

**4410.7932 PERMIT REVOCATION.**

Subpart 1. **Initiation of revocation.** The board may initiate action to revoke a drilling permit upon a prima facie showing by affidavit and documentation that a violation may have occurred or is likely to occur of the terms and conditions of the permit or parts 4410.7900 to 4410.7934 and Minnesota Statutes, section 116C.724, subdivision 2.

Subp. 2. **Hearing.** If the board determines that a hearing is necessary before revocation of a drilling permit, it shall order a contested case hearing. The findings, conclusions, and recommendations of the administrative law judge shall contain the opinion of the judge whether a violation has occurred or is likely to occur and whether corrective measures, permit revocation, or both, are necessary.

Subp. 3. **Considerations for board action.** Based upon the record and the findings, conclusions, and recommendations of the administrative law judge, if a contested case hearing was held, the board shall consider the following matters at its meeting:

A. whether a violation of any of the conditions in Minnesota Statutes, section 116C.724, subdivision 2, parts 4410.7900 to 4410.7934, or the drilling permit has occurred or is likely to occur;

B. whether the violation has resulted or will result in any significant adverse environmental effects; and

C. whether the results of the violation can be corrected or ameliorated.

Subp. 4. **Board action.** If the board finds that a violation of Minnesota Statutes, section 116C.724, subdivision 2, parts 4410.7900 to 4410.7934, or the terms and conditions of the drilling permit has occurred or is likely to occur, or that a material and adverse effect upon the environment has occurred or is likely to occur, the board shall require corrective measures, or amend or revoke the permit, unless the permittee has undertaken effective corrective or ameliorative measures to correct the violations.

Subp. 5. **Action by the chair.** The chair shall have the power to revoke a permit if all of the following conditions are present:

A. the three days needed to call an emergency board meeting would be too late to prevent a further violation; and

B. the violation is an imminent threat to the public health or safety or a serious or irreversible threat to natural resources.

If a permit is revoked by the chair, the board shall at its next meeting review the decision of the chair and vote to uphold or reverse the permit revocation or vote to hold a contested case hearing on the issue of revocation.

Subp. 6. **Effect of revocation.** If a permit is revoked, the permittee shall halt all drilling and investigative activities immediately. The permit may be reinstated by the board only after the violations are corrected. If the violations are corrected and the corrective action and results are submitted to the board at least 30 days in advance of the board's next scheduled meeting, the board shall consider reinstating the permit at that meeting. If it finds the violations are not corrected, the board shall inform the permittee which deficiencies, if corrected, will allow the permit to be reinstated.

**Statutory Authority:** *MS s 116C.724*

**History:** *10 SR 2290*

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