

4420.0080 EXEMPTION FOR OTHER AGENCY PERMITS.

Subpart 1. **Exemption request.** Any person or entity proposing a release requiring an agency permit may request an exemption from the board release permit. The proposer must file with the board a written request for exemption that includes the reasons the proposed release should be exempted from a release permit; a declaration that the laws, rules, and procedures applied in issuing the agency permit meet the requirements in subpart 2; and a copy of the application for the agency permit.

Subp. 2. **Exemption standards.** The board may exempt a release from a release permit if an agency permit is required and the board finds that the laws, rules, and procedures to be applied in the issuance of the permit include all of the following:

A. a requirement for an environmental assessment worksheet for the proposed release and compliance with Minnesota Statutes, chapter 116D, and rules adopted under it;

B. an evaluation of the application using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines, as appropriate: microbiology, ecology, public health, biological safety, agronomy, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines;

C. the authority or an agreement with the proposer for the agency to place conditions on a permit to mitigate or minimize the adverse impacts of the release on human health or the environment and to provide the agency with information adequate to monitor compliance with the permit; and

D. considerations for permit issuance or denial substantially the same or equivalent to those listed in part 4420.0035, subpart 3.

Subp. 3. **Board action.** Notice of regular or special board meetings considering an exemption must include persons registered under part 4420.0060, subpart 1. The board must deny or grant the exemption at its first regularly scheduled meeting after the request for exemption is filed, provided that the exemption is filed at least 21 calendar days before that meeting.

Subp. 4. **Exemption revocation.** The exemption must be revoked if, prior to 20 days after the issuance of the other agency permit, the board finds that the requirements of subpart 2 have not been met.

Statutory Authority: *MS s 116C.94*

History: *17 SR 139*

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