project, a copy of the final environmental impact statement shall be attached to the board's certification.

Subp. 5. **Acceptance for processing.** Upon receipt of a completed master application, including certifications required in subpart 4, the coordination unit shall immediately notify

the applicant that the application has been accepted and is ready for processing. Upon acceptance, the coordination unit shall immediately notify in writing each agency having a possible permit interest in the project. The notice shall be accompanied by a copy of the master application.

Subp. 6. **Permit and hearing information.** Each notified agency shall respond in writing to the coordination unit within 20 days of receipt by the agency of the master application, advising whether the agency will or will not require a permit for the described project. If the agency responds affirmatively, it shall include application forms and information concerning the specific permit programs applicable to the project as described, and state whether a public hearing is required or appropriate relating to permit requirements for the project. Provided, that a statement whether a public hearing is required or appropriate relating to national pollutant discharge elimination system (NPDES) permit requirements for the project shall not be required at this time. If an agency affirms that a public hearing is required or appropriate, it shall provide a brief statement identifying the reasons.

Subp. 7. **Revision to normal procedure.** If after all agency responses are received, only one permit is required, the master application procedure shall no longer be available to the applicant for that project. The applicant may then proceed to process the permit application using the normal procedures established by the agency requiring the permit. However, agencies shall not require additional permits of the applicant unless one of the conditions described in subpart 8 arises.

Subp. 8. **Conditions for requirement of permit.** A notified agency that makes a timely response indicating that a permit is not required, or that fails to make a timely response concerning a permit program or programs, shall not require such a permit of the applicant for the described project unless:

- A. the master application provided to the agency lacked information or contained false, misleading, or deceptive information that would reasonably lead the agency to misjudge the applicability of its permits to the project;
- B. subsequent laws or rules require additional permits; or
- C. unusual circumstances prevented the agency from notifying the coordination unit, and the agency can establish that failure to require a permit would result in substantial harm to the public health and welfare.

Subp. 9. **Procedure if permits are required.** If one of the conditions listed in subpart 8, items A to C arises, the affected agencies shall so notify the applicant, the coordination unit, and the board, and shall request a determination by the board whether an order should be issued to require the relevant permits. Included with the agency's request shall be a statement justifying the need to require the additional permits. The board at its first meeting

held more than 15 days after being notified by the agency shall determine whether the permits shall be required. If additional permits are required because one of the conditions of subpart 8, item A occurs necessitating a change in the notice required by part 4350.3060, subpart 1, the applicant shall pay the additional cost, if any, resulting from the requirement for the additional permits. Any other costs resulting from the conditions in subpart 8, items A to C will be borne by the agencies requiring additional permits.

Subp. 10. **Alteration of project.** If the applicant without being required by a public agency alters the proposed project in a way that may affect the validity of the certifications required in subpart 4 or an agency response required in subpart 5, item C, the applicant shall immediately notify the coordination unit of the proposed alteration. The coordination unit shall then immediately notify the board, the local government units involved, and all agencies which may have a permit interest in the proposed project. Within 15 days after notification by the coordination unit, the board, the local government units, and the agencies shall respond to the coordination unit and the applicant whether the previous certification is still valid or additional permits are required. If a new certification is needed or additional permits are required, the master application process shall be suspended. The period of suspension shall not exceed the time periods provided in subpart 4, items A, subitem (1) and B, and subpart 6.

Statutory Authority: *MS s 116C.32*

History: *L 1983 c 289 s 34 to 39; L 1987 c 312 art 1; 17 SR 1279*

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