

1 Environmental Quality Board

2

3 Adopted Permanent Rules Relating to Pipeline Routing

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5 Rules as Adopted

6 4415.0010 DEFINITIONS.

7 Subpart 1. Scope. The definitions in Minnesota Statutes,
8 section 116I.015, and subparts 2 to 35 apply to this chapter.

9 Subp. 2. Act. "Act" has the meaning given it in Minnesota
10 Statutes, section 116I.015.

11 Subp. 3. Affected landowner. "Affected landowner" means
12 an owner or lessee of record of real property, any part of which
13 is within the proposed pipeline route.

14 Subp. 4. Authorized representative or agent. "Authorized
15 representative" or "agent" means a person who is authorized to
16 act as a contact person on behalf of the applicant or permittee.

17 Subp. 5. Applicant. "Applicant" means any person or
18 persons who apply to the board for a conditional exclusion,
19 partial exemption, pipeline route selection, or emergency.

20 Subp. 6. Application. "Application" means a document
21 submitted by a person or persons to the board for conditional
22 exclusion, partial exemption, pipeline route selection, or
23 emergency, the contents of which are described in this chapter.

24 Subp. 7. Associated facilities. "Associated facilities"
25 means all parts of those physical facilities through which
26 hazardous liquids or gas moves in transportation, including but
27 not limited to pipe, valves, and other appurtenances connected
28 or attached to pipe, pumping and compressor units, fabricated
29 assemblies associated with pumping and compressor units,
30 metering and delivery stations, regulation stations, holders,
31 breakout tanks, fabricated assemblies, cathodic protection
32 equipment, telemetering equipment, and communication
33 instrumentation located on the right-of-way.

34 Subp. 8. Barrel. "Barrel" has the meaning given in part
35 4250.0100, subpart 5.

1 Subp. 9. **Board.** "Board" means the Minnesota Environmental
2 Quality Board.

3 Subp. 10. **Btu.** "Btu" has the meaning given in part
4 4250.0100, subpart 6.

5 Subp. 11. **Chair.** "Chair" is the person defined in part
6 4405.0100, subpart 4, or in the absence of the chair, the
7 vice-chair defined in part 4405.0100, subpart 21.

8 Subp. 12. **Construction.** "Construction" means any clearing
9 of land, excavation, or other action for the purpose of
10 constructing new pipeline that would adversely affect the
11 natural environment of a pipeline route. Construction does not
12 include changes needed for temporary use of a route for purposes
13 of maintenance, repair, or replacement of an existing pipeline
14 and associated facilities within existing rights-of-way, or for
15 the minor relocation of less than three-quarters of a mile of an
16 existing pipeline or for securing survey or geological data,
17 including necessary borings to ascertain soil conditions.

18 Subp. 13. **Design day.** "Design day" has the meaning given
19 in part 4230.0100, subpart 6.

20 Subp. 14. **Environment.** "Environment" means physical
21 conditions existing in the area that may be affected by a
22 proposed pipeline and associated facilities. It includes land,
23 air, water, minerals, flora, fauna, ambient noise, energy
24 resources, natural features, or man-made objects of historic,
25 archaeological, geologic, or aesthetic significance.

26 Subp. 15. **Equivalent Mcf.** "Equivalent Mcf" has the
27 meaning given in part 4230.0100, subpart 9.

28 Subp. 16. **Filed.** "Filed" means submitted to the board. A
29 document is considered filed with the board when it is received
30 by the board.

31 Subp. 17. **Gas.** "Gas" means natural gas, flammable gas, or
32 gas which is toxic or corrosive.

33 Subp. 18. **Gas volume.** "Gas volume" has the meaning given
34 in part 4230.0100, subpart 12.

35 Subp. 19. **Hazardous liquid.** "Hazardous liquid" means
36 petroleum, petroleum products, or anhydrous ammonia.

1 Subp. 20. Liquefied gas. "Liquefied gas" has the meaning
2 given in part 4230.0100, subpart 17.

3 Subp. 21. Liquefied petroleum gas; LPG. "Liquefied
4 petroleum gas" or "LPG" has the meaning given in part 4250.0100,
5 subpart 16.

6 Subp. 22. Mcf. "Mcf" has the meaning given in part
7 4270.0100, subpart 21.

8 Subp. 23. Permittee. "Permittee" means any person to whom
9 a pipeline routing permit is issued.

10 Subp. 24. Person. "Person" means an individual,
11 partnership, joint venture, private or public corporation,
12 association, firm, public service company, cooperative,
13 political subdivision, municipal corporation, government agency,
14 public utility district, or any other entity, public or private,
15 however organized.

16 Subp. 25. Pipe. "Pipe" means any pipe or tube through
17 which hazardous liquids or gas flows or is conveyed from one
18 point to another.

19 Subp. 26. Pipeline. "Pipeline" means:

20 A. pipe with a nominal diameter of six inches or more
21 that is designed to transport hazardous liquids, but does not
22 include pipe designed to transport a hazardous liquid by
23 gravity, and pipe designed to transport or store a hazardous
24 liquid within a refining, storage, or manufacturing facility; or

25 B. pipe designed to be operated at a pressure of more
26 than 275 pounds per square inch and to carry gas.

27 Subp. 27. Pipeline company. "Pipeline company" means an
28 entity that operates a pipeline.

29 Subp. 28. Pipeline project or project. "Pipeline project"
30 or "project" means a pipeline and associated facilities that are
31 planned or under construction.

32 Subp. 29. Pipeline routing permit. "Pipeline routing
33 permit" means the written document issued by the board to the
34 permittee that designates a route for a pipeline and associated
35 facilities, conditions for right-of-way preparation,
36 construction, clean-up, and restoration. The permit may not set

1 safety standards for pipeline construction.

2 Subp. 30. **Public adviser.** "Public adviser" means a staff
3 person designated by the board for the sole purpose of assisting
4 and advising any person on how to effectively participate in the
5 pipeline route selection procedures.

6 Subp. 31. **Right-of-way.** "Right-of-way" means the interest
7 in real property used or proposed to be used within a route to
8 accommodate a pipeline and associated facilities.

9 Subp. 32. **Route.** "Route" means the proposed location of a
10 pipeline between two end points. A route may have a variable
11 width from the minimum required for the pipeline right-of-way up
12 to 1.25 miles.

13 Subp. 33. **Route segment.** "Route segment" means a portion
14 of a route.

15 Subp. 34. **Shelterbelt.** "Shelterbelt" means the barrier
16 zone of grasses, shrubs, and trees, or any combination of them,
17 planted to protect crops, soil, and other sensitive areas
18 against erosion.

19 Subp. 35. **Synthetic gas.** "Synthetic gas" has the meaning
20 given in part 4230.0100, subpart 27.

21 4415.0015 AUTHORITY, SCOPE, PURPOSE, AND OBJECTIVES.

22 Subpart 1. **Authority.** This chapter is adopted under
23 authority granted in Minnesota Statutes, section 116I.015, to
24 implement review procedures for the routing of pipelines that
25 give effect to the purposes of the act.

26 Subp. 2. **Scope.** This chapter applies to pipelines defined
27 in Minnesota Statutes, section 116I.015, unless ~~preempted-by~~
28 ~~federal-law-or~~ excluded by statute or this chapter. This
29 chapter does not set safety standards for the design or
30 construction of pipelines. The issuance of a pipeline routing
31 permit under Minnesota Statutes, section 116I.015, and this
32 chapter for the subsequent purchase and use of a right-of-way
33 with the route is the only site approval required to be obtained
34 by the person owning or constructing the pipeline. The pipeline
35 routing permit supersedes and preempts all zoning, building, or

1 land use rules, regulations, or ordinances adopted by regional,
2 county, local, or special purpose governments, as provided in
3 Minnesota Statutes, section 116I.015, subdivision 4. The
4 pipeline routing permit must not contravene applicable state or
5 federal jurisdiction, rules, or regulations that govern safety
6 standards for pipelines nor shall the permit set safety
7 standards for the design or construction of pipelines.

8 Subp. 3. **Purpose.** Minnesota Statutes, section 116I.015,
9 recognizes that pipeline location and restoration of the
10 affected area after construction is important to citizens and
11 their welfare and that the presence or location of a pipeline
12 may have a significant impact on humans and the environment.

13 To properly assess and determine the location of a
14 pipeline, it is necessary to understand the impact that a
15 proposed pipeline project will have on the environment.
16 Pipeline route designation procedures, proper pipeline
17 right-of-way preparation, construction practices, and
18 restoration of the affected area will lessen or mitigate the
19 impacts of the proposed pipeline project on humans and the
20 environment. The purpose of this chapter is to aid in the
21 selection of a pipeline route and to aid in the understanding of
22 its impacts and how those impacts may be reduced or mitigated
23 through the preparation and review of information contained in
24 pipeline routing permit applications and environmental review
25 documents.

26 Subp. 4. **Objectives.** The process created by this chapter
27 is designed to:

28 A. locate proposed pipelines in an orderly manner
29 that minimizes adverse human and environmental impact;

30 B. provide information to the project proposer,
31 governmental decision makers, and the public concerning the
32 primary human and environmental effects of a proposed pipeline
33 project;

34 C. reduce delay, uncertainty, and duplication in the
35 review process; and

36 D. ensure that pipeline routing permit needs are met

1 and fulfilled in an orderly and timely manner.

2 4415.0020 APPLICABILITY OF RULES.

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

4 A. temporary use of a route for purposes other than
5 installation of a pipeline;

6 B. securing survey and geological data;

7 C. repair or replacement of an existing pipeline
8 within an existing right-of-way;

9 D. minor relocation of less than three-quarters of a
10 mile of an existing pipeline;

11 E. pipe designed to transport a hazardous liquid by
12 gravity;

13 F. associated facilities and pipe designed to
14 transport or store a hazardous liquid within a refining,
15 storage, or manufacturing facility;

16 G. associated facilities when they are being
17 constructed as an addition to an existing pipeline;

18 H. maintenance activities on existing pipeline
19 rights-of-way; and

20 I. natural gas pipelines occupying streets, highways,
21 or other public property within a municipality under rights
22 granted under pursuant to a license, permit, right, or franchise
23 that has been granted by the municipality under authority of
24 Minnesota Statutes, section 216B.36; and

25 J. any person that proposes to construct or operate
26 an interstate natural gas pipeline under the authority of the
27 federal Natural Gas Act, United States Code, title 15, section
28 717, et. seq.

29 Subp. 2. Conditional exclusion. This chapter does not
30 apply to construction of a new pipeline in a right-of-way in
31 which a pipeline has been constructed before July 1, 1988, or in
32 a right-of-way that has been approved by the board after July 1,
33 1988, except when the board determines that there is a
34 significant chance of an adverse effect on the environment or
35 that there has been a significant change in land use or

1 population density in or near the right-of-way since the first
2 construction of a pipeline within the right-of-way, or since the
3 board first approved the route within which the right-of-way is
4 located. Part 4415.0030 addresses conditional exclusion
5 procedures.

6 Subp. 3. **Partial exemption.** The board may exempt a
7 proposed pipeline from part of the pipeline routing permit
8 procedures in emergencies or if the board determines that the
9 proposed pipeline will not have a significant impact on humans
10 or the environment. Part 4415.0025 addresses emergency
11 procedures and part 4415.0035 addresses partial exemption
12 procedures.

13 Subp. 4. **Pipeline route selection.** If the board does not
14 grant a partial exemption or if the pipeline company chooses not
15 to apply for a partial exemption, the pipeline company may
16 submit an application for pipeline route selection and a
17 pipeline routing permit. Part 4415.0040 addresses pipeline
18 route selection procedures.

19 Subp. 5. **Denial of request.** Application costs for a
20 conditional exclusion, partial exemption, pipeline route
21 selection, or emergency are borne by the applicant as determined
22 in part 4415.0210. If the board denies an applicant's request
23 for a conditional exclusion, partial exemption, or emergency,
24 the applicant remains responsible for the actual costs and any
25 additional time required for any other application procedures
26 and requirements necessary for further action by the board.

27 **EMERGENCY PROCEDURES**

28 **4415.0025 PIPELINE EMERGENCY ACTION AND PROCEDURES.**

29 Subpart 1. **Pipeline emergency action.** In the rare
30 situation where immediate action by a pipeline company whose
31 pipeline system requires the immediate construction of a
32 pipeline is considered essential to avoid or eliminate an
33 imminent threat, prevent injury, loss of life, property damage,
34 or loss of essential public services, a pipeline project may be
35 undertaken without the review that would otherwise be required

1 by this chapter.

2 Subp. 2. Pipeline emergency procedures. The pipeline
3 company shall notify and demonstrate to the chair, either orally
4 or in writing, that immediate action is essential and must
5 receive temporary authorization from the chair to proceed. All
6 oral requests must be followed by a written request within three
7 working days. Temporary authorization to proceed must be
8 determined by the chair as soon as possible after the request is
9 made and must be limited to only those aspects of the project
10 necessary to control the immediate impacts of the emergency.

11 A. If temporary authorization to proceed is granted
12 by the chair, the pipeline company must appear at the next board
13 meeting to seek authorization from the board to continue
14 activities necessary to remedy the emergency. Other aspects of
15 the project remain subject to review under this chapter.

16 B. If temporary authorization to proceed is denied by
17 the chair, the pipeline company may request and be granted an
18 immediate special meeting of the board under part 4405.0600,
19 subpart 4. The board shall then determine whether a pipeline
20 emergency exists and whether temporary authorization for the
21 pipeline company to proceed with immediate construction is
22 appropriate.

23 **CONDITIONAL EXCLUSION PROCEDURES**

24 **4415.0030 CONDITIONAL EXCLUSION PROCEDURES AND DETERMINATION.**

25 Subpart 1. Procedures. A pipeline company having a
26 reasonable basis to assert that a pipeline routing permit is not
27 required to construct or operate a proposed pipeline under
28 Minnesota Statutes, section 116I.015, shall so notify the board
29 and the county board of each county through which the pipeline
30 will be constructed. The board shall make a determination on
31 whether to grant a conditional exclusion provided for in part
32 4415.0020, subpart 2, only when the pipeline company:

33 A. completes the environmental assessment worksheet
34 (EAW) review procedures as provided in parts 4410.1000 to
35 4410.1700; and

1 B. provides information that will allow the board to
 2 determine if there has been a significant change in land use or
 3 population density in or near the right-of-way since the first
 4 construction of pipeline in the right-of-way, or since the board
 5 first approved the right-of-way. This information will be
 6 distributed with the EAW for comments.

7 Subp. 2. **Determination.** Based on the record of the EAW
 8 decision, including the information required by part 4415.0030,
 9 subpart 1, item B, the board shall grant a conditional exclusion
 10 unless it finds that:

11 A. there is a significant chance of an adverse effect
 12 on the environment; or

13 B. there has been a significant change in land use or
 14 population density in or near the right-of-way since the first
 15 construction of the pipeline in the right-of-way, or since the
 16 board first approved the right-of-way.

17 Subp. 3. **Granting of conditional exclusion.** When an
 18 exclusion is granted, the applicant must comply with the
 19 requirements provided by Minnesota Statutes, sections 116I.02
 20 and 117.49. No further review under Minnesota Statutes, section
 21 116I.015, and this chapter is required.

22 Subp. 4. **Denial of exclusion.** If the board does not grant
 23 an exclusion, the pipeline company may submit an application for
 24 a pipeline routing permit under either the partial exemption
 25 procedures in parts 4415.0035 to 4415.0040 or the full pipeline
 26 route selection procedures in parts 4415.0045 to 4415.0100.

27 EXEMPTION FROM ROUTE SELECTION PROCEDURE

28 4415.0035 PARTIAL EXEMPTION FROM PIPELINE ROUTE SELECTION
 29 PROCEDURES.

30 Subpart 1. **Partial exemption procedures.** A person may
 31 apply to the board for partial exemption from the pipeline route
 32 selection procedures for the issuance of a pipeline routing
 33 permit. To apply for a partial exemption, a person must comply
 34 with the application procedures of part 4415.0105 and submit an
 35 application that contains the information identified in parts

1 4415.0115 to 4415.0165. The board shall decide whether to grant
2 or deny the partial exemption within 90 days after board
3 acceptance of the partial exemption application.

4 Subp. 2. **Notice of partial exemption application.** Within
5 15 days of board acceptance of an application for partial
6 exemption, the applicant shall:

7 A. provide published notice, including a description
8 of the proposed project, including size and type, and a map of
9 the proposed pipeline route in each county in which the route is
10 proposed to be located;

11 B. comply with application distribution requirements
12 of part 4415.0105, subpart 6; and

13 C. send by certified mail a copy of the partial
14 exemption application and a clear description of the procedures
15 that must be followed for commenting on the partial exemption to
16 the chair or chief executive of any regional development
17 commission, county, incorporated municipality, organized town,
18 and to affected landowners.

19 Subp. 3. **Comments on partial exemption.** A person may file
20 comments with the board within 30 days after giving notice under
21 subpart 2, item C, stating reasons why the board should grant or
22 deny the partial exemption.

23 Subp. 4. **Public information meetings.** The board shall
24 conduct a public information meeting in each county in which the
25 pipeline and associated facilities are proposed to be located.
26 The purpose of the public information meetings is to assist the
27 board in determining whether to grant or deny the partial
28 exemption.

29 Subp. 5. **Determination of partial exemption.** In deciding
30 whether to grant or deny the partial exemption, the board shall
31 consider any comments that are filed, the record of the public
32 information meetings, and the information contained in the
33 application relevant to the criteria for partial exemption in
34 part 4415.0040. If the board grants the partial exemption from
35 the pipeline route selection procedures in parts 4415.0045 to
36 4415.0100, the board must state in writing its reasons for

1 supporting the partial exemption and must issue a pipeline
2 routing permit in accordance with part 4415.0175.

3 Subp. 6. **Denial of partial exemption.** When a partial
4 exemption is denied, the applicant must be notified in writing
5 of the reasons for denial. A denial is without prejudice to the
6 applicant's right to an appearance before the board, filing
7 information after revisions are made to meet objections
8 specified as reasons for the denial, or to request that the
9 board continue processing its application under full pipeline
10 route selection procedures contained in parts 4415.0045 to
11 4415.0100 for a pipeline routing permit.

12 4415.0040 CRITERIA FOR PARTIAL EXEMPTION FROM PIPELINE ROUTE
13 SELECTION PROCEDURES.

14 Subpart 1. **Scope and purpose of criteria.** The scope and
15 purpose of this part is to specify the criteria used by the
16 board in determining whether to grant a partial exemption from
17 the pipeline route selection procedures. The board shall make a
18 specific written finding with respect to each of the criteria.
19 Any new easements or right-of-way agreements obtained from
20 potentially affected landowners before issuance of a pipeline
21 routing permit are at the sole risk of the applicant. The fact
22 that the agreements have been obtained shall not be considered
23 by the board in selecting the route.

24 Subp. 2. **Standard.** In granting a partial exemption from
25 the pipeline route selection procedures, the board must
26 determine that the proposed pipeline and associated facilities
27 will not have a significant impact on humans or the
28 environment. The board shall evaluate the impacts that may be
29 reasonably expected to occur from the proposed pipeline and
30 associated facilities.

31 Subp. 3. **Criteria.** In determining whether a proposed
32 pipeline and associated facilities qualify for partial exemption
33 and issuance of a pipeline routing permit, the board shall
34 consider the impact of the pipeline and associated facilities on
35 the following:

1 A. human settlement, existence and density of
2 populated areas, existing and planned future land use, and
3 management plans;

4 B. the natural environment, public and designated
5 lands, including but not limited to natural areas, wildlife
6 habitat, water, and recreational lands;

7 C. lands of historical, archaeological, and cultural
8 significance;

9 D. economies within the route, including
10 agricultural, commercial or industrial, forestry, recreational,
11 and mining operations;

12 E. pipeline cost and accessibility;

13 F. use of existing rights-of-way and right-of-way
14 sharing or paralleling;

15 G. natural resources and features;

16 H. the extent to which human or environmental effects
17 are subject to mitigation by regulatory control and by
18 application of the permit conditions contained in part 4415.0185
19 for pipeline right-of-way preparation, construction, cleanup,
20 and restoration practices;

21 I. cumulative potential effect of related or
22 anticipated future pipeline construction; and

23 J. relevant policies, rules, and regulations of the
24 state and federal agencies and local government land use laws
25 including ordinances adopted under Minnesota Statutes, section
26 299J.05, relating to the location, design, construction, or
27 operation of the proposed pipeline and associated facilities.

28 PIPELINE ROUTE SELECTION PROCEDURES

29 4415.0045 APPLICATION PROCEDURES AND REQUIREMENTS.

30 A person submitting an application for a pipeline routing
31 permit must comply with the application procedures of part
32 4415.0105 and submit an application that contains the
33 information required in parts 4415.0115 to 4415.0170. Within
34 nine months from board acceptance of an application for route
35 selection, unless the board by resolution extends this deadline

1 for cause, the board shall issue a pipeline routing permit for
2 the proposed pipeline and associated facilities.

3 4415.0050 NOTICE OF APPLICATION ACCEPTANCE.

4 Within 20 days of board acceptance of an application for a
5 pipeline routing permit under part 4415.0105, subpart 4, the
6 board shall provide published notice of acceptance of the
7 application in a newspaper in each county in which a route is
8 proposed by the applicant.

9 The notice must include:

- 10 A. identification of the applicant;
11 B. the date of the board's acceptance of the
12 application;
13 C. a brief description of the proposed facility
14 including but not limited to size and type;
15 D. a map showing the routes proposed in that county;
16 E. the name and function of the public adviser and
17 the address and telephone number where that person can be
18 reached;
19 F. locations where the pipeline routing permit
20 application is available to the public;
21 G. procedures for proposing alternate routes; and
22 H. notice of public information meetings.

23 4415.0055 APPOINTMENT OF CITIZEN ADVISORY COMMITTEES.

24 The board may establish citizen advisory committees to aid
25 and advise the board in evaluating routes for pipelines. The
26 board shall provide guidance to the advisory committee in the
27 form of a charge to the committee and through specific requests
28 to it.

29 4415.0060 CITIZEN ADVISORY COMMITTEE MEMBERSHIP.

30 Citizen advisory committees appointed to evaluate routes
31 considered for designation shall be comprised of as many persons
32 as may be designated by the board, but at least one
33 representative from each of the following: a regional
34 development commission, the county, a municipal corporation, and

1 a town board from each county in which a route is proposed to be
2 located. No officer, agent, or employee of the applicant shall
3 serve on the citizen's advisory committee.

4 4415.0065 PUBLIC ADVISER.

5 The public adviser shall be available to any person to
6 advise that person how to effectively participate in route
7 selection procedures. The public adviser is not authorized to
8 give legal advice or advice that may affect the legal rights of
9 the person being advised or to act as an advocate.

10 4415.0070 PUBLIC INFORMATION MEETINGS.

11 Subpart 1. **Requirements.** The board shall hold public
12 information meetings as provided in this subpart.

13 A. After acceptance of an application for pipeline
14 route selection, the board shall hold at least one public
15 information meeting in each county crossed by the applicant's
16 preferred pipeline route to explain the route designation
17 process and to respond to questions raised by the public.

18 B. Before public hearings held to consider the routes
19 accepted for consideration by the board, the board shall hold a
20 public information meeting in each county through which a route
21 is proposed to explain the route designation process, present
22 major issues, and respond to questions raised by the public.

23 Subp. 2. **Notice of public information meetings.** Published
24 notice of the date, time, and location of public information
25 meetings shall be placed in a newspaper in each county in which
26 a route is proposed at least ten calendar days before the public
27 information meeting.

28 4415.0075 ACCEPTANCE OF ROUTE PROPOSALS.

29 Subpart 1. **Acceptance for consideration.** The board shall
30 accept for consideration at the public hearing the routes and
31 route segments proposed by the applicant and may accept for
32 public hearing any other route or route segment it considers
33 appropriate for further consideration. No route shall be
34 considered at the public hearing unless accepted by the board

1 before notice of the hearing. Routes accepted shall be
2 identified by the board in accordance with part 4415.0085. A
3 proposer of a route or route segment that the board has accepted
4 for consideration at the hearing shall make an affirmative
5 presentation of facts on the merits of the route proposal at the
6 public hearing.

7 Subp. 2. Sources of route proposals. The board member
8 agencies, board staff, and the citizen advisory committee may
9 propose routes or route segments directly to the board. Route
10 proposals made by the citizen advisory committee must be made no
11 later than 70 days after appointment of the citizen advisory
12 committee.

13 Subp. 3. Requirements for other route sources. A person
14 other than one listed in subpart 2 may propose a route or a
15 route segment according to items A to C.

16 A. The proposed pipeline route or route segment must
17 be set out specifically on appropriate maps or aerial photos
18 specified in part 4415.0140, subpart 1.

19 B. The pipeline route or route segment proposal must
20 contain the data and analysis required in parts 4415.0140,
21 subpart 3, and 4415.0145, unless the information is
22 substantially the same as provided by the applicant.

23 C. The route proposal must be presented to the chair
24 within 70 days of acceptance by the board of the applicant's
25 permit application.

26 Subp. 4. Preparation of route proposal. Within ten days
27 of receipt of a route proposal from a source described in
28 subpart 3, the chair shall determine if the route proposal
29 contains the information required in subpart 3. If the chair
30 determines that the route proposal contains the required
31 information, the chair shall forward the route proposal to the
32 board for a determination of acceptance for hearing. If the
33 chair determines that the proposal does not contain the required
34 information, the chair shall inform the proposer in writing of
35 what additional information is required. Upon receipt of a
36 request for additional information, the proposer has ten days to

1 provide the additional information in writing to the chair. The
 2 chair shall determine within five working days whether the
 3 amended proposal contains the required information. If the
 4 chair then determines that the route proposal does not contain
 5 the required information, the route proposer may appeal to the
 6 board at its next regular meeting for consideration of
 7 acceptance. If the proposal contains the required information,
 8 the board must consider acceptance of the route proposal for
 9 public hearing.

10 4415.0080 ANALYSIS OF ALTERNATIVES ALTERNATIVE ROUTES.

11 ~~Subpart-1.--Analysis-of-alternative-routes.~~ A comparative
 12 environmental analysis of all of the pipeline routes accepted
 13 for consideration at public hearings shall be prepared by the
 14 board staff or by the applicant and reviewed by the board
 15 staff. ~~The~~ This comparative environmental analysis must be
 16 submitted as prefiled testimony as required by part 1405.1900.

17 ~~Subp.-2.--Other-alternatives.--If-the-proposed-pipeline~~
 18 ~~does-not-meet-the-certificate-of-need-requirement-of-Minnesota~~
 19 ~~Statutes,--section-216B-243,--the-discussion-of-other-alternatives~~
 20 ~~may-include-design-and-sizing-options,--energy-alternatives,--or~~
 21 ~~alternative-means-by-which-the-purpose-of-the-project-could-be~~
 22 ~~met.--Alternatives-that-were-considered-but-eliminated-must-be~~
 23 ~~discussed-briefly-and-the-reasons-for-their-elimination-must-be~~
 24 ~~stated.~~

25 4415.0085 PUBLISHED NOTICE OF ROUTES ACCEPTED.

26 Prior to public hearings, the board shall provide published
 27 notice of route location in each county in which a route is
 28 accepted for consideration at the public hearings according to
 29 the requirements of this chapter.

30 4415.0090 PUBLIC HEARINGS.

31 The board shall hold a public hearing for the purposes of
 32 collecting and verifying data, and establishing a complete
 33 record upon which to base a decision for designation of a route
 34 and issuance of a pipeline routing permit. The board shall

1 follow the hearing procedure prescribed in chapter 1405. The
2 hearing will be conducted by an administrative law judge from
3 the Office of Administrative Hearings.

4 4415.0095 ROUTE SELECTION AND BOARD DECISION.

5 The board's route selection decision shall be based on the
6 public hearing record and made in accordance with part
7 4415.0100. The board shall give the reasons for its decision in
8 written findings of fact.

9 4415.0100 CRITERIA FOR PIPELINE ROUTE SELECTION.

10 Subpart 1. **Scope and purpose of criteria.** The scope and
11 purpose of this part is to specify the criteria used by the
12 board in determining the route of a pipeline in parts 4415.0045
13 to 4415.0100. The board shall make a specific written finding
14 with respect to each of the criteria. Any new easements or
15 right-of-way agreements obtained from potentially affected
16 landowners before issuance of a pipeline routing permit are
17 obtained at the sole risk of the applicant. The fact that the
18 agreements have been obtained shall not be considered by the
19 board in selecting the route.

20 Subp. 2. **Standard.** In determining the route of a proposed
21 pipeline, the board shall consider the characteristics, the
22 potential impacts, and methods to minimize or mitigate the
23 potential impacts of all proposed routes so that it may select a
24 route that minimizes human and environmental impact.

25 Subp. 3. **Criteria.** In selecting a route for designation
26 and issuance of a pipeline routing permit, the board shall
27 consider the impact on the pipeline of the following:

28 A. human settlement, existence and density of
29 populated areas, existing and planned future land use, and
30 management plans;

31 B. the natural environment, public and designated
32 lands, including but not limited to natural areas, wildlife
33 habitat, water, and recreational lands;

34 C. lands of historical, archaeological, and cultural
35 significance;

1 D. economies within the route, including
2 agricultural, commercial or industrial, forestry, recreational,
3 and mining operations;

4 E. pipeline cost and accessibility;

5 F. use of existing rights-of-way and right-of-way
6 sharing or paralleling;

7 G. natural resources and features;

8 H. the extent to which human or environmental effects
9 are subject to mitigation by regulatory control and by
10 application of the permit conditions contained in part 4415.0185
11 for pipeline right-of-way preparation, construction, cleanup,
12 and restoration practices;

13 I. cumulative potential effects of related or
14 anticipated future pipeline construction; and

15 J. the relevant applicable policies, rules, and
16 regulations of other state and federal agencies, and local
17 government land use laws including ordinances adopted under
18 Minnesota Statutes, section 299J.05, relating to the location,
19 design, construction, or operation of the proposed pipeline and
20 associated facilities.

21 APPLICATION PROCEDURES

22 4415.0105 PROCEDURAL REQUIREMENTS.

23 Subpart 1. **Application filing.** Each application for a
24 pipeline routing permit must be filed in the format and manner
25 prescribed by this chapter.

26 Subp. 2. **Format.** Applications must be filed on 8-1/2 by
27 11-inch paper except for drawings, illustrations, maps, and
28 similar materials. The date of preparation and the applicant's
29 name must appear on each document filed with the application.

30 Subp. 3. **Subsequent filings.** Any change or correction
31 made to the application after filing must comply with subparts 2
32 and 6. In addition, each page of a change or correction to a
33 previously filed page must be marked with the word "REVISED" and
34 with the date the revision was made. The applicant shall send
35 copies of changed or corrected pages to all persons required by

1 subpart 6 and part 4415.0035, subpart 2, item C.

2 Subp. 4. **Application filing and acceptance.** The board
3 shall accept, conditionally accept, or reject an application at
4 its first regularly scheduled meeting after the application is
5 filed with the board, provided the application is filed at least
6 21 days before that meeting. The board may conditionally accept
7 or reject an application, but in both instances the board shall
8 inform the applicant which deficiencies, if corrected, will
9 allow the application to be accepted. If an applicant has
10 corrected the deficiencies or provided the board with the
11 deficient information 14 days in advance of a regularly
12 scheduled board meeting, the board must reconsider acceptance of
13 the application at that meeting. If the board fails to act at
14 the first scheduled meeting after the application is filed, the
15 application is considered accepted. On acceptance or
16 conditional acceptance of the application, the board and the
17 applicant shall initiate the actions required by part 4415.0035,
18 subpart 2, or 4415.0050, as applicable. After acceptance of an
19 application, the applicant shall provide any additional relevant
20 information the board considers necessary to process the
21 application.

22 Subp. 5. **Copies.** The unbound original and 40 copies of
23 the application must be filed with the board.

24 Subp. 6. **Application distribution.** The applicant shall
25 provide copies of the application accepted by the board to other
26 state agencies who are not board members, but have regulatory
27 responsibilities for the proposed pipeline. The applicant shall
28 send a copy of the accepted application to the Minnesota
29 Historical Society, to the office of each regional development
30 commission of a development region, soil and water conservation
31 district, watershed district, watershed management district,
32 auditor of each county, and to the clerk of each township and
33 city, crossed by the proposed pipeline. Each county auditor,
34 city clerk, or township clerk shall retain and file the
35 application in a manner making it accessible to the public. The
36 applicant shall also provide one copy of the application to any

1 person upon written request made on or before the tenth day
2 after the first day of the public hearing held in accordance
3 with part 4415.0090. The applicant shall maintain a list of the
4 persons to whom copies are sent.

5 CONTENTS OF APPLICATION

6 4415.0115 GENERAL INFORMATION.

7 Subpart 1. **Cover letter.** Each application must be
8 accompanied by a cover letter signed by an authorized
9 representative or agent of the applicant. The cover letter must
10 specify the type, size, and general characteristics of the
11 pipeline for which an application is submitted.

12 Subp. 2. **Title page and table of contents.** Each
13 application must contain a title page and a complete table of
14 contents.

15 Subp. 3. **Statement of ownership.** Each application must
16 include a statement of proposed ownership of the pipeline as of
17 the day of filing and an affidavit authorizing the applicant to
18 act on behalf of those planning to participate in the pipeline
19 project.

20 Subp. 4. **Background information.** Each application must
21 contain the following information:

22 A. the applicant's complete name, address, and
23 telephone number;

24 B. the complete name, title, address, and telephone
25 number of the authorized representative or agent to be contacted
26 concerning the applicant's filing;

27 C. the signatures and titles of persons authorized to
28 sign the application, and the signature of the preparer of the
29 application if prepared by an outside representative or agent;
30 and

31 D. a brief description of the proposed project which
32 includes:

- 33 (1) general location;
- 34 (2) planned use and purpose;
- 35 (3) estimated cost;

- 1 (4) planned in-service date; and
- 2 (5) general design and operational specifications
- 3 for the type of pipeline for which an application is submitted.

4 4415.0120 DESCRIPTION OF PROPOSED PIPELINE AND ASSOCIATED
5 FACILITIES.

6 Subpart 1. Pipeline design specifications. The
7 specifications for pipeline design and construction ~~must comply~~
8 are assumed to be in compliance with all applicable state and
9 federal rules or regulations unless determined otherwise by the
10 state or federal agency having jurisdiction over the enforcement
11 of such rules or regulations. For public information purposes,
12 the anticipated pipeline design specifications must include but
13 are not limited to:

- 14 A. pipe size (outside diameter) in inches;
- 15 B. pipe type;
- 16 C. nominal wall thickness in inches;
- 17 D. pipe design factor;
- 18 E. longitudinal or seam joint factor;
- 19 F. class location and requirements, where applicable;
- 20 G. specified minimum yield strength in pounds per
- 21 square inch; and
- 22 H. tensile strength in pounds per square inch.

23 Subp. 2. Operating pressure. Operating pressure must
24 include:

- 25 A. operating pressure (psig); and
- 26 B. maximum allowable operating pressure (psig).

27 Subp. 3. Description of associated facilities. For public
28 information purposes, the applicant shall provide a general
29 description of all pertinent associated facilities on the
30 right-of-way.

31 Subp. 4. Product capacity information. The applicant
32 shall provide information on planned minimum and maximum design
33 capacity or throughput in the appropriate unit of measure for
34 the types of products shipped as defined in part 4415.0010.

35 Subp. 5. Product description. The applicant shall provide

1 a complete listing of products the pipeline is intended to ship
2 and a list of products the pipeline is designed to transport, if
3 different from those intended for shipping.

4 Subp. 6. **Material safety data sheet.** For each type of
5 product that will be shipped through the pipeline, the applicant
6 shall provide for public information purposes the material
7 identification, ingredients, physical data, fire and explosive
8 data, reactivity data, occupational exposure limits, health
9 information, emergency and first aid procedures, transportation
10 requirements, and other known regulatory controls.

11 4415.0125 LAND REQUIREMENTS.

12 For the proposed pipeline, the applicant shall provide the
13 following information:

14 A. permanent right-of-way length, average width, and
15 estimated acreage;

16 B. temporary right-of-way (workspace) length,
17 estimated width, and estimated acreage;

18 C. estimated range of minimum trench or ditch
19 dimensions including bottom width, top width, depth, and cubic
20 yards of dirt excavated;

21 D. minimum depth of cover for state and federal
22 requirements; and

23 E. rights-of-way sharing or paralleling: type of
24 facility in the right-of-way, and the estimated length, width,
25 and acreage of the right-of-way.

26 4415.0130 PROJECT EXPANSION.

27 If the pipeline and associated facilities are designed for
28 expansion in the future, the applicant shall provide a
29 description of how the proposed pipeline and associated
30 facilities may be expanded by looping, by additional compressor
31 and pump stations, or by other available methods.

32 4415.0135 RIGHT-OF-WAY PREPARATION PROCEDURES AND CONSTRUCTION
33 ACTIVITY SEQUENCE.

34 Each applicant shall provide a description of the general

1 right-of-way preparation procedures and construction activity
2 sequence anticipated for the proposed pipeline and associated
3 facilities.

4 4415.0140. LOCATION OF PREFERRED ROUTE AND DESCRIPTION OF
5 ENVIRONMENT.

6 Subpart 1. Preferred route location. The applicant must
7 identify the preferred route for the proposed pipeline and
8 associated facilities, on any of the following documents which
9 must be submitted with the application:

10 A. United States Geological Survey topographical maps
11 to the scale of 1:24,000, if available;

12 B. Minnesota Department of Transportation county
13 highway maps; or

14 C. aerial photos or other appropriate maps of equal
15 or greater detail in items A and B. The maps or photos may be
16 reduced for inclusion in the application. One full-sized set
17 shall be provided to the board.

18 Subp. 2. Other route locations. All other route
19 alternatives considered by the applicant must be identified on a
20 separate map or aerial photos or set of maps and photos or
21 identified in correspondence or other documents evidencing
22 consideration of the route by the applicant.

23 Subp. 3. Description of environment. The applicant must
24 provide a description of the existing environment along the
25 preferred route.

26 4415.0145 ENVIRONMENTAL IMPACT OF PREFERRED ROUTE.

27 The applicant must also submit to the board along with the
28 application an analysis of the potential human and environmental
29 impacts that may be expected from pipeline right-of-way
30 preparation and construction practices and operation and
31 maintenance procedures. These impacts include but are not
32 limited to the impacts for which criteria are specified in part
33 4415.0040 or 4415.0100.

34 4415.0150 RIGHT-OF-WAY PROTECTION AND RESTORATION MEASURES.

1 Subpart 1. **Protection.** The applicant must describe what
 2 measures will be taken to protect the right-of-way or mitigate
 3 the adverse impacts of right-of-way preparation, pipeline
 4 construction, and operation and maintenance on the human and
 5 natural environment.

6 Subp. 2. **Restoration.** The applicant must describe what
 7 measures will be taken to restore the right-of-way and other
 8 areas adversely affected by construction of the pipeline.

9 4415.0160 OPERATION AND MAINTENANCE.

10 Pipeline ~~operation~~ operations and maintenance ~~must-comply~~
 11 are assumed to be in compliance with all applicable state and
 12 federal rules or regulations, unless determined otherwise by the
 13 state or federal agency having jurisdiction over the enforcement
 14 of such rules or regulations. For public information purposes,
 15 the applicant must provide a general description of the
 16 anticipated operation and maintenance practices planned for the
 17 proposed pipeline.

18 4415.0165 LIST OF GOVERNMENT AGENCIES AND PERMITS.

19 Each application must contain a list of all the known
 20 federal, state, and local agencies or authorities and titles of
 21 the permits they issue that are required for the proposed
 22 pipeline and associated facilities.

23 4415.0170 EVIDENCE OF CONSIDERATION OF ALTERNATIVE ROUTES.

24 If the applicant is applying for a pipeline routing permit
 25 under parts 4415.0045 to 4415.0100, the applicant shall provide
 26 a summary discussion of the environmental impact of pipeline
 27 construction along the alternative routes consistent with the
 28 requirements of parts 4415.0140 to 4415.0145 and the rationale
 29 for rejection of the routing alternatives.

30 PIPELINE ROUTING PERMIT

31 4415.0175 PERMIT ISSUANCE, DISTRIBUTION, AND EMINENT DOMAIN.

32 Subpart 1. **Permit issuance.** When the board issues a
 33 pipeline routing permit for the construction of a pipeline and
 34 associated facilities, the board shall designate a route for the

1 pipeline type and maximum size specified in the application,
2 conditions for right-of-way preparation, construction, cleanup,
3 and restoration contained in part 4415.0195, and any other
4 appropriate conditions relevant to minimizing environmental and
5 human impact. The board's decision shall be made in accordance
6 with part 4415.0040 or 4415.0100.

7 Subp. 2. **Permit distribution.** The permittee shall, within
8 ten days of receipt of the pipeline routing permit from the
9 board, send a copy of the permit to the office of each regional
10 development commission of a development region, soil and water
11 conservation district, watershed district, watershed management
12 district, office of the auditor of each county, and to the clerk
13 of each city and township, crossed by the designated route. The
14 permittee shall provide a copy of the pipeline routing permit to
15 affected landowners before construction on the affected
16 landowners' property.

17 Subp. 3. **Eminent domain.** After an applicant is issued a
18 pipeline routing permit as provided in Minnesota Statutes,
19 section 116I.015, and parts 4415.0010 to 4415.0215, the
20 permittee may exercise the right of eminent domain as provided
21 by Minnesota Statutes, section 117.48. In addition, when a
22 pipeline routing permit has been issued, the requirements of
23 Minnesota Statutes, sections 116I.02 and 117.49, do not apply.

24 4415.0180 DELAY IN ROUTE CONSTRUCTION.

25 When the board issues a pipeline routing permit, the
26 permittee may begin construction or improvement of the route in
27 accordance with the conditions of the permit and this chapter.
28 However, if construction and improvement have not begun within
29 four years after the pipeline routing permit has been issued by
30 the board, the board shall suspend the permit. If at that time,
31 or at a later time after suspension, the permittee decides to
32 construct the proposed pipeline, it shall certify to the board
33 that there have been no significant changes in any material
34 aspects of the conditions or circumstances existing when the
35 permit was issued. If the board determines that there are no

1 significant changes, it shall reinstate the permit. If the
2 board determines that there is a significant change, it may
3 order public information meetings or a new hearing and consider
4 the matter further, or it may require the permittee to submit a
5 new application.

6 4415.0185 PERMIT AMENDMENTS.

7 Following issuance of a pipeline routing permit, the
8 permittee may apply to the board for amendments on route
9 location and conditions specified in the permit. The permittee
10 shall submit an application for amendment that contains
11 sufficient information for the board to determine the following:

12 A. whether, in light of the criteria in parts
13 4415.0040 and 4415.0100, the requested changes are significant
14 enough to warrant board study and approval;

15 B. whether to order public information meetings near
16 the affected area; and

17 C. whether additional fees shall be assessed.

18 The board shall make the determinations in items A to C
19 within 45 days of receipt of the application.

20 If the board cannot make the determinations in items A to C
21 in 45 days and decides to study the application further, the
22 board shall make the determinations in items A to C within 70
23 days. The board shall grant or deny the permittee's application
24 for permit amendment, as appropriate.

25 4415.0190 REVIEW OF PLAN AND PROFILE AND RIGHT-OF-WAY
26 CONSTRUCTION SPECIFICATIONS.

27 Following issuance of a pipeline routing permit, a
28 permittee shall provide the board with a plan and profile of the
29 right-of-way and the specifications and drawings for
30 right-of-way preparation, construction, and restoration at least
31 14 days before right-of-way preparation of that segment of the
32 pipeline. The board chair may shorten this time limit if it can
33 be shown that earlier construction will not preclude proper
34 review. If the permittee makes any significant change in its
35 plan and profile and the specifications and drawings for

1 right-of-way preparation, construction, and restoration, it
2 shall notify the board in writing of the changes.

3 4415.0195 PERMIT CONDITIONS FOR RIGHT-OF-WAY PREPARATION,
4 CONSTRUCTION, CLEANUP, AND RESTORATION.

5 The following conditions apply to pipeline right-of-way
6 preparation, construction, cleanup, and restoration.

7 A. The permittee shall comply with applicable state
8 rules and regulations.

9 B. The permittee shall clear the right-of-way only to
10 the extent necessary to assure suitable access for construction,
11 safe operation, and maintenance of the pipeline.

12 C. Stream banks disturbed by pipeline construction
13 must be stabilized with vegetation by the permittee using native
14 plant species indigenous to the area or by other equivalent
15 methods required by applicable state or federal permits or laws.

16 D. Precautions shall be taken by the permittee to
17 protect and segregate topsoil in cultivated lands unless
18 otherwise negotiated with the affected landowner.

19 E. Compaction of cultivated lands by the permittee
20 must be kept to a minimum and confined to as small an area as
21 practicable.

22 F. Precautions to protect livestock and crops must be
23 taken by the permittee unless otherwise negotiated with the
24 affected landowner.

25 G. All appropriate precautions to protect against
26 pollution of the environment must be taken by the permittee.

27 H. All waste and scrap that is the product of the
28 pipeline construction process must be removed or properly
29 disposed of before construction ends.

30 I. Cleanup of personal litter, bottles, and paper
31 deposited by right-of-way preparation and construction crews
32 must be done on a daily basis.

33 J. The permittee shall repair or replace all drainage
34 tiles broken or damaged during right-of-way preparation,
35 construction, and maintenance activities, unless otherwise

1 negotiated with the affected landowner.

2 K. The permittee shall repair private roads and lanes
3 damaged when moving equipment or when obtaining access to the
4 right-of-way, unless otherwise negotiated with the affected
5 landowner.

6 L. The permittee shall replace or repair all fences
7 and gates removed or damaged as a result of right-of-way
8 preparation, construction, and restoration activities, unless
9 otherwise negotiated with the affected landowner.

10 ~~M. The permittee shall compensate the owner of all~~
11 ~~crops and property damaged or lost as a result of pipeline~~
12 ~~construction, unless otherwise negotiated with the affected~~
13 ~~landowner.~~

14 N. Shelterbelts and trees must be protected by the
15 permittee ~~whenever possible~~ to the extent possible in a manner
16 compatible with the safe operation, maintenance, and inspection
17 of the pipeline.

18 ~~Ø. N.~~ N. The permittee shall, to the extent possible,
19 restore the area affected by the pipeline to the natural
20 conditions that existed immediately before construction of the
21 pipeline. Restoration must be compatible with the safe
22 operation, maintenance, and inspection of the pipeline.

23 4415.0200 REPORT OF COMPLAINTS.

24 The permittee must report to the board any substantial
25 complaint received ~~about right-of-way preparation, construction,~~
26 ~~cleanup, and restoration~~ concerning part 4415.0195 that is not
27 resolved within ~~ten~~ 30 days of the complaint.

28 4415.0205 PERMIT MODIFICATION OR SUSPENSION.

29 Subpart 1. Initiation of action. The chair shall, upon a
30 prima facie showing by affidavit or other documentation that a
31 violation of the terms and conditions of a pipeline routing
32 permit or parts 4415.0010 to 4415.0215 may have occurred or is
33 likely to occur, notify the permittee in writing of the
34 allegations. The chair shall then place the matter on the
35 agenda of the next regular or special meeting of the board, in

1 accordance with part 4405.0600, for consideration of an action
2 to modify or suspend the pipeline routing permit. The permittee
3 must be given at least ten but no more than 30 days from receipt
4 of the notice to prepare a response to the alleged violation for
5 presentation at the board meeting. However, the chair may
6 determine that circumstances exist requiring immediate board
7 action or the permittee may request or agree that the board
8 meeting be held less than ten days after notification.

9 Subp. 2. Board action. The board may decline to act upon
10 any complaint that is a dispute between a landowner or other
11 injured party and the permittee, and for which the party has
12 initiated or may initiate arbitration or court action for
13 redress of the claim. Nothing in parts 4415.0010 to 4415.0215
14 is intended to expand the right of any party claiming damage or
15 injury as a result of pipeline construction nor do parts
16 4415.0010 to 4415.0215 expand the liabilities at law of any
17 permittee, contractor, or other person for injury or damage
18 resulting from pipeline construction. The board shall make a
19 determination as to whether action to suspend or modify a permit
20 is appropriate based on parts 4415.0175, subpart 1, and
21 4415.0195.

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

29 Subp. 3. Scope of suspension. If the board decides to
30 suspend a pipeline routing permit, the suspension must be
31 limited to the following:

32 A. the route segment that includes the right-of-way
33 preparation, pipeline construction, or restoration activities
34 giving rise to the violation of the permit;

35 B. requiring corrective or ameliorative measures
36 necessary for the pipeline to comply with the pipeline routing

1 permit; and

2 C. the time period necessary for the permittee to
3 complete the required corrective or ameliorative measures.

4 Subp. 4. **Scope of modification.** If the board decides to
5 modify the pipeline routing permit, the permit modifications
6 must be in accordance with part 4415.0195 and be limited to:

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

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

12 4415.0207 TERMINATION OF BOARD JURISDICTION OVER PIPELINE
13 ROUTING PERMIT.

14 Permittees shall file with the board a written
15 certification that the permitted pipeline construction has been
16 completed in compliance with all permit conditions. The
17 certification shall be considered by the board within 60 days of
18 its filing. The board shall accept or reject the certification
19 of completion and make a final determination regarding cost or
20 reimbursements due. If the board rejects the certification, it
21 shall inform the permittee in writing which deficiencies, if
22 corrected, will allow the certification to be accepted. When
23 corrections to the deficiencies are completed, the permittee
24 shall notify the board, and the board shall reconsider the
25 certification at its next regularly scheduled meeting, provided
26 the notification is received at least 20 days before the meeting.
27 After acceptance of the certification by the board, the board's
28 jurisdiction over the permittee's pipeline routing permit shall
29 be terminated.

30 OTHER REQUIREMENTS

31 4415.0210 APPLICATION FEES.

32 Subpart 1. **Requirement.** Every applicant under Minnesota
33 Statutes, section 116I.015, shall pay to the board an
34 application fee.

35 Subp. 2. **Purpose of application fee.** The purpose of an

1 application fee is to cover actual costs necessarily and
2 reasonably incurred in processing an application for a
3 conditional exclusion, partial exemption, pipeline route
4 selection, or emergency, permit compliance activities,
5 administrative overhead, and legal expenses. Actual costs
6 associated with an emergency shall be determined and paid after
7 the board has taken action and the emergency has passed.

8 Subp. 3. **Method of fee approval and payment.** For
9 applications filed under Minnesota Statutes, section 116I.015,
10 the estimated board project budget must be discussed with the
11 applicant and be approved by the board when an application is
12 accepted. The applicant must remit 25 percent of the approved
13 board project budget within 14 days of acceptance of the
14 application. The unpaid balance shall be billed in periodic
15 installments, due upon receipt of an invoice from the board.
16 Expenses in excess of the approved budget must be certified by
17 the board and upon certification constitute prima facie evidence
18 that the expenses are reasonable and necessary and shall be
19 charged to the applicant. The applicant may review all actual
20 costs associated with processing an application and present
21 objections to the board. The application fees paid by the
22 applicant under this part shall not exceed the sum of the costs
23 incurred to process the application, construction permit
24 compliance activities, administrative overhead, and legal
25 expenses. All application fees received by the board must be
26 paid to a special revenue fund.

27 4415.0215 GENERAL RESPONSIBILITIES.

28 The board shall monitor the effectiveness of this chapter
29 and shall take appropriate measures to modify and improve ~~their~~
30 the effectiveness of this chapter. The board shall assist
31 governmental units and interested persons in understanding the
32 rules.