

1 Minnesota Environmental Quality Board

2

3 Adopted Rules Relating to Exploratory Drilling for the Disposal
4 of High Level Radioactive Waste

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6 Rules as Adopted

7 4410.7900 DEFINITIONS.

8 Subpart 1. **Scope.** The definitions in Minnesota Statutes,
9 section 116C.71 apply to parts 4410.7900 to 4410.7934, and for
10 the purposes of those parts, the following terms have the
11 meanings given them.

12 Subp. 2. **Affected landowner.** "Affected landowner" means a
13 person who owns or leases property within the right-of-way of
14 the investigative activities.

15 Subp. 3. **Agent.** "Agent" means a responsible person who
16 will act as a contact person on behalf of the applicant or
17 permittee.

18 Subp. 4. **Applicant.** "Applicant" means any person who
19 applies to the board for a drilling permit.

20 Subp. 5. **Data.** "Data" means any factual measurements,
21 statistics, or information obtained from the investigative
22 activities.

23 Subp. 6. **Drilling permit.** "Drilling permit" means the
24 written document issued by the board authorizing and outlining
25 the rights and responsibilities of the permittee.

26 Subp. 7. **Investigative activities.** "Investigative
27 activities" means the actions, whether in the laboratory or in
28 the field, including visual inspection, mapping, surveying,
29 photography, drilling, surface excavations, in situ testing, and
30 all other research undertaken to establish the geologic and
31 hydrologic condition and ranges of the parameters relevant to
32 drilling in a potentially impacted area.

33 Subp. 8. **Permanent abandonment.** "Permanent abandonment"
34 means the act of permanently sealing a drill hole for the
35 purpose of permanently discontinuing the active and operational

1 use of the drill hole.

2 Subp. 9. Permittee. "Permittee" means any person to whom
3 a drilling permit is issued.

4 Subp. 10. Right-of-way. "Right-of-way" means the interest
5 in real property used or proposed to be used around each drill
6 hole and/or to obtain access to and from that drill hole.

7 Subp. 11. Shelterbelt. "Shelterbelt" means the barrier
8 zone of grasses, shrubs, and trees, or any combination of them,
9 planted to protect crops, soil, and other sensitive areas
10 against erosion.

11 Subp. 12. Split. "Split" means a division of a core
12 sample parallel to the axis of the core sample.

13 Subp. 13. Surface water. "Surface water" means water
14 systems on the surface of the earth, including permanent lakes,
15 streams and wetlands, intermittent streams, periodic wetlands
16 and their respective watercourse beds, and wetland basins.

17 Subp. 14. Temporary abandonment. "Temporary abandonment"
18 means the act of sealing, capping, or protecting a drill hole
19 for the purpose of temporarily discontinuing use of the drill
20 hole for a period of not more than five years.

21 4410.7902 PREAPPLICATION RESPONSIBILITIES OF APPLICANT.

22 A. Pursuant to Minnesota Statutes, section 116C.724,
23 subdivision 3, paragraph (c), the applicant shall provide a
24 notice of intent in writing to the chair at least ten days prior
25 to initiating any contact with any landowner/tenant regarding
26 negotiation of easement rights or other property interests that
27 relate to predrilling right-of-way investigative activities.
28 The notice of intent shall contain the legal description of the
29 right-of-way, the property interest in that right-of-way, and
30 the procedure by which the property interest is to be acquired.

31 B. The applicant shall provide the chair with copies
32 of any permit, lease, permission, and/or easement agreements,
33 within ten days of reaching the agreement, negotiated with
34 landowners and/or tenants during the entire period a potentially
35 impacted area is under consideration for investigative

1 activities related to drilling. These agreements shall provide
2 unrestricted access to the right-of-way as set forth in
3 Minnesota Statutes, section 116C.724, subdivision 2, clause (4),
4 and parts 4410.7900 to 4410.7934.

5 4410.7904 LICENSING OF EXPLORERS.

6 An applicant shall comply with Minnesota Statutes, section
7 156A.071, subdivision 2, and parts 4727.0400 to 4727.0900,
8 relating to the regulation of exploratory boring.

9 4410.7906 PROCEDURE FOR THE ISSUANCE OF A DRILLING PERMIT.

10 Subpart 1. Drilling permit required. A drilling permit
11 shall be obtained from the board for each potentially impacted
12 area prior to commencing any drilling to obtain geologic and
13 hydrologic information, other than the drilling of geophysical
14 shot holes, relating to the disposal of high level radioactive
15 waste.

16 Subp. 2. Content of an application for drilling permit.

17 An application for a drilling permit shall be filed by the
18 applicant with the board and shall include:

- 19 A. the name of the applicant seeking a drilling
20 permit;
- 21 B. the name and address of an agent for the applicant;
- 22 C. the applicant's explorer's license, issued under
23 Minnesota Statutes, section 156A.071, subdivision 2, and parts
24 4727.0400 to 4727.0900;
- 25 D. a description of the proposed drilling operation
26 including the number, type, size, and depth of drill holes;
- 27 E. United States Geological Survey topographical maps
28 to the scale 1:24,000 or smaller on which are drawn to scale the
29 exact locations of the right-of-way and the proposed drill holes;
- 30 F. a development plan showing the right-of-ways and
31 the geographical and cultural features existing on each side of
32 the right-of-ways in an area not less than 200 feet in width on
33 each side of the right-of-way. The scale of the plan shall not
34 be greater than 200 feet per inch. The development plan shall
35 show, to the scale of the plan, dimensions, elevations, contours

1 (using contour intervals of five feet or less), drill hole
2 locations, field construction of drilling equipment, and present
3 and planned pertinent features, including but not limited to
4 roads, buildings, encampments, shelterbelts, fencing, surface
5 water and its diversion or drainage, and present land use. The
6 plan shall show the stages of development from right-of-way
7 preparation through all phases of construction and maintenance.

8 G. a time schedule for acquisition and construction
9 of each right-of-way starting with the ~~beginning-of-any~~
10 ~~investigative-activities~~ initial visual inspection of the
11 right-of-way. The time schedule shall include the proposed
12 commencement and finishing dates of each stage of investigative
13 activities, and shall also include the proposed date of
14 right-of-way clearance, temporary and permanent abandonment,
15 right-of-way restoration activities, and the method and schedule
16 of drill hole monitoring;

17 H. a listing of the federal, state, and local permits
18 that may be required for the proposed drilling and the
19 accompanying right-of-way clearance;

20 I. a description of the environmental setting and the
21 potential environmental impacts of right-of-way clearance and
22 drilling on the following:

- 23 (1) groundwater-bearing formations, whether in
24 bedrock, glacial, or postglacial sediments;
- 25 (2) surface water;
- 26 (3) agricultural lands;
- 27 (4) man-made structures;
- 28 (5) transportation routes;
- 29 (6) residences;
- 30 (7) water wells;
- 31 (8) rare or endangered species; and
- 32 (9) wildlife habitat, native grassland, and other
33 natural areas;

34 J. existing or potential point and nonpoint sources
35 of pollution on or near the right-of-way that could contaminate
36 ~~surficial~~ surface water bodies or water-bearing formations

1 underground because of the investigative activities.

2 Subp. 3. Acceptance of drilling permit application.

3 Within 30 days of receipt of a permit application, the chair
4 shall review it for completeness pursuant to subpart 2 and
5 accept or reject the application. If the chair rejects the
6 application, he shall upon rejection inform the applicant which
7 deficiencies, if corrected, will allow the application to be
8 accepted. Upon resubmission, the chair shall have 30 days to
9 review the amended application and accept or reject it. After
10 acceptance of an application, the applicant shall provide any
11 additional relevant information that the chair or the board
12 determines necessary for board approval of the application. The
13 applicant shall supply extra copies of the application to the
14 members of the board, to the technical representatives to the
15 board designated by an agency member of the board, and five
16 copies to the board's staff.

17 Subp. 4. Copy of application to historical society and
18 county auditor. When an applicant files a permit application
19 with the board, the applicant shall simultaneously send a copy
20 of the application to the Minnesota historical society, and to
21 the office of the county auditor in each county or any portion
22 of a county within the potentially impacted area. The county
23 auditor shall retain and file the application in a manner making
24 it accessible to the public.

25 4410.7908 INFORMATION MEETINGS.

26 Subpart 1. Information meetings required. The applicant
27 or permittee, as appropriate, shall hold public information
28 meetings as required by Minnesota Statutes, section 116C.724,
29 subdivision 3, paragraph (b).

30 (1) The applicant shall hold one public meeting
31 in the potentially impacted area after the permit application
32 has been filed with the board and before the hearing required by
33 part ~~4410.7950~~ 4410.7910. At the meeting the applicant shall
34 explain the scope of the planned investigative activities and
35 the potential short- and long-term environmental, health, and

1 safety impacts, if any, of the investigative activities.

2 (2) The permittee shall hold at least one public
3 meeting every three months in the potentially impacted area
4 during the investigation in order to answer questions, concerns,
5 and complaints, and to provide the public with all current raw
6 and interpreted data on the progress of the investigation.

7 Subp. 2. **Agenda.** The applicant or permittee, as
8 appropriate, shall provide the agenda, and responses to concerns
9 and issues raised at the public information meeting, in writing
10 to the chair within 20 days of the meeting.

11 Subp. 3. **Evidence.** Any person may appear at the public
12 information meetings and present written and/or oral testimony
13 and exhibits relevant to the investigative activities.

14 Subp. 4. **Schedule and location.** The public information
15 meetings shall be scheduled on weekday evenings that do not fall
16 on a public holiday and shall begin no earlier than 7:00 p.m.
17 The public information meetings shall be held in a facility
18 centrally located within the potentially impacted area and
19 sufficient in size to accommodate the reasonably projected
20 attendance. If no adequate facility exists within the
21 potentially impacted area, the meetings shall be held in an
22 adequate facility near the potentially impacted area.

23 Subp. 5. **Notice.** Notice of each public information
24 meeting held pursuant to subpart 1 shall be given by the
25 applicant or permittee, as appropriate, by paid advertisement in
26 a qualified newspaper, as defined in Minnesota Statutes, section
27 331A.01, subdivision 8, in general circulation in the
28 potentially impacted area. The notice shall be published at
29 least ten days and not more than 30 days prior to the meeting.
30 The applicant or permittee shall notify the chair and the county
31 auditor of each county or portion of each county within the
32 potentially impacted area in writing at least ten days in
33 advance of the meeting. The notice shall include the following
34 information:

- 35 A. the date, time, and place of the meeting;
36 B. the agenda;

1 C. the identity of the applicant or permittee and the
2 name of the agent and the address and phone number where that
3 person can be reached; and

4 D. the locations where the most recent permit
5 application or the drilling permit is available to the public.

6 4410.7910 HEARING PROVISIONS.

7 A contested case hearing under Minnesota Statutes, chapter
8 14 and parts 1400.5100 to 1400.8300 shall be held by the board
9 for the purposes of collecting and verifying data, and
10 establishing a complete and accurate record upon which to base a
11 decision to grant or deny a drilling permit. The hearing shall
12 be held after the chair accepts the application for completeness
13 and before the board acts to approve or reject the application.
14 The hearing shall be conducted by an administrative law judge
15 from the State Office of Administrative Hearings. The board
16 shall give notice of the hearing pursuant to part 1400.5600 and
17 the notice shall include all information required by part
18 1400.5600, subpart 2.

19 4410.7912 BOARD CONSIDERATION.

20 Subpart 1. Consideration and approval of the drilling
21 permit application. After acceptance of the application by the
22 chair, and consideration of the findings, conclusion, and
23 recommendation of the administrative law judge, the board shall
24 either approve or reject the application. The board shall
25 approve the application for a permit provided:

26 A. that the application is complete;

27 B. that the applicant has complied with all the
28 requirements of Minnesota Statutes, section 116C.724, and parts
29 4410.7900 to 4410.7934; and

30 C. that the investigative activities will not
31 materially and adversely affect the environment, unless there is
32 no feasible and prudent alternative and the conduct at issue is
33 consistent with and reasonably required for promotion of the
34 public health, safety, and welfare in light of the state's
35 paramount concern for the protection of its air, water, land,

1 and other natural resources from pollution, impairment, or
2 destruction.

3 If the board approves the application, the board shall
4 within 90 days issue a permit to commence drilling in accordance
5 with the time schedule and plans set forth in the application.
6 The drilling permit shall contain the terms and conditions to
7 assure compliance with Minnesota Statutes, section 116C.724,
8 parts 4410.7900 to 4410.7934, and all applicable federal, state,
9 and local ordinances. Upon receipt of the drilling permit, the
10 permittee may begin the approved investigative activities
11 relevant to drilling.

12 Subp. 2. Copy of permit to county auditor. The permittee
13 shall, within three days of receipt of the permit from the
14 board, send a copy of the drilling permit to the office of the
15 county auditor in each county or portion of a county within the
16 potentially impacted area. The county auditor shall retain and
17 file the permit in a manner making it accessible to the public.

18 Subp. 3. Report of complaints. The permittee must
19 promptly report to the chair any complaint received about
20 investigative activities, right-of-way preparation, maintenance,
21 restoration, and temporary and permanent abandonment.

22 Subp. 4. Rejection of drilling permit application. The
23 board shall reject the application if it determines that the
24 application has not met any of the conditions of subpart 1,
25 items A to C. If the board rejects the application, it shall
26 upon rejection inform the applicant which deficiencies if
27 corrected will allow the application to be approved. If the
28 deficiencies are corrected and the amended application is
29 submitted to the board at least 30 days in advance of the
30 board's next regularly scheduled meeting, the board shall
31 consider the amended application at the next regularly scheduled
32 meeting.

33 4410.7914 RIGHT-OF-WAY CLEARANCE AND MAINTENANCE.

34 A. The permittee shall ensure that it clears the
35 right-of-way only to the extent necessary to assure safe

1 drilling operations and to provide suitable access for
2 construction and operation.

3 B. Equipment used in right-of-way preparation and
4 maintenance shall comply with the noise control rules of the
5 Pollution Control Agency published in chapter 7010.

6 C. Where the right-of-way as planned contacts surface
7 water bodies and roads, clearing by the permittee shall be done
8 so that a screen of the maximum possible width of any existing
9 natural vegetation is left along the right-of-way adjacent to
10 the surface water body or road. If the natural vegetation that
11 existed prior to clearing cannot be left as a screen and
12 suitable natural regeneration is not likely to occur within one
13 full growing season following right-of-way restoration, native
14 types of shrubs and trees shall be planted by the permittee to
15 provide an adequate screen. Where the right-of-way as planned
16 contacts surface water bodies of any size and type, the
17 permittee shall act in accordance with federal law, including
18 Executive Order 11990, that protects wetlands of all sizes and
19 types, in accordance with Minnesota Statutes, chapters 104 and
20 105, which cover shoreland management, floodplain management,
21 wild and scenic rivers, and permits required for protected
22 waters, and in accordance with any other federal, state, and
23 local laws, regulations, and ordinances. The amount and species
24 of vegetation that will be planted to replace the vegetation
25 removed from any Minnesota highway right-of-way shall be
26 specified by the Minnesota Department of Transportation or
27 appropriate county or local authority.

28 D. Investigative activities by the permittee in the
29 vicinity of streams shall comply with Minnesota Statutes,
30 chapter 105, permit requirements of the Department of Natural
31 Resources so as to minimize damage to the natural condition of
32 the area.

33 E. Stream banks disturbed during right-of-way
34 clearance or investigative activities shall be stabilized,
35 reclaimed, and seeded revegetated by the permittee using native
36 plant species indigenous to the area.

1 F. Areas where natural vegetation has been removed
2 and suitable natural regeneration is not likely to occur within
3 one full growing season, shall be ~~reseeded~~ revegetated by the
4 permittee using native plant species indigenous to the area
5 within one full growing season after temporary abandonment.

6 G. Where significant grading or excavation or both is
7 required, precautions shall be taken by the permittee to protect
8 and segregate top soil.

9 H. Compaction of cropland by the permittee shall be
10 kept to a minimum and confined to as small an area as
11 practicable.

12 I. Precautions to protect livestock and crops shall
13 be taken by the permittee.

14 J. All appropriate precautions to protect against
15 pollution of the environment shall be taken by the permittee.

16 K. The permittee ~~will~~ shall repair or replace all
17 drainage tiles broken or damaged during right-of-way preparation
18 or investigative activities unless otherwise negotiated with the
19 landowner or tenant, as appropriate, on whose property the tiles
20 are located.

21 L. The permittee is responsible for the repair of
22 private roads and lanes damaged when moving equipment or when
23 obtaining access to the right-of-way and for the reimbursement
24 to the landowner or tenant, as appropriate, for crop loss
25 resulting from access to right-of-way damaged during preparation
26 or drilling operations.

27 M. The permittee shall replace or repair all fences
28 and gates removed or damaged during right-of-way preparation and
29 investigative activities unless otherwise negotiated with the
30 landowner or tenant, as appropriate.

31 N. Shelterbelts and trees shall be protected by the
32 permittee whenever possible. If shelterbelts and trees must be
33 cut, native shrubs and trees shall be planted to provide
34 protection in accordance with the request of the landowner or
35 tenant, as appropriate, unless otherwise negotiated with the
36 landowner or tenant, as appropriate.

1 O. The permittee shall restore cropland to
2 substantially its original condition, unless otherwise
3 negotiated with the landowner or tenant, as appropriate.
4 Restoration shall include grading, topsoil replacement,
5 subsoiling and disking, or other methods as negotiated with the
6 landowner or tenant, as appropriate.

7 P. The permittee shall return pasture to its former
8 level of productivity, unless otherwise negotiated with the
9 landowner or tenant, as appropriate. Pasture restoration shall
10 include planting native or tame grasses or other restoration
11 methods as negotiated with the landowner or tenant, as
12 appropriate.

13 Q. The permittee shall, unless negotiated with the
14 landowner or tenant, as appropriate, restore other areas to
15 substantially their original condition.

16 4410.7916 EMERGENCY NOTIFICATION.

17 The applicant or permittee, as appropriate, shall promptly
18 notify the chair, the commissioner of health, the commissioner
19 of natural resources, the pollution control agency, and the
20 county health officer of each county or portion of a county in
21 which investigative activities are conducted of any occurrence
22 during investigative activities and related actions that has a
23 potential for significant adverse health or environmental
24 effects and shall take action as quickly as may be reasonably
25 possible to minimize adverse effects.

26 4410.7918 LOCATION OF DRILL HOLES.

27 A permittee shall comply to the extent practicable with the
28 following standards with respect to location of a drill hole.

29 A. A drill hole shall be located:

30 (1) when possible on a right-of-way that has good
31 surface drainage, at a higher elevation than, and at a
32 sufficient distance from cesspools, buried sewers, septic tanks,
33 privies, barnyards, and feedlots or other possible sources of
34 contamination, as provided in the Minnesota Water Well
35 Construction Code, chapter 4725;

1 (2) so that the drill hole and its surrounding
2 area can be kept in a sanitary condition;

3 (3) to exclude all sources of pollution that are
4 known to the permittee, or reasonably should have been known to
5 the permittee, from entering the drill hole; and

6 (4) 50 feet from any building and at least 1,000
7 feet from any occupied residence or occupied animal barn, or as
8 negotiated with the landowner or tenant, as appropriate.

9 4410.7920 DRILL HOLE CONSTRUCTION STANDARDS.

10 A permittee shall comply with the following standards with
11 respect to construction of a drill hole.

12 A. Drill holes shall be constructed in such a fashion
13 as to facilitate testing and prevent any contamination of
14 aquifers.

15 B. Drill holes not permanently abandoned within 30
16 days of completion must be constructed to ~~the standards of the~~
17 ~~Minnesota Water Well Construction Code, chapter 4725~~ meet the
18 requirements of part 4727.1100 regarding temporary abandonment
19 of exploratory borings, and the requirements of any federal
20 statutes and regulations applicable to deep wells.

21 4410.7922 USE OF DRILL HOLE FOR DISPOSAL PROHIBITED.

22 A drill hole shall not be used by the permittee for
23 disposal of surface water, near surface water or groundwater or
24 any other liquid, gas, chemical, or solid waste including
25 drilling fluids.

26 4410.7924 CLEANUP PROCEDURES.

27 A permittee shall comply with the following clean-up
28 procedures.

29 A. Cleanup of personal litter, including cans,
30 bottles, and paper, deposited by drilling operation or
31 right-of-way preparation crews on and off the right-of-way shall
32 be on a daily and continuous basis.

33 B. Interim cleanup and proper disposal of all waste
34 and scrap materials on and off the right-of-way work areas shall

1 be carried out after each phase of the drilling operation.

2 C. After all the work has been performed, the land
3 shall be restored to approximate original contour within a
4 reasonable period of time, unless negotiated with the landowner
5 or tenant, as appropriate.

6 D. All waste and scrap shall be removed or properly
7 disposed of in accordance with the solid and liquid waste
8 regulations of chapters 7035 and 7001.

9 4410.7926 ABANDONMENT OF EXPLORATORY BORINGS.

10 Pursuant to Minnesota Statutes, section 116C.724,
11 subdivision 2, clause (1), any abandonment, whether temporary or
12 permanent, shall comply with the state drilling and drill hole
13 abandonment and restoration rules governing exploratory boring
14 under Minnesota Statutes, chapter 156A, and parts 4727.1000 to
15 4727.1300.

16 4410.7928 SUBMISSION OF SPLITS AND DATA.

17 Subpart 1. Request for samples or data. Pursuant to
18 Minnesota Statutes, section 116C.724, subdivision 2, clauses (5)
19 and (6), the permittee shall submit splits or portions of a core
20 sample to the commissioner of natural resources at the
21 commissioner's request or to the director of the Minnesota
22 geological survey at the director's request. If the permittee
23 needs a sample in its entirety, the commissioner or director may
24 accept certified and uninterpreted data of the sample in lieu of
25 an actual portion if that data provides all the information
26 necessary to obtain complete and accurate conclusions. Splits
27 or certified data shall be presented to the commissioner or
28 director within 30 days after the request is made and all
29 samples submitted shall become the property of the state.

30 Subp. 2. Required data. Pursuant to Minnesota Statutes,
31 section 116C.724, subdivision 3, the permittee or any person
32 conducting geologic, hydrologic, or geophysical testing or any
33 other studies relating to disposal is required to provide
34 unrestricted access to both all raw and interpreted data to the
35 chair and director of the Minnesota geological survey or their

1 designated representatives within 30 days. The raw and
2 interpreted data includes:

3 A. core samples and splits;

4 B. distribution of engineering and geophysical
5 parameters including rippability of rock and surficial
6 materials, degree of bedrock or surficial weathering including
7 depth of exfoliation present, resistivity, seismic properties,
8 elastic properties, and coefficients of thermal expansion and
9 thermal conductivity;

10 C. stratigraphic sections and geologic cross sections
11 of the affected areas including structural, mineralogical, and
12 petrological descriptions at a scale sufficient to delineate
13 relevant stratigraphic changes, discontinuities, or sections of
14 hydrologic or structural interest;

15 D. location, depth, thickness, and mineral
16 composition of all bedrock aquifers and other water-bearing
17 formations;

18 E. location, depth, thickness, geologic
19 classification, and material classification of all Quaternary
20 hydrogeologic units encountered;

21 F. distribution of hydrologic parameters including
22 vertical and horizontal hydraulic conductivity, sustained yield
23 ratings, transmissivity, effective porosity, dispersivity,
24 interstitial velocity, sorbtion coefficients, ion exchange
25 capacity, and elevation of the potentiometric surface for all
26 confined units and water level elevation for unconfined units
27 for the area of potential environmental impact;

28 G. the groundwater recharge and discharge areas and a
29 description of the flow system including local, intermediate,
30 and regional flow;

31 H. structural discontinuities and their relationship
32 to groundwater flow, including the presence of and effects on
33 the flow system due to faults, fractures, joints, fissures, and
34 microfissures. Related secondary permeability, rock pore
35 pressure factors, and the extent and type of fracture filling
36 material;

1 I. groundwater samples with hydrogeochemical analyses
2 of the area and location, including probable ranges of the
3 chemical composition for major and trace ions and organics with
4 location and depth and Eh-pH;

5 J. postdrilling test results, including in-situ
6 stresses, in-situ heat, and tracer tests;

7 K. levels of preexisting radiation from natural
8 elements and man-made structures;

9 L. tests for solubility of radionuclides and
10 radioactive chemicals, including but not limited to Cesium,
11 Strontium, Carbon-14, Iodine 129, Plutonium, Technetium,
12 Americium, Neptenium, Radon, and Radium;

13 M. survey charts, maps, graphs, photographs, and
14 interpretative and predecisional reports; and

15 N. any and all other raw and interpreted data
16 obtained through the studies related to the disposal of
17 high-level radioactive waste.

18 4410.7930 PERMIT AMENDMENTS.

19 Subpart 1. Amendments proposed by permittee. Proposed
20 amendments to the conditions set forth in the drilling permit
21 regarding size, type, depth, number, and location of drill holes
22 or the location of right-of-ways shall be sent in writing to the
23 chair of the board. Revised maps, development plans, and
24 descriptions of the environmental setting in accordance with
25 part 4410.7906, subpart 1, shall accompany a detailed statement
26 explaining the necessity and reasonableness of the amendments,
27 all of which shall be sent by the permittee to be received by
28 the chair at least ten working days before the day the proposed
29 amendments are intended to become effective.

30 A. Within the ten working days the chair shall decide
31 whether the proposed amendments require board approval and
32 notify the permittee as to the status of the proposed permit
33 amendments.

34 B. If, in the opinion of the chair, the proposed
35 amendments would not significantly change the terms and

1 conditions set forth in the drilling permit, or materially and
2 adversely affect the environment, the amendments may be approved
3 by the chair.

4 C. If, in the opinion of the chair, the proposed
5 amendments would cause significant changes in the terms and
6 conditions of the permit, or materially and adversely affect the
7 environment, the chair shall submit the proposed amendments to
8 the board at its next scheduled meeting following the chair's
9 determination, providing his determination is made 20 days in
10 advance of the next scheduled board meeting. The board shall
11 approve the proposed amendments if the application as amended
12 complies with all the requirements of Minnesota Statutes,
13 section 116C.724 and parts 4410.7900 to 4410.7934. The board
14 shall reject the proposed amendments if it determines that the
15 application as amended would not comply with the requirements of
16 Minnesota Statutes, section 116C.724 and parts 4410.7900 to
17 4410.7934. Proposed amendments submitted to the board shall not
18 be implemented until the board approves them.

19 Subp. 2. Amendments proposed by board. The board shall,
20 acting on its own initiative, amend the permit to prevent any
21 material and adverse effect to the environment and to prevent
22 any violation of parts 4410.7900 to 4410.7934 or the terms of
23 the permit. The board shall give at least ten working days
24 written notice to the permittee of board action to amend the
25 permit. The permittee may appear before the board and offer
26 evidence relevant to the proposed amendment.

27 4410.7932 PERMIT REVOCATION.

28 Subpart 1. Initiation of revocation. The board may
29 initiate action to revoke a drilling permit upon a prima facie
30 showing by affidavit and documentation that a violation may have
31 occurred or is likely to occur of the terms and conditions of
32 the permit or parts 4410.7900 to 4410.7934 and Minnesota
33 Statutes, section 116C.724, subdivision 2.

34 Subp. 2. Hearing. If the board determines that a hearing
35 is necessary before revocation of a drilling permit, it shall

1 order a contested case hearing. The findings, conclusions, and
2 recommendations of the administrative law judge shall contain
3 the opinion of the judge whether a violation has occurred or is
4 likely to occur and whether corrective measures, permit
5 revocation, or both, are necessary.

6 Subp. 3. Considerations for board action. Based upon the
7 record and the findings, conclusions, and recommendations of the
8 administrative law judge, if a contested case hearing was held,
9 the board shall consider the following matters at its meeting:

10 A. whether a violation of any of the conditions in
11 Minnesota Statutes, section 116C.724, subdivision 2, parts
12 4410.7900 to 4410.7934, or the drilling permit has occurred or
13 is likely to occur;

14 B. whether the violation has resulted or will result
15 in any significant adverse environmental effects; and

16 C. whether the results of the violation can be
17 corrected or ameliorated.

18 Subp. 4. Board action. If the board finds that a
19 violation of Minnesota Statutes, section 116C.724, subdivision
20 2, parts 4410.7900 to 4410.7934, or the terms and conditions of
21 the drilling permit has occurred or is likely to occur, or that
22 a material and adverse effect upon the environment has occurred
23 or is likely to occur, the board shall require corrective
24 measures, or amend or revoke the permit, unless the permittee
25 has undertaken effective corrective or ameliorative measures to
26 correct the violations.

27 Subp. 5. Action by the chair. The chair shall have the
28 power to revoke a permit if all of the following conditions are
29 present:

30 A. the three days needed to call an emergency board
31 meeting would be too late to prevent a further violation; and

32 B. the violation is an imminent threat to the public
33 health or safety or a serious or irreversible threat to natural
34 resources.

35 If a permit is revoked by the chair, the board shall at its
36 next meeting review the decision of the chair and vote to uphold

1 or reverse the permit revocation or vote to hold a contested
2 case hearing on the issue of revocation.

3 Subp. 6. Effect of revocation. If a permit is revoked,
4 the permittee shall halt all drilling and investigative
5 activities immediately. The permit may be reinstated by the
6 board only after the violations are corrected. If the
7 violations are corrected and the corrective action and results
8 are submitted to the board at least 30 days in advance of the
9 board's next scheduled meeting, the board shall consider
10 reinstating the permit at that meeting. If it finds the
11 violations are not corrected, the board shall inform the
12 permittee which deficiencies, if corrected, will allow the
13 permit to be reinstated.

14 4410.7934 APPLICATION AND MONITORING FEES ASSESSMENTS.

15 Subpart 1. Application-fees Initial assessment. Every
16 applicant for a drilling permit shall pay to the board a-base
17 fee an initial assessment of \$20,000 to be paid as follows:

- 18 A. 50 percent accompanying the application; and
19 B. 50 percent to be paid five days before the hearing
20 held pursuant to part 4410.7910.

21 Subp. 2. Purpose of assessments and additional costs. ~~If~~
22 ~~the-actual-cost-of-processing-an-application-or-amendments,~~
23 ~~holding-hearings,-whether-required-or-initiated-by-the-board,-or~~
24 ~~costs-incurred-through-permit-revocation,-exceeds-the-above-fee,~~
25 ~~the-board-shall-assess-the-permittee-any-additional-fees~~
26 ~~necessary-to-cover-the-actual-costs.--All-money-received~~
27 ~~pursuant-to-this-subpart-shall-be-deposited-in-the-general-fund.~~

28 ~~The-board-shall-assess-to-the-permittee-all-costs-incurred~~
29 ~~in-monitoring-the-investigative-activities.--The-permittee-shall~~
30 be-assessed The purpose of the assessments is to cover the
31 actual costs of processing an application or amendments, holding
32 hearings, whether required by law or initiated by the board, or
33 the costs incurred through permit revocation and monitoring the
34 investigative activities, including staff and consultant
35 expenses including housing, travel, office space within the

1 potentially impacted area, equipment, administrative,
2 logistical, and all other costs relating to the monitoring of
3 the investigative activities. If the actual costs exceed the
4 initial assessment the board shall assess the permittee any
5 additional assessments necessary to cover the actual costs.

6 Subp. 3. **Method of assessment.** The costs assessed under
7 subpart 2 shall be assessed quarterly, at least 30 days before
8 the start of each calendar quarter, by the board against the
9 permittee. The money paid pursuant to the assessment shall be
10 paid to the board within 30 days after receipt of the
11 assessment, which assessment shall constitute notice of the
12 assessment and demand for payment thereof. The total amount
13 which may be assessed to the permittee under authority of this
14 part shall not exceed the sum of the costs incurred through the
15 monitoring, processing, and related activities. Money received
16 by the board pursuant to any assessment shall be paid to the
17 ~~general~~ special revenue fund.