

**7000.0100 DEFINITIONS.**

Subpart 1. **Scope.** As used in this chapter the following words shall have the meanings given them.

Subp. 1a. **Administrative law judge.** "Administrative law judge" means the person assigned by the chief administrative law judge pursuant to Minnesota Statutes, section 14.50, to preside at a rulemaking hearing or contested case hearing.

Subp. 2. **Agency or agency members.** "Agency" or "agency members" means the Minnesota Pollution Control Agency in general and is used to refer to actions or functions of the Pollution Control Agency that are not necessarily those of the commissioner or board members as individuals.

Subp. 2a. **Board.** "Board" means the commissioner and eight members appointed by the governor, by and with the advice and consent of the senate as prescribed in Minnesota Statutes, section 116.02, subdivision 1.

Subp. 2b. **Commissioner.** "Commissioner" means the executive secretary and chief executive officer of the Minnesota Pollution Control Agency as prescribed in Minnesota Statutes, section 116.04.

Subp. 2c. **Contested case.** "Contested case" has the meaning given in Minnesota Statutes, section 14.02, subdivision 3.

Subp. 3. **Days.** "Days" means calendar days.

Subp. 4. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 5. **Emergency.** "Emergency" means imminent and substantial danger to the health and welfare of the people of the state, or any part thereof, as a result of the pollution of air, land, or water.

Subp. 5a. **Interested person.** "Interested person" means persons who have submitted their names and addresses to the board or the commissioner for inclusion on a board or commissioner list of persons to receive notice concerning a specific board or commissioner matter. Persons can place their names and addresses on a board or commissioner list for a specific matter by:

A. making an oral presentation on the specific board matter at a board meeting and registering their names and addresses with the board or commissioner at that time;

B. submitting to the commissioner a written statement in which they request to be treated as an interested person and in which they provide their names and addresses and identify the specific board or commissioner matter in which they are interested;

C. registering their names and addresses for the purpose of receiving notice of all agency rulemakings pursuant to Minnesota Statutes, section 14.14, subdivision 1a; or

D. being named as a party to a contested case hearing for a specific board or commissioner matter.

In addition, for any matter regarding a permit, the permittee is an interested person.

Subp. 5b. **Material issue of fact.** A "material issue of fact" means a fact question, as distinguished from a policy question, whose resolution could have direct bearing on a final board or commissioner decision.

Subp. 6. [Repealed, 19 SR 1310]

Subp. 7. **Order.** "Order" means any written command or direction made by the board or the commissioner, as provided by law.

Subp. 8. **Permit.** "Permit" means every discharge, emission, and disposal authorization, every construction, installation, or operation authorization, and every other board or commissioner authorization designated permit in Minnesota Statutes, chapters 115 and 116, as now in force or hereafter amended, including Minnesota Statutes, sections 115.03, subdivision 1; 115.07; 116.07, subdivision 4, clause (a); 116.081; and 116.091. "Permit" does not include an "order," "variance," or "stipulation agreement" as defined in this part, and does not include a "certification."

Subp. 9. **Person.** "Person" means any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing, but does not include the board or the commissioner.

Subp. 10. **Public informational meeting.** "Public informational meeting" means a meeting called by the board or the commissioner to solicit public comment and statements on a matter before the board or commissioner.

Subp. 11. **Schedule of compliance.** "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

Subp. 12. **Service; serve; submittal; submit.** "Service," "serve," "submittal," or "submit" means personal service, service by mail, or service by facsimile as described in items A to C.

A. Personal service upon the board or commissioner is made by handing an item to the commissioner or by delivering the item to the office of the commissioner and leaving it with a person assigned to that office. Personal service upon an interested person or board member is made by handing an item to that person or by delivering the item to the person's last known home or business address and leaving it with a competent person residing or working at that address.

B. Service by mail is made by placing the item in first class United States mail, postage prepaid, addressed to the last known address of the person being served. Service by mail is complete upon depositing the item in the mail. A person may use an overnight delivery service to effect service by mail instead of using United States mail.

C. Service by facsimile is made by telefaxing a document to a person known to have a facsimile machine. Service by facsimile is complete upon receipt of the facsimile. Service by facsimile must be followed by personal service or service by mail within one day after a facsimile service.

Upon request, the commissioner will make available the names and service addresses of board members.

Subp. 13. **Stipulation agreement.** "Stipulation agreement" means any agreement entered into between the commissioner and any person or persons establishing a schedule for compliance with applicable statutes, rules, or standards by designated dates, or otherwise providing for settlement for noncompliance with applicable statutes, rules, or standards.

Subp. 14. **Variance.** "Variance" means an authorization from the board or commissioner that grants an exemption from the requirements of any rule or standard of the agency and which does not require compliance with the rule or standard for the duration of the authorization. "Variance" does not include permits, stipulation agreements, schedules of compliance, or any modifications thereto, or any order of the board or commissioner which allows interim operation during completion of a compliance program, nor does variance include a time extension of an existing variance.

**Statutory Authority:** *MS s 14.06; 116.07*

**History:** *L 1984 c 640 s 32; L 1987 c 186 s 15; 19 SR 1310; 20 SR 2629; 28 SR 1249*

**Published Electronically:** *April 20, 2004*