

1 Environmental Quality Board

2

3 Adopted Permanent Rules Relating to High Voltage Lines, Power

4 Plants

5

6 Rules as Adopted

7

CHAPTER 4400

8

ENVIRONMENTAL QUALITY BOARD

9

HIGH VOLTAGE LINES, POWER PLANTS

10 4400.0200 DEFINITIONS.

11 Subpart 1. **Scope.** As used in this chapter, the following  
12 terms have the meanings given them.

13 Subp. 2. **Act.** "Act" means the Power Plant Siting Act of  
14 1973, as amended, Minnesota Statutes, sections 116C.51 to  
15 116C.69.

16 [For text of subps 3 and 4, see M.R.]

17 Subp. 5. **Construction.** "Construction" means:

18 A. any clearing of land, excavation, or other  
19 improvement that would adversely affect the natural environment  
20 of a site or route but does not include changes needed for  
21 temporary use of sites or routes for nonutility purposes, or  
22 uses in securing survey or geological data, including necessary  
23 boring, to ascertain foundation conditions; or

24 B. the modifications necessary to:

25 (1) increase the nominal voltage of an existing  
26 transmission line to over 200 kilovolts; or

27 (2) increase the nominal voltage of an existing  
28 HVTL.

29 [For text of subp 6, see M.R.]

30 Subp. 6a. **Environmental impact assessment; EIA.**

31 "Environmental impact assessment" or "EIA" means a detailed  
32 written statement that describes proposed HVTLs and LEPGPs and  
33 satisfies the requirements of Minnesota Statutes, section  
34 116D.04.

35 Subp. 7. **File.** "File" means to deliver 40 copies to the

1 office of the chair of the board.

2 Subp. 8. **High voltage transmission line; HVTL.** "High  
3 voltage transmission line" or "HVTL" means a conductor of  
4 electric energy and associated facilities designed for and  
5 capable of operating at a nominal voltage of 200 kilovolts or  
6 more either immediately or without significant modification.  
7 Associated facilities shall include, but not be limited to,  
8 insulators, towers, substations, and terminals.

9 [For text of subps 9 to 14, see M.R.]

10 Subp. 15. **Right-of-way.** "Right-of-way" means the land  
11 interest required within a route for the construction and  
12 operation of an HVTL.

13 Subp. 16. **Route.** "Route" means an area of land up to 1.25  
14 miles wide within which a right-of-way for an HVTL can be  
15 located.

16 [For text of subp 17, see M.R.]

17 Subp. 18. **Site.** "Site" means an area of land required for  
18 the construction and operation of an LEPGP.

19 [For text of subps 19 and 20, see M.R.]

20 4400.0300 PURPOSE AND AUTHORITY.

21 Parts 4400.0200 to 4400.4900 are prescribed by the  
22 Minnesota Environmental Quality Board pursuant to the authority  
23 granted to the board in the Power Plant Siting Act, Minnesota  
24 Statutes, sections 116C.51 to 116C.69, to give effect to the  
25 purposes of the act.

26 It is the purpose of the act and the policy of the state to  
27 locate large electric power facilities in an orderly manner  
28 compatible with environmental preservation and the efficient use  
29 of resources. In accordance with this policy, the board shall  
30 choose locations that minimize adverse human and environmental  
31 impact while ensuring continuing electric power system  
32 reliability and integrity and ensuring that electric energy  
33 needs are met and fulfilled in an orderly and timely fashion.  
34 The board shall provide for broad spectrum citizen participation  
35 as a principle of operation. To ensure effective citizen

1 participation, the board shall maintain a public education  
2 program on, but not limited to, the considerations identified in  
3 Minnesota Statutes, section 116C.57, subdivision 4.

4 ROUTE DESIGNATION AND CONSTRUCTION PERMIT

5 4400.0600 APPLICATION FOR ROUTE DESIGNATION AND CONSTRUCTION  
6 PERMIT.

7 Subpart 1. Contents. An application shall be filed that  
8 includes any information necessary to make the evaluation of  
9 considerations required in part 4400.1310 and the following:

10 A. a statement of proposed ownership of the facility  
11 as of the day of filing and an affidavit authorizing the  
12 applicant to act on behalf of those planning to participate in  
13 the project;

14 B. the size and type of the proposed HVTL;

15 C. at least two proposed routes for the proposed  
16 HVTL;

17 D. the engineering and operational design concepts  
18 for the proposed HVTL, including a characterization of the  
19 electrical environment of the transmission line;

20 E. a cost analysis of each route;

21 F. a description of the construction, right-of-way  
22 restoration impact mitigation measures, and maintenance  
23 procedures anticipated for the proposed HVTL;

24 G. a description of the potential human and natural  
25 environmental effects of each route and measures proposed by the  
26 applicant to mitigate adverse effects presented in the order  
27 shown in part 4400.1310;

28 H. the procedures and practices proposed for the  
29 ultimate abandonment and restoration of the right-of-way;

30 I. a listing and brief description of federal and  
31 state permits that may be required for the proposed HVTL; and

32 J. the certificate of need if available, or an  
33 acknowledgment of the receipt of a substantially complete  
34 certificate of need application by the Public Utilities  
35 Commission, if a certificate of need is required by Minnesota

1 Statutes, chapter 216B.

2 Subp. 2. Distribution. A copy of the application shall be  
3 provided by board staff to each member of the board.

4 4400.0710 ACCEPTANCE OF APPLICATION FOR ROUTE DESIGNATION AND  
5 CONSTRUCTION PERMIT.

6 Subpart 1. Board action on application. The board shall  
7 either accept or reject an application at its first regularly  
8 scheduled meeting after the application is filed with the board,  
9 provided the application is filed at least 21 days before that  
10 meeting.

11 Subp. 2. Rejection of application. If the board rejects  
12 the application, the board shall inform the applicant in writing  
13 which deficiencies, if corrected, will allow the application to  
14 be accepted. If the applicant has corrected the deficiencies or  
15 provided the board with the required information 14 days in  
16 advance of a regularly scheduled meeting, the board must  
17 reconsider acceptance of the application at that meeting. If  
18 the applicant fails to meet the conditions established by the  
19 board for reconsideration of the rejected application, the  
20 rejection shall stand. If the rejection stands, the applicant  
21 may reapply at any time. If the board fails to act within the  
22 times specified in this subpart, the application shall be  
23 considered accepted.

24 Subp. 3. Additional information. On acceptance of the  
25 application, the board shall proceed with the actions required  
26 in parts 4400.0800 to 4400.1500. The applicant shall provide  
27 additional relevant information that the board considers  
28 necessary to process the application.

29 4400.0720 BOARD ACTION UPON ACCEPTANCE.

30 On acceptance of an application for route designation and a  
31 construction permit, the board shall designate a project leader  
32 who shall serve as an independent representative of the board  
33 during the formal routing proceedings. The project leader shall  
34 be responsible for coordinating assigned staff responsibilities  
35 during the routing process and in preparing the EIA. The

1 project leader shall ensure that the record of the proceedings  
2 is fully developed and responsive to all issues raised in the  
3 process. The project leader may intervene as a party in the  
4 public hearing if appropriate. Positions taken or  
5 representations made by the project leader during the routing  
6 process are not binding on the board.

7 4400.0800 ROUTE ADVISORY TASK FORCE.

8 On acceptance of an application for route designation and a  
9 construction permit the board may appoint a route advisory task  
10 force and its chair consistent with the act and part 4405.0800.  
11 The board shall provide guidance to the task force in the form  
12 of a charge. Route advisory task forces are advisory and assist  
13 the board in evaluating the application and alternatives, and in  
14 determining the scope of the EIA prepared under part 4400.1210.

15 4400.0900 PUBLIC ADVISER.

16 On acceptance of an application for route designation and a  
17 construction permit, the board shall designate a public  
18 adviser. The public adviser shall be available to any person to  
19 advise that person on how to effectively participate in the  
20 routing process. The public adviser shall not give legal advice  
21 or advice that may affect the legal rights of the person being  
22 advised or act as an advocate.

23 4400.1000 INFORMATION MEETINGS.

24 The board shall hold at least two information meetings.  
25 After acceptance of an application for route designation  
26 and a construction permit the board shall hold at least one  
27 information meeting in the area affected by the applicant's  
28 proposal to explain the route designation process, receive  
29 comments on the scope of the EIA, and to respond to questions  
30 raised by the public.

31 Before the public hearings held to consider the routes  
32 approved for consideration by the board, the board shall hold an  
33 information meeting in each county through which a route is  
34 proposed to be located to explain the route designation process,

1 receive comments on issues and alternatives described in the  
2 EIA, and respond to questions raised by the public.

3 4400.1100 ROUTE PROPOSALS.

4 Subpart 1. **Acceptance for consideration.** The board shall  
5 accept for consideration the routes and route segments proposed  
6 by the applicant and may accept for consideration any other  
7 routes or route segments which are proposed in accord with this  
8 part. Only routes or route segments which have been accepted by  
9 the board prior to notice of the public hearing shall be  
10 considered at the public hearing. Routes and route segments  
11 accepted shall be identified by the board in accordance with  
12 part 4400.3710. Any proposer of a route or route segment which  
13 the board has accepted for consideration shall make a  
14 presentation of facts on the merits of the proposal at the  
15 public hearing.

16 Subp. 2. [See Repealer.]

17 Subp. 3. **Agency and advisory task force route proposals.**  
18 The board member agencies, power plant siting staff, and the  
19 route advisory task force may propose routes or route segments  
20 to the board. Route proposals made by the route advisory task  
21 force must be made no later than 105 days after acceptance of  
22 the application by the board.

23 Subp. 4. **Other sources of route proposals.** Any other  
24 person may propose a route or a route segment as provided in  
25 this subpart.

26 A. The proposed route or route segment must be set  
27 out specifically on the appropriate general county highway map  
28 available from the Minnesota Department of Transportation, or on  
29 the appropriate United States Geological Survey topographical  
30 maps.

31 B. The proposal must contain the data and analysis  
32 required in parts 4400.0600 and 4400.1310, except part  
33 4400.0600, items C and E; unless the information is the same as  
34 provided by the applicant.

35 C. The proposal must be presented to the chair of the

1 board within 70 days of acceptance of the application by the  
2 board.

3 Subp. 5. **Adequate preparation of proposal.** Within ten  
4 days of receipt of a route or route segment proposed under  
5 subpart 4, the chair of the board shall determine if the  
6 proposal is adequately prepared in accord with this part. If  
7 the chair of the board determines that it is adequately  
8 prepared, the chair shall forward the proposal to the board for  
9 its consideration. If the chair of the board determines that  
10 the proposal is not adequately prepared, the chair shall inform  
11 the proposer of any inadequacies in the proposal. The proposer  
12 shall have 15 days to provide additional information to the  
13 chair of the board. The chair of the board shall determine  
14 within ten days whether the amended proposal is adequately  
15 prepared. If the chair of the board then determines that the  
16 proposal is not adequately prepared, the proposer may appeal to  
17 the board at its next meeting to determine the adequacy of the  
18 proposal.

19 **4400.1200 PUBLIC HEARINGS.**

20 Public hearings held by the board under parts 4400.0600 to  
21 4400.1500 shall be held for the purposes of collecting and  
22 verifying data, and establishing a complete and accurate record  
23 upon which to base a decision. The hearings shall be conducted  
24 by an independent administrative law judge from the Office of  
25 Administrative Hearings. The conduct of these hearings shall be  
26 as prescribed by chapter 1405.

27 **4400.1210 ENVIRONMENTAL IMPACT ASSESSMENT FOR HVTL.**

28 Subpart 1. **Record of hearings.** An environmental impact  
29 assessment (EIA) must be prepared for inclusion in the record of  
30 the public hearing under Minnesota Statutes, section 116C.58.

31 Subp. 2. **Contents.** The EIA must contain:

32 A. a summary of the project description provided in  
33 the project proposer's application;

34 B. a summary of the certificate of need decision, if  
35 one was required and is available; the EIA must not consider

1 need for the project and other issues determined by the Public  
2 Utilities Commission;

3 C. a description of the applicant's proposed routes  
4 and any alternative routes or route segments approved by the  
5 board for consideration at public hearings;

6 D. a description of feasible alternative designs;

7 E. an analysis of the potential human and natural  
8 environmental effects of each alternative route, route segment,  
9 or design. The analysis must include those issues identified by  
10 the route advisory task force or by any interested person during  
11 the first public information meeting held under part 4400.1000;

12 F. a description of mitigative measures that could  
13 reasonably eliminate or minimize potential adverse effects;

14 G. a discussion of all known governmental permits and  
15 approvals required; and

16 H. an explanation of the board's routing process and  
17 how the public may participate, and specifically, how public  
18 comments on the EIA will be received for inclusion in the record  
19 of the public hearing.

20 Subp. 3. **Notice of availability.** The chair or the chair's  
21 designee shall provide notice of the availability of the EIA and  
22 how the public can participate in its review. The notice must  
23 be provided according to Minnesota Statutes, section 116C.58,  
24 and part 4400.3710, and may be provided in the notice of the  
25 hearing required. Notice must also be published in the EQB  
26 Monitor.

27 Subp. 4. **Distribution.** When notice of availability is  
28 provided under subpart 3, the EIA shall be distributed to each  
29 member of the board and by certified mail to the persons  
30 receiving notice. At least one copy must be available for  
31 public review at the last public information meeting held before  
32 the public hearing and during the public hearing conducted under  
33 Minnesota Statutes, section 116C.58.

34 Subp. 5. **Comments.** The comment period begins when notice  
35 of availability of the EIA is published in the EQB Monitor and  
36 closes at the end of the oral portion of the public hearing. At



1 least 30 days must be provided for comments. All comments  
2 become part of the hearing record as provided in part 1405.1800,  
3 subpart 5. The hearing record remains open until responses have  
4 been provided to all relevant comments that address deficiencies  
5 in the EIA pursuant to subpart 2. The date shall be set by the  
6 administrative law judge under part 1405.1400.

7 Subp. 6. **Adequacy.** Prior to designating a route and  
8 issuing a construction permit for an HVTL, the board shall make  
9 a finding and conclusion that the EIA, comments on the EIA, and  
10 responses to comments:

11 A. have adequately addressed significant  
12 environmental issues identified by the route advisory task force  
13 and the public under parts 4400.0800 and 4400.1000; and

14 B. have been prepared in compliance with the  
15 requirements of this part; and

16 C. have addressed the issues raised on the scope of  
17 the EIA so that all issues have been analyzed.

18 Subp. 7. **Cooperative processes.** The chair or the chair's  
19 designee shall cooperate with federal agencies to the fullest  
20 extent possible to reduce duplication between Minnesota  
21 Statutes, chapter 116D, and the National Environmental Policy  
22 Act, United States Code, title 42, sections 4321 to 4361.

23 Subp. 8. **Costs.** The board shall assess the project  
24 proposer for its reasonable costs of preparing and distributing  
25 the EIA pursuant to part 4410.6000.

26 4400.1310 ROUTING CONSIDERATIONS.

27 Subpart 1. **Considerations.** To facilitate the evaluation  
28 and designation of HVTL routes and route segments, the board  
29 shall be guided by the act and the following considerations:

30 A. effects on human settlement, including but not  
31 limited to, displacement, noise, aesthetics, cultural values,  
32 recreation, and public services;

33 B. effects on public health and safety;

34 C. effects on land-based economies, including but not  
35 limited to, agriculture, forestry, tourism, and mining;

- 1 D. archaeological and historic resources;
- 2 E. effects on the natural environment;
- 3 F. rare and unique natural resources;
- 4 G. application of design options which maximize
- 5 energy efficiencies, mitigate adverse environmental effects, and
- 6 could accommodate expansion of transmission capacity;
- 7 H. use or paralleling of existing rights-of-way,
- 8 survey lines, natural division lines, and agricultural field
- 9 boundaries;
- 10 I. electrical system reliability;
- 11 J. costs of constructing, operating, and maintaining
- 12 the HVTL which are dependent on design and route; and
- 13 K. adverse human and natural environmental effects
- 14 which cannot be avoided.

15 Subp. 2. Resources designated for preservation. Certain

16 resources within the state have been designated for preservation

17 by action of the state or federal government for the benefit of

18 the people and for future generations. No route shall be

19 designated by the board through state or national wilderness

20 areas. No route shall be designated by the board through state

21 or national parks and state scientific and natural areas unless

22 the route would not materially damage or impair the purpose for

23 which the area was designated, and all feasible alternative

24 routes would have a greater adverse human or environmental

25 impact. Designation of a route in these areas shall be

26 consistent with Minnesota Statutes, section 116C.53, subdivision

27 1, and shall include conditions to minimize impacts which

28 adversely affect the unique character of these areas. Economic

29 considerations alone shall not justify approval of these areas.

30 4400.1400 ROUTE DESIGNATION AND ISSUANCE OF CONSTRUCTION PERMIT.

31 Within one year after the board's acceptance of an

32 application for route designation and a construction permit, the

33 board shall act on that application. When the board designates

34 a route, it shall issue a permit for the construction of an HVTL

35 specifying the design and, route, and right-of-way width. The

1 permit may specify conditions for construction, right-of-way  
 2 restoration, abandonment, maintenance, and any other conditions  
 3 relevant to minimizing human and environmental impact the board  
 4 considers necessary. The board's decision shall be based on the  
 5 record, part 4400.1310, and the act. The board shall give the  
 6 reasons for its decision in written findings of fact.

7 4400.1500 CONSTRUCTION PERMIT COMPLIANCE.

8 Following route designation and issuance of a construction  
 9 permit, the permittee shall provide the board with a preliminary  
 10 construction plan at least 60 days before construction that  
 11 shall show that the right-of-way of the HVTL as proposed is  
 12 within the route designated by the board. The board may suspend  
 13 the 60-day time limitation if it can be shown that earlier  
 14 construction will not preclude proper review of the plans. If  
 15 the permittee makes any changes in its preliminary construction  
 16 plan, it shall notify the board in writing of the changes before  
 17 construction.

18 SITE DESIGNATION AND CERTIFICATE OF SITE COMPATIBILITY

19 4400.2600 APPLICATIONS FOR SITE DESIGNATION AND CERTIFICATE OF  
 20 SITE COMPATIBILITY.

21 Subpart 1. **Contents.** An application shall be filed that  
 22 includes any information necessary to make the evaluation  
 23 required in part 4400.3310 and the following:

24 A. a statement of proposed ownership of the facility  
 25 as of the day of filing and an affidavit authorizing the  
 26 applicant to act on behalf of those planning to participate in  
 27 the project;

28 B. the size and type of the proposed LEPGP;

29 C. at least two proposed sites for the proposed  
 30 LEPGP;

31 D. the engineering and operational design for the  
 32 LEPGP at each of the proposed sites;

33 E. a cost analysis of the LEPGP at each proposed  
 34 site;

35 F. an engineering analysis of each of the proposed

1 sites;

2 G. a description of the environmental setting and the  
3 potential human and natural environmental impacts of each site  
4 and measures proposed by the applicant to mitigate adverse  
5 effects, presented in the order shown in part 4400.3310;

6 H. a listing and brief description of federal and  
7 state permits that may be required for each proposed site; and

8 I. the certificate of need if available, or an  
9 acknowledgment of the receipt of a substantially complete  
10 certificate of need application by the Public Utilities  
11 Commission, if a certificate of need is required by Minnesota  
12 Statutes, chapter 216B.

13 Subp. 1a. Distribution. A copy of the application shall  
14 be provided by board staff to each member of the board.

15 [For text of subp 2, see M.R.]

16 4400.2710 ACCEPTANCE OF APPLICATION FOR SITE DESIGNATION AND  
17 CERTIFICATE OF SITE COMPATIBILITY.

18 Subpart 1. **Board action required.** The board shall either  
19 accept or reject an application at its first regularly scheduled  
20 meeting after the application is filed with the board, provided  
21 the application is filed at least 21 days before that meeting.

22 Subp. 2. **Rejection of application.** If the board rejects  
23 the application the board shall inform the applicant in writing  
24 which deficiencies, if corrected, will allow the application to  
25 be accepted. If the applicant has corrected the deficiencies or  
26 provided the board with the required information 14 days in  
27 advance of a regularly scheduled meeting, the board must  
28 reconsider acceptance of the application at that meeting. If  
29 the applicant fails to meet the conditions established by the  
30 board for reconsideration of the rejected application, the  
31 rejection shall stand. If the rejection stands, the applicant  
32 may reapply at any time. If the board fails to act within the  
33 times specified in this subpart, the application shall be  
34 considered accepted.

35 Subp. 3. **Additional information.** On acceptance of the

1 application, the board shall proceed with the actions required  
2 in parts 4400.2800 to 4400.3500. The applicant shall provide  
3 additional relevant information that the board considers  
4 necessary to process the application.

5 4400.2720 BOARD ACTION UPON ACCEPTANCE.

6 On acceptance of an application for site designation and a  
7 certificate of site compatibility, the board shall designate a  
8 project leader who shall serve as an independent representative  
9 of the board during the formal siting proceedings. The project  
10 leader shall be responsible for coordinating assigned staff  
11 responsibilities during the siting process and in preparing the  
12 EIA. The project leader shall ensure that the record of the  
13 proceedings is fully developed and responsive to all issues  
14 raised in the process. The project leader may intervene as a  
15 party in the public hearing if appropriate. Positions taken or  
16 representations made by the project leader during the siting  
17 process are not binding on the board.

18 4400.2800 SITE ADVISORY TASK FORCE.

19 Upon acceptance of an application for site designation and  
20 a certificate of site compatibility, the board may appoint a  
21 site advisory task force and its chair consistent with the act  
22 and part 4405.0800. The board shall provide guidance to the  
23 task force in the form of a charge. Site advisory task forces  
24 are advisory and are to assist the board in evaluating the  
25 application and alternatives, and in determining the scope of  
26 the EIA prepared under part 4400.3210.

27 4400.2900 PUBLIC ADVISER.

28 On acceptance of an application for site designation and a  
29 certificate of site compatibility, the board shall designate a  
30 public adviser. The public adviser shall be available to any  
31 person to advise that person on how to effectively participate  
32 in the siting process. The public adviser shall not give legal  
33 advice or advice which may affect the legal rights of the person  
34 being advised or act as an advocate.

## 1 4400.3000 INFORMATION MEETINGS.

2 The board shall hold at least two information meetings.  
3 After acceptance of an application for site designation and a  
4 certificate of site compatibility, the board shall hold at least  
5 one information meeting in the area affected by the applicant's  
6 proposal to explain the site designation process, receive  
7 comments on the scope of the EIA, and to respond to questions  
8 raised by the public.

9 Before the public hearings held to consider the sites  
10 approved for consideration by the board, the board shall hold an  
11 information meeting in each county in which a site is proposed  
12 to be located to explain the site designation process, receive  
13 comments on issues and alternatives described in the EIA, and to  
14 respond to questions raised by the public.

## 15 4400.3100 SITE PROPOSALS.

16 Subpart 1. **Acceptance for consideration.** The board shall  
17 accept for consideration the sites proposed by the applicant and  
18 may accept for consideration any other site which is proposed in  
19 accord with this part. Only sites which have been accepted by  
20 the board prior to notice of the public hearing shall be  
21 considered at the public hearing. Sites accepted shall be  
22 identified by the board in accordance with part 4400.3710. In  
23 order that a site be included in the public hearing record, any  
24 proposer of a site which has been accepted for consideration at  
25 the public hearing by the board shall make a presentation of  
26 facts on the merits of the proposal at the public hearing.

27 Subp. 2. **Agency and advisory task force site proposals.**  
28 The board member agencies, power plant siting staff, and the  
29 site advisory task force may propose sites directly to the  
30 board. Site proposals made by the site advisory task force must  
31 be made no later than 105 days after acceptance of the  
32 application by the board.

33 Subp. 3. **Other sources of site proposals.** Any other  
34 person may propose a site as provided in this subpart:

35 A. The proposed site must be set out specifically on

1 the appropriate general county highway map available from the  
2 Minnesota Department of Transportation or on United States  
3 Geological Survey topographical maps.

4 B. The proposal must contain the data and analysis  
5 required in parts 4400.2600 and 4400.3310 with the exception of  
6 part 4400.2600, subpart 1, items C and E, unless the information  
7 is the same as provided by the applicant.

8 C. The proposal must be presented to the chair of the  
9 board within 70 days of acceptance of the application by the  
10 board.

11 Subp. 4. Adequate preparation of proposal. Within ten  
12 days of receipt of a site proposal, the chair of the board shall  
13 determine if the proposal is adequately prepared in accord with  
14 this part. If the chair of the board determines that it is  
15 adequately prepared, the chair shall forward the proposal to the  
16 board for its consideration at its next meeting. If the chair  
17 of the board determines that the proposal is not adequately  
18 prepared, the chair shall inform the proposer of any  
19 inadequacies in the proposal. The proposer shall have 15 days  
20 to provide additional information to the chair of the board.  
21 The chair of the board shall determine within ten days whether  
22 the amended proposal is adequately prepared. If the chair of  
23 the board then determines that the proposal is not adequately  
24 prepared, the proposer may appeal to the board at its next  
25 meeting to determine the adequacy of the proposal.

26 4400.3200 PUBLIC HEARINGS.

27 Public hearings held by the board under parts 4400.2600 to  
28 4400.3500 shall be held for the purposes of collecting and  
29 verifying data and establishing a complete and accurate record  
30 upon which to base a decision. The hearing shall be conducted  
31 by an independent administrative law judge from the Office of  
32 Administrative Hearings. The conduct of these hearings shall be  
33 as prescribed by chapter 1405.

34 4400.3210 ENVIRONMENTAL IMPACT ASSESSMENT FOR LEPPG.

35 Subpart 1. Record of hearings. An environmental impact

1 assessment (EIA) must be prepared for inclusion in the record of  
2 the public hearing under Minnesota Statutes, section 116C.58.

3 Subp. 2. **Contents.** The EIA must contain:

4 A. a summary of the project description provided in  
5 the project proposer's application;

6 B. a summary of the certificate of need decision, if  
7 one was required and is available; the EIA shall not consider  
8 need for the project and other issues determined by the Public  
9 Utilities Commission;

10 C. a description of the applicant's proposed sites  
11 and any alternative sites approved by the board for  
12 consideration at public hearing;

13 D. a description of feasible alternative designs;

14 E. an analysis of the potential human and natural  
15 environmental effects of each alternative site or design. The  
16 analysis must include those issues identified by the site  
17 advisory task force or by any interested person during the first  
18 public information meeting held under part 4400.3000;

19 F. a description of mitigative measures that could  
20 reasonably eliminate or minimize potential adverse effects;

21 G. a discussion of all known governmental permits and  
22 approvals required; and

23 H. an explanation of the board's siting process and  
24 how the public can participate, and specifically, how public  
25 comments on the EIA will be received for inclusion in the record  
26 of the public hearing.

27 Subp. 3. **Notice of availability.** The chair or the chair's  
28 designee shall provide notice of the availability of the EIA and  
29 how the public can participate in its review. The notice must  
30 be provided according to Minnesota Statutes, section 116C.58,  
31 and part 4400.3710, and may be provided in the notice of the  
32 hearing required. Notice must also be published in the EQB  
33 Monitor.

34 Subp. 4. **Distribution.** When notice of availability is  
35 provided under subpart 3, the EIA must be distributed to each  
36 member of the board and by certified mail to the persons



1 receiving notice. At least one copy must be available for  
2 public review at the last public information meeting held before  
3 the public hearing and during the public hearing conducted under  
4 Minnesota Statutes, section 116C.58.

5 Subp. 5. **Comments.** The comment period begins when notice  
6 of availability of the EIA is published in the EQB Monitor and  
7 closes at the end of the oral portion of the public hearing. At  
8 least 30 days must be provided for comments. All comments  
9 become part of the hearing record as provided in part 1405.1800,  
10 subpart 5. The hearing record remains open until responses have  
11 been provided to all relevant comments which address  
12 deficiencies in the EIA pursuant to subpart 2. The date shall  
13 be set by the administrative law judge under part 1405.1400.

14 Subp. 6. **Adequacy.** Prior to designating a site and  
15 issuing a certificate of site compatibility for an LEPGP, the  
16 board shall make a finding and conclusion that the EIA, comments  
17 on the EIA, and responses to comments:

18 A. have adequately addressed significant  
19 environmental issues identified by the site advisory task force  
20 and the public under parts 4400.2800 and 4400.3000; and

21 B. have been prepared in compliance with the  
22 requirements of this part; and

23 C. have addressed the issues raised on the scope of  
24 the EIA so that all issues have been analyzed.

25 Subp. 7. **Cooperative processes.** The chair or the chair's  
26 designee shall cooperate with federal agencies to the fullest  
27 extent possible to reduce duplication between Minnesota  
28 Statutes, chapter 116D, and the National Environmental Policy  
29 Act, United States Code, title 42, sections 4321 to 4361.

30 Subp. 8. **Costs.** The board shall assess the project  
31 proposer for its reasonable costs of preparing and distributing  
32 the EIA pursuant to part 4410.6000.

33 4400.3310 SITING CONSIDERATIONS.

34 Subpart 1. **Considerations.** To facilitate the evaluation  
35 and designation of LEPGP sites, the board shall be guided by the

1 act and the following considerations:

2 A. effects on human settlement, including but not  
3 limited to, displacement, noise, aesthetics, community benefits,  
4 cultural values, recreation, and public services;

5 B. effects on public health and safety;

6 C. effects on land-based economies, including but not  
7 limited to, agriculture, forestry, tourism, and mining.

8 D. archaeological and historic resources;

9 E. effects on the natural environment;

10 F. rare and unique natural resources;

11 G. cumulative present and future demands on air and  
12 water resources;

13 H. application of design options which maximize  
14 energy efficiencies, mitigate adverse environmental effects, and  
15 could accommodate expansion of generating capacity;

16 I. use of existing LEPP sites;

17 J. use of existing transportation, pipeline, and  
18 electrical transmission systems;

19 K. costs of constructing and operating the facility  
20 which are dependent on design and site; and

21 L. adverse human and natural environmental effects  
22 which cannot be avoided.

23 Subp. 2. **Site exclusions.** The following resources within  
24 the state have been designated for preservation by action of the  
25 state or federal government for the benefit of the people and  
26 for future generations:

27 A. national parks;

28 B. national historic sites and landmarks;

29 C. national historic districts;

30 D. national wildlife refuges;

31 E. national monuments;

32 F. national wild, scenic, and recreational riverways;

33 G. state wild, scenic, and recreational rivers and  
34 their land use districts;

35 H. state parks;

36 I. nature conservancy preserves;

1 J. state scientific and natural areas; and

2 K. state and national wilderness areas.

3 These areas shall not be designated as a site for an LEPGP  
4 except for use for water intake or discharge facilities. If the  
5 board includes any of these areas within a site for use for  
6 water intake or discharge facilities, it may impose appropriate  
7 conditions in the certificate of site compatibility which  
8 protect these areas for the purpose for which they were  
9 designated. The board shall also consider the adverse effects  
10 of proposed sites on these areas which are located wholly  
11 outside of the boundaries of these areas.

12 **Subp. 3. Site exclusions when alternative sites exist.**

13 Certain resources within the state shall not be designated for  
14 LEPGP sites when unless all feasible and prudent alternatives  
15 would have greater adverse human and environmental impact.  
16 Designation of a site in these areas shall be consistent with  
17 Minnesota Statutes, section 116C.53, subdivision 1, and shall  
18 include conditions to minimize impacts which adversely affect  
19 the unique character of these areas. Economic considerations  
20 alone shall not justify approval of these areas. These areas  
21 are:

22 A. state registered historic sites;

23 B. state historic districts;

24 C. state wildlife management areas (except in cases  
25 where the plant cooling water is to be used for wildlife  
26 management purposes);

27 D. county parks;

28 E. metropolitan parks;

29 F. designated state and federal recreational trails;

30 G. designated trout streams; and

31 H. the rivers identified in Minnesota Statutes,  
32 section 85.32, subdivision 1.

33 **Subp. 4. Prime farmland exclusion.** When there exists a  
34 feasible and prudent alternative with less adverse environmental  
35 and noncompensable human effects, no LEPGP site shall be  
36 designated where the developed portion of the plant site

1 includes more than 0.5 acres of prime farmland per megawatt of  
2 net generating capacity, and no makeup water storage reservoir  
3 or cooling pond site shall include more than 0.5 acres of prime  
4 farmland per megawatt of net generating capacity. These  
5 provisions do not apply to areas located within home rule  
6 charter or statutory cities; areas located within two miles of  
7 home rule charter or statutory cities of the first, second, and  
8 third class; or areas designated for orderly annexation under  
9 Minnesota Statutes, section 414.0325.

10 Subp. 5. **Sufficient water supply required.** No site shall  
11 be designated that does not have reasonable access to a proven  
12 water supply sufficient for plant operation. No use of  
13 groundwater shall be permitted where removal of groundwater  
14 results in material adverse effects on groundwater in and  
15 adjacent to the area, as determined in each case.

16 The use of groundwater for high consumption purposes, such  
17 as cooling, shall be avoided if feasible and prudent surface  
18 water alternatives less harmful to the environment exist.  
19 Groundwater use to supplement available surface water shall be  
20 permitted if the cumulative impact minimizes environmental harm.

21 4400.3400 SITE DESIGNATION AND ISSUANCE OF CERTIFICATE OF SITE  
22 COMPATIBILITY.

23 Within one year after the board's acceptance of an  
24 application for a certificate of site compatibility, the board  
25 shall act on that application. When the board designates a site  
26 it shall issue a certificate of site compatibility with any  
27 appropriate conditions. The board's decision shall be based on  
28 the record, part 4400.3310, and the act. The board shall give  
29 the reasons for its decision in written findings of fact. If  
30 the board refuses to designate a site, it shall indicate the  
31 reasons for the refusal and indicate the necessary changes in  
32 size or type of facility to allow site designation.

33 4400.3500 CERTIFICATE COMPLIANCE.

34 Following site designation and issuance of a certificate of  
35 site compatibility, the board may require the permittee to

1 supply plans and information as it deems necessary to determine  
2 whether or not the LEPGP is in compliance with the conditions of  
3 the certificate of site compatibility.

4 4400.3600 PROGRAM ADVISORY TASK FORCE.

5 Subpart 1. [See Repealer.]

6 Subp. 2. **Program advisory task force.** The board may  
7 appoint a program advisory task force to provide advice and  
8 recommendations concerning development, revision, and  
9 enforcement of any rule, inventory, or program initiated under  
10 the act or parts 4400.0200 to 4400.4900. The board shall  
11 provide guidance to the program advisory task force in the form  
12 of a charge and through specific requests. The program advisory  
13 task force shall be composed of as many members as may be  
14 designated by the board, and its membership shall be solicited  
15 on a statewide basis. The program advisory task force and its  
16 chair shall be appointed for a one-year term.

17 4400.3710 NOTICES.

18 Subpart 1. **When to notice.** The chair or the chair's  
19 designee shall provide notice consistent with the act at the  
20 following points in the routing and siting processes:

21 A. within 20 days of acceptance of any application  
22 filed with the board under the act, except an exemption  
23 application;

24 B. public information meetings;

25 C. availability of EIA;

26 D. public hearing; and

27 E. board designation of a site or route.

28 Subp. 2. **Content of notices.** All notices shall be  
29 provided consistent with the act, except for subpart 1, item E,  
30 and shall include, but not be limited to, the following  
31 information:

32 A. identification of the applicant;

33 B. date, time, and location of any action, meeting,  
34 or public hearing being noticed;

35 C. a brief description of the proposed large electric

1 power facility;

2 D. a map showing the location of the proposed  
3 facility;

4 E. procedures for participating in the routing or  
5 siting process and for interested persons to be placed on a  
6 mailing list for future notices;

7 F. locations where documents are available for public  
8 review; and

9 G. the name and function of the public advisor and  
10 the address and telephone number where that person can be  
11 reached.

12 Subp. 3. **Proposals required to be noticed.** For purposes  
13 of providing notice, a route, route segment, or site proposal  
14 shall be any route, route segment, or site proposed by the  
15 applicant or accepted by the board under part 4400.1100 or  
16 4400.3100.

17 4400.3800 EMERGENCY CERTIFICATIONS AND PERMITS.

18 [For text of subpart 1, see M.R.]

19 Subp. 2. **Determination of an emergency.** The board shall  
20 hold a public hearing as prescribed by chapter 1405 within 90  
21 days of acceptance of an application for emergency certification  
22 to consider the following to determine whether an emergency  
23 exists:

24 A. whether adherence to the procedures and time  
25 schedules specified in parts 4400.1400 and 4400.3400 would  
26 jeopardize the utility's electric power system or would  
27 jeopardize the utility's ability to meet the electric needs of  
28 its customers in an orderly and timely manner;

29 B. whether there remains any feasible or prudent  
30 alternative to the utility which can serve its immediate need;  
31 and

32 C. whether the utility is prepared to, and will upon  
33 authorization, carry out the acquisition and construction  
34 program at the maximum rate of progress.

35 The board shall also establish whether the situation could

1 have been reasonably anticipated by the utility in time to use  
2 the normal application procedures. If the board finds that the  
3 utility could have reasonably anticipated the situation, the  
4 utility may be subject to Minnesota Statutes, section 116C.68.

5 Subp. 3. **Emergency procedures.** If the board determines  
6 that an emergency exists, then the route or site designation  
7 procedures prescribed in parts 4400.0600 to 4400.1500 and  
8 4400.2600 to 4400.3500, with the exception of parts 4400.1100,  
9 subparts 2 to 5, and 4400.3100, subparts 2 to 4, shall be  
10 followed, except that the board shall designate a route and  
11 issue an emergency construction permit or designate a site and  
12 issue an emergency certificate of site compatibility within 195  
13 days of the application.

14 4400.3900 EXEMPTION OF CERTAIN TRANSMISSION LINE ROUTES.

15 Subpart 1. **Application for exemption.** A utility or person  
16 may file an application with the board to exempt from the act  
17 the construction of an HVTL within a proposed route. No  
18 exemptions may be granted unless the procedures in this part are  
19 followed.

20 Subp. 1a. **Application contents.** The application for  
21 exemption shall contain information necessary to make an  
22 evaluation of considerations listed in part 4400.1310, and the  
23 following:

24 A. a statement of proposed ownership of the facility  
25 as of the day of filing and an affidavit authorizing the  
26 applicant to act on behalf of those planning to participate in  
27 the project;

28 B. a general description of the proposed project;

29 C. a description of the route for the proposed HVTL  
30 and a map;

31 D. the engineering design and estimated costs for the  
32 proposed HVTL;

33 E. a description of the construction, right-of-way  
34 restoration, and maintenance procedures anticipated for the  
35 proposed HVTL;

1 F. a description of the potential human and natural  
2 environmental effects and measures proposed by the applicant to  
3 mitigate adverse effects presented in the order shown in part  
4 4400.1310; and

5 G. a listing and brief description of governmental  
6 permits that may be required.

7 Subp. 1b. Distribution. A copy of the application shall  
8 be provided by board staff to each member of the board.

9 Subp. 2. **Notice of exemption application.** Within 15 days  
10 of filing of an exemption application, the applicant shall:

11 A. publish notice consistent with the act;

12 B. send a copy of the exemption application by  
13 certified mail to the chair or chief executive of any regional  
14 development commission, county, home rule charter or statutory  
15 city, and organized town in which the route is proposed to be  
16 located; and

17 C. mail to each owner whose property is included  
18 within the route, a notice and description of the exemption  
19 application, together with an understandable description of the  
20 procedures the owner must follow should the owner desire to  
21 object. Determination of ownership shall be consistent with  
22 Minnesota Statutes, section 116C.57, subdivision 5.

23 Subp. 3. **Objection to exemption.** If a person who owns  
24 real property crossed by the proposed route, or any person  
25 owning property contiguous to the property crossed by the  
26 proposed route, or any affected political subdivision submits a  
27 written objection to the board within 60 days after notice has  
28 been provided, the board must either deny the exemption  
29 application or conduct a hearing as prescribed by chapter 1405  
30 to determine if the proposed HVTL within the proposed route will  
31 cause any significant human or environmental impact. The  
32 written objection shall:

33 A. state reasons why the board should deny the  
34 exemption application or hold a public hearing;

35 B. to the extent possible, describe significant  
36 impacts on the human or natural environment which will be caused



1 by the proposed facility, or show that insufficient information  
2 is provided on possible impacts in the application; and

3 C. provide evidence of real property ownership  
4 required in this subpart. Property tax records shall suffice as  
5 evidence.

6 Subp. 4. [See Repealer.]

7 Subp. 5. **Public hearing.** Pursuant to Minnesota Statutes,  
8 section 116C.06, the board may order a public hearing as  
9 prescribed by chapter 1405 to determine if the proposed facility  
10 will cause any significant human or environmental impact.

11 Subp. 6. **Public comments.** Any person may submit comments  
12 to the board within 60 days after notice has been provided as  
13 required by subpart 2.

14 Subp. 7. **Determination.** In deciding whether to grant or  
15 deny an exemption, the board shall consider any objections and  
16 comments that are submitted, the record of any public hearing  
17 which is held, and the information contained in the  
18 application. If the board determines that the proposed HVTL  
19 will not have a significant human or environmental impact, the  
20 board may exempt from the act with any appropriate conditions  
21 the construction of the proposed facility within the proposed  
22 route. If the board denies an HVTL exemption, it shall indicate  
23 the reasons and indicate the project changes necessary for  
24 approval. The applicant may reapply for an exemption or apply  
25 for a construction permit.

26 When an exemption is granted, the utility or person must  
27 comply with any applicable state rules, local zoning, building,  
28 and land use rules, regulations, and ordinances of any regional,  
29 county, local, and special purpose governments in which the  
30 facility is to be located.

31 4400.3910 EXEMPTION OF CERTAIN LEPGP SITES.

32 Subpart 1. **Application for exemption.** A utility or person  
33 may file an application with the board to exempt from the act  
34 the construction of an LEPGP with an electric power production  
35 capacity between 50 and 80 megawatts at a proposed site. No

1 exemptions may be granted unless the procedures in this part are  
2 followed.

3 Subp. 2. Contents of application. The application for  
4 exemption shall contain information necessary to make an  
5 evaluation of considerations listed in part 4400.3310 and  
6 inventory criteria in part 4400.4500, and the following:

7 A. a statement of proposed ownership of the facility  
8 as of the day of filing and an affidavit authorizing the  
9 applicant to act on behalf of those planning to participate in  
10 the project;

11 B. the size and type of the proposed plant;

12 C. the proposed site location and a map;

13 D. an engineering design, cost, and operation  
14 analysis for the proposed plant;

15 E. a description of all waste streams and disposal  
16 methods;

17 F. the anticipated life of the facility;

18 G. a description of the potential human and natural  
19 environmental effects and measures proposed by the applicant to  
20 mitigate adverse effects presented in the order shown in part  
21 4400.3310; and

22 H. a listing and brief description of governmental  
23 permits that may be required.

24 Subp. 2b. Distribution. A copy of the application shall  
25 be provided by board staff to each member of the board.

26 Subp. 3. Notice of exemption application. Within 15 days  
27 of the filing of an exemption application, the applicant shall:

28 A. publish notice consistent with the act in each  
29 county in which any portion of the proposed site is located;

30 B. send a copy of the exemption application by  
31 certified mail to the chair or chief executive of any regional  
32 development commission, county, home rule charter or statutory  
33 city, and organized town within ten miles of the proposed site;  
34 and

35 C. mail to the owner of each property that is part of  
36 or is contiguous to the proposed site a notice and description

1 of the exemption application and an understandable description  
2 of the procedures the owner must follow should the owner desire  
3 to object. Determination of ownership shall be consistent with  
4 Minnesota Statutes, section 116C.57, subdivision 5a, paragraph  
5 (b).

6       Subp. 4. **Objection to exemption.** If a person who owns  
7 real property that is part of or contiguous to the proposed site  
8 or an affected political subdivision submits a written objection  
9 to the board within 60 days after the board receives an  
10 exemption application, the board must either deny the exemption  
11 application or conduct a public hearing as prescribed by chapter  
12 1405 to determine if the proposed electric power plant at the  
13 proposed site will cause any significant human or environmental  
14 impact. The written objection shall:

15           A. state reasons why the board should deny the  
16 exemption application or hold a public hearing;

17           B. to the extent possible, describe significant  
18 impacts on the human or natural environment which will be caused  
19 by the proposed facility, or show that insufficient information  
20 is provided on possible impacts in the exemption application;  
21 and

22           C. provide evidence of real property ownership  
23 required in this subpart. Property tax records shall suffice as  
24 evidence.

25       Subp. 5. **Public hearing.** Pursuant to Minnesota Statutes,  
26 section 116C.06, the board may order a public hearing as  
27 prescribed in chapter 1405 to determine if the proposed facility  
28 will cause significant human or environmental impact.

29       Subp. 6. **Public comments.** Any person may submit comments  
30 to the board within 60 days after notice has been provided as  
31 required in subpart 3.

32       Subp. 7. **Determination.** In deciding whether to grant or  
33 deny an exemption, the board shall consider any objections and  
34 comments that are submitted, the record of any public hearing  
35 which is held, and the information contained in the  
36 application. If the board determines that a facility has an

1 electric power production capacity less than 80 megawatts and  
2 construction at the proposed site will not have a significant  
3 human or environmental impact, the board may exempt with any  
4 appropriate conditions the construction of the proposed facility  
5 at the proposed site from the requirements of the act. If the  
6 board denies an LEPGP exemption, it shall indicate the reasons  
7 and indicate the project changes necessary for approval. The  
8 applicant may reapply for an exemption or apply for a  
9 certificate of site compatibility.

10 When an exemption is granted, the utility or person must  
11 comply with applicable state rules, local zoning, building, and  
12 land use rules, regulations, and ordinances of any regional,  
13 county, local, and special purpose governments in which the  
14 facility is to be located.

15 4400.4000 DELAY IN ROUTE OR SITE CONSTRUCTION.

16 If construction and improvement of a route or site have not  
17 commenced four years after the construction permit or site  
18 certificate has been issued by the board, the board shall  
19 suspend the certificate or permit. If at that time, or at a  
20 time subsequent, the utility decides to construct the proposed  
21 large electric power facility, it shall certify to the board  
22 that there have been no significant changes in any material  
23 aspects of the conditions or circumstances existing when the  
24 permit or certificate was issued. If the board determines that  
25 there are no significant changes, it shall reinstate the permit  
26 or certificate. If the board determines that there is a  
27 significant change, it may order a new hearing and consider the  
28 matter further, or it may require a new application.

29 4400.4100 MINOR ALTERATIONS IN CONSTRUCTION PERMIT OR  
30 CERTIFICATE OF SITE COMPATIBILITY.

31 Following issuance of a construction permit for an HVTL or  
32 a certificate of site compatibility for an LEPGP, a utility may  
33 apply to the board for minor alterations on conditions specified  
34 in the permit or certificate. The utility shall submit an  
35 application for a minor alteration which contains sufficient

1 information for the board to determine within 45 days the  
2 following: whether the requested changes are significant enough  
3 to warrant board study and approval; whether to order public  
4 hearings near the affected area; or whether additional fees  
5 shall be assessed.

6 If the board decides to study the application, the board  
7 shall determine within 70 days whether granting the application  
8 would be consistent with part 4400.1310 or 4400.3310 and shall  
9 grant or deny the utility's application accordingly.

10 4400.4200 REVOCATION OR SUSPENSION OF CERTIFICATE OR PERMIT.

11 Subpart 1. **Initiation of action to revoke or suspend.** The  
12 board may initiate action to consider revocation or suspension  
13 of a construction permit or certificate of site compatibility on  
14 its own motion or upon the request of any person who has made a  
15 prima facie showing by affidavit and documentation that a  
16 violation of the act has occurred under Minnesota Statutes,  
17 section 116C.645 or this chapter.

18 [For text of subp 2, see M.R.]

19 Subp. 3. **Finding of violation.** If the board finds that a  
20 violation of Minnesota Statutes, section 116C.645 or this  
21 chapter has occurred, it may revoke or suspend the permit or  
22 certificate, require the utility to undertake corrective or  
23 ameliorative measures as a condition to avoid revocation or  
24 suspension, or require corrective measures and suspend the  
25 permit or certificate.

26 4400.4500 IDENTIFICATION OF LARGE ELECTRIC POWER GENERATING  
27 PLANT STUDY AREAS.

28 [For text of subpart 1, see M.R.]

29 Subp. 2. **Exclusion areas.** Criterion: study areas shall  
30 be compatible with board rules on exclusion criteria for LEPGP  
31 site selection.

32 Standard: geographic areas identified in part 4400.3310,  
33 subpart 2 shall not be part of any study area.

34 [For text of subps 3 to 6, see M.R.]

1 4400.4900 APPLICATION FEES.

2 Every applicant for a route or site pursuant to Minnesota  
3 Statutes, section 116C.57 shall pay to the board a fee as  
4 prescribed by the act.

5 For applications filed pursuant to Minnesota Statutes,  
6 section 116C.57, subdivisions 1 and 2, 25 percent of the total  
7 estimated fee shall accompany the application and the balance is  
8 payable in three equal installments at the end of 90, 180, and  
9 270 days from the date of the board's acceptance of the  
10 application.

11 For applications filed pursuant to Minnesota Statutes,  
12 section 116C.57, subdivision 3, 25 percent of the total  
13 estimated fee shall accompany the application and the balance is  
14 payable at the end of 90 days from the date of the board's  
15 acceptance of the application.

16 For applications filed pursuant to Minnesota Statutes,  
17 section 116C.57, subdivisions 5 and 5a, 50 percent of the total  
18 approved cost for processing the application shall be paid  
19 within 14 days of receipt of the application and the balance is  
20 payable as determined by the board.

21

22 REPEALER. Minnesota Rules, parts 4400.0700; 4400.1100,  
23 subpart 2; 4400.1300; 4400.2700; 4400.3300; 4400.3600, subpart  
24 1; 4400.3700; and 4400.3900, subpart 4, are repealed.

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 11 1990

*John Anderson*  
Secretary of State  
1:30 pm NK