

6131.0030 SCOPE.

Subpart 1. **Generally.** No permit to mine is required until a peat mining operation exceeds 40 acres in size, unless the commissioner determines that there is potential for significant environmental effects which may result from the peat mining operation. A person intending to engage in or carry on a peat mining operation of 40 acres or less, if the intended operation involves removal of more than 1,000 tons of air-dried peat per year, shall notify the commissioner in writing before beginning any mining, specifying the legal description of the tract to be mined and the mining methods to be used. Within 20 days after either receipt of written notice of intent to mine the tract, or after receiving additional information requested, the commissioner shall notify the person of the decision to require, or not to require, a permit.

Subp. 2. **Persons currently engaged in peat mining.** Any person engaged in a peat mining operation as of August 5, 1985, and not excluded by subpart 1 shall apply for a permit to mine by February 5, 1986. Any existing mining operation may continue during the pendency of the application.

Subp. 3. **Permits before commencement of operations.** Any person intending to conduct a new peat mining operation or reactivate an inactive peat mining operation not excluded by subpart 1 shall obtain a permit to mine prior to commencing operations.

Subp. 4. **Mine plot size limit.** No permit to mine shall be issued for a peat mining operation whose total mine plot acreage exceeds 3,000 acres.

Subp. 5. **Term of permit.** The term of a permit to mine issued under parts 6131.0010 to 6131.0340 is the period determined necessary by the commissioner for the completion of the proposed mining and reclamation activities, based on information provided under part 6131.0150.

Subp. 6. **New, existing, and reactivated operations.** Parts 6131.0010 to 6131.0340 apply to:

A. all portions of a peat mining operation initiated hereafter, including both new operations and reactivated operations; and

B. all portions of existing peat mining operations which are hereafter created or used, except that the siting requirements shall not apply to portions constructed prior to August 5, 1985.

Subp. 7. **Effect on other rules or statutes.** Nothing in parts 6131.0010 to 6131.0340 shall be construed to waive the requirements of any other applicable rules or statutes.

Subp. 8. **Other rights.** Pursuant to Minnesota Statutes, section 93.47, subdivision 3, parts 6131.0010 to 6131.0340 are subject to any rights existing pursuant to any permit,

license, lease, or other valid existing authorization issued by the commissioner, the Pollution Control Agency, or any other governmental entity or their predecessors in office.

Statutory Authority: *MS s 93.461*

History: *10 SR 277*

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