

7852.3800 PERMIT MODIFICATION OR SUSPENSION.

Subpart 1. **Initiation of action.** The commission shall, upon a prima facie showing by affidavit or other documentation that a violation of the terms and conditions of a pipeline routing permit or parts 7852.0100 to 7852.4100 may have occurred or is likely to occur, notify the permittee in writing of the allegations. The commission shall then place the matter on the agenda of the next regular or special meeting of the commission, in accordance with part 4405.0600, for consideration of an action to modify or suspend the pipeline routing permit. The permittee must be given at least ten but no more than 30 days from receipt of the notice to prepare a response to the alleged violation for presentation at the commission meeting. However, the commission may determine that circumstances exist requiring immediate commission action or the permittee may request or agree that the commission meeting be held less than ten days after notification.

Subp. 2. **Commission action.** The commission may decline to act upon any complaint that is a dispute between a landowner or other injured party and the permittee, and for which the party has initiated or may initiate arbitration or court action for redress of the claim. Nothing in parts 7852.0100 to 7852.4100 is intended to expand the right of any party claiming damage or injury as a result of pipeline construction nor do parts 7852.0100 to 7852.4100 expand the liabilities at law of any permittee, contractor, or other person for injury or damage resulting from pipeline construction. The commission shall make a determination as to whether action to suspend or modify a permit is appropriate based on parts 7852.3200, subpart 1, and 7852.3600.

If the commission determines that substantial evidence supports a finding that a violation of the terms or conditions of a pipeline routing permit has occurred or is likely to occur, it may take action to modify or suspend the permit. The commission may, at any time, consider suspension of that action to modify or suspend the permit if the permittee has undertaken effective corrective or ameliorative measures to correct the violations.

Subp. 3. **Scope of suspension.** If the commission decides to suspend a pipeline routing permit, the suspension must be limited to the following:

- A. the route segment that includes the right-of-way preparation, pipeline construction, or restoration activities giving rise to the violation of the permit;
- B. requiring corrective or ameliorative measures necessary for the pipeline to comply with the pipeline routing permit; and
- C. the time period necessary for the permittee to complete the required corrective or ameliorative measures.

Subp. 4. **Scope of modification.** If the commission decides to modify the pipeline routing permit, the permit modifications must be in accordance with part 7852.3600 and be limited to:

A. the imposition of permit conditions that provide reasonable necessary additional mitigation or minimization of significant impacts on humans or the environment; or

B. the amendment of permit conditions regarding right-of-way preparations and pipeline construction activities.

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

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

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