

4410.6500 PAYMENT OF EIS COST.

Subpart 1. **Schedule of payments.** The proposer shall make all cash payments to the RGU according to the following schedule:

A. The proposer shall pay the RGU for the full cost estimated by the RGU to be necessary for the scoping of the EIS not later than the date of submission by the proposer of the completed data portions of the scoping EAW or within five days of issuance of a positive declaration. The RGU shall not proceed with the scoping process until this payment is made. Upon issuance of the scoping decision, the RGU shall provide the proposer with a written accounting of the scoping expenditures. If the payment made by the proposer exceeds the expenditures, the balance shall be credited against the cash payments required from the proposer for preparation of the draft EIS. If the RGU's reasonable expenditures for scoping exceed the cash payment received, the proposer shall pay the balance before the RGU commences preparation of the draft EIS.

B. At least one-half of the proposer's cash payment shall be paid within ten days after the RGU and the proposer agree to the estimated cost of preparing and distributing an EIS in accordance with the scoping decision issued under part 4410.2100 or the cost has been determined by the EQB pursuant to part 4410.6410, subpart 2. The RGU shall not proceed to prepare the draft EIS until this payment has been received.

C. The remainder of the proposer's cash payment shall be paid on a schedule agreed to by the RGU and the proposer.

D. If there is a disagreement over the EIS cost, such payment shall be made within 30 days after the EQB has determined the EIS cost pursuant to part 4410.6410.

If the cash payments made by the proposer exceed the RGU's actual EIS costs, the RGU shall refund the overpayment. The refund shall be paid within 30 days of completion of the RGU of the accounting of the EIS costs.

Subp. 2. [Repealed, 21 SR 1458]

Subp. 3. [Repealed, 21 SR 1458]

Subp. 4. [Repealed, 21 SR 1458]

Subp. 5. [Repealed, 21 SR 1458]

Subp. 6. **Prohibition on state agency permits until notice of final payment.** Upon receipt of final payment from the proposer, the RGU shall promptly notify each state agency having a possible governmental permit interest in the project that the final payment has been received.

Other laws notwithstanding, a state agency shall not issue any governmental permits for the construction or operation of a project for which an EIS is prepared until the required

cash payments of the EIS assessed cost for that project or that portion of a related actions EIS have been paid in full.

Subp. 7. [Repealed, 21 SR 1458]

Statutory Authority: *MS s 116D.04; 116D.045*

History: *21 SR 1458; 31 SR 539*

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