

7852.0300 APPLICABILITY OF RULES.

Subpart 1. **Exclusions.** This chapter does not apply to:

- A. temporary use of a route for purposes other than installation of a pipeline;
- B. securing survey and geological data;
- C. repair or replacement of an existing pipeline within an existing right-of-way;
- D. minor relocation of less than three-quarters of a mile of an existing pipeline;
- E. pipe designed to transport a hazardous liquid by gravity;
- F. associated facilities and pipe designed to transport or store a hazardous liquid within a refining, storage, or manufacturing facility;
- G. associated facilities when they are being constructed as an addition to an existing pipeline;
- H. maintenance activities on existing pipeline rights-of-way;
- I. natural gas pipelines occupying streets, highways, or other public property within a municipality under rights granted pursuant to a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, section 216B.36; and
- J. any person that proposes to construct or operate an interstate natural gas pipeline under the authority of the federal Natural Gas Act, United States Code, title 15, section 717, et seq.

Subp. 2. **Conditional exclusion.** This chapter does not apply to construction of a new pipeline in a right-of-way in which a pipeline has been constructed before July 1, 1988, or in a right-of-way that has been approved by the commission after July 1, 1988, except when the commission determines that there is a significant chance of an adverse effect on the environment or that there has been a significant change in land use or population density in or near the right-of-way since the first construction of a pipeline within the right-of-way, or since the commission first approved the route within which the right-of-way is located. Part 7852.0500 addresses conditional exclusion procedures.

Subp. 3. **Partial exemption.** The commission may exempt a proposed pipeline from part of the pipeline routing permit procedures in emergencies or if the commission determines that the proposed pipeline will not have a significant impact on humans or the environment. Part 7852.0400 addresses emergency procedures and part 7852.0600 addresses partial exemption procedures.

Subp. 4. **Pipeline route selection.** If the commission does not grant a partial exemption or if the pipeline company chooses not to apply for a partial exemption, the

pipeline company may submit an application for pipeline route selection and a pipeline routing permit. Part 7852.0700 addresses pipeline route selection procedures.

Subp. 5. **Denial of request.** Application costs for a conditional exclusion, partial exemption, pipeline route selection, or emergency are borne by the applicant as determined in part 7852.4000. If the commission denies an applicant's request for a conditional exclusion, partial exemption, or emergency, the applicant remains responsible for the actual costs and any additional time required for any other application procedures and requirements necessary for further action by the commission.

Statutory Authority: *MS s 116I.015; 216G.02*

History: *13 SR 2046; L 2005 c 97 art 3 s 19*

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