

CHAPTER 7853
PUBLIC UTILITIES COMMISSION
CERTIFICATE OF NEED FOR
PETROLEUM FACILITY

7853 0010	DEFINITIONS	7853 0310	HISTORICAL ENERGY DATA
7853 0030	SCOPE OF RULES	7853 0320	FORECAST DATA.
7853 0200	APPLICATION PROCEDURES AND TIMING	7853 0330	DESCRIPTION OF PROPOSED FACILITY
7853 0210	FILING FEES AND PAYMENT SCHEDULE	7853 0340	ALTERNATIVES
7853 0220	CONTENTS OF APPLICATION	7853 0400	INFORMATION REQUIRED
7853 0230	GENERAL INFORMATION SECTION	7853 0440	POLLUTION CONTROL AND SAFEGUARDS
7853 0300	LARGE LPG STORAGE FACILITY		EQUIPMENT

7853.0010 DEFINITIONS.

[For text of subps 1 to 12, see MR]

Subp 13 [Repealed, 26 SR 1438]

[For text of subps 14 to 23, see MR]

Statutory Authority: *MS s 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0030 SCOPE OF RULES.

Each petroleum supplier applying for a certificate of need for one of the following types of large energy facilities shall provide all information required by this chapter:

A a new large LPG storage facility,

B a new large petroleum pipeline facility,

C any project that, within a period of one year, would expand the LPG storage capacity of an existing LPG storage facility in excess of either 20 percent of capacity of 100,000 gallons, whichever is greater, and

D. any project that, within a period of two years, would expand an existing large petroleum pipeline in excess of either 20 percent of its rated capacity or 10,000 barrels per day, whichever is greater

Exception any person who as of the effective date of this chapter has begun or has completed construction of a large energy facility is not subject to this chapter for that facility

Statutory Authority: *MS s 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0200 APPLICATION PROCEDURES AND TIMING.

[For text of subps 1 to 4, see MR]

Subp 5. **Hearing.** An administrative law judge shall be assigned, and a public hearing shall be scheduled to commence, no later than 80 days after the receipt of the application, in accordance with the rules of procedure governing certificate of need filing, part 7829 2500, and the Office of Administrative Hearings' rules of contested case procedures, chapter 1400

[For text of subps 6 to 9, see MR]

Statutory Authority: *MS s 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0210 FILING FEES AND PAYMENT SCHEDULE.

Subpart 1 **Fees.** The fee for processing an application shall be:

A \$2,000 plus \$10 per 100,000 gallons of design storage capacity for a large LPG storage facility; or

B. \$5,000 plus \$1 for each mbpd-mile for a large petroleum pipeline;

MINNESOTA RULES 2002

73

CERTIFICATE OF NEED FOR PETROLEUM FACILITY 7853.0320

plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility

In no event shall the total fee required of any applicant exceed \$50,000.

[For text of subps 2 and 3, see MR]

Statutory Authority: *MS s 16A.1283, 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0220 CONTENTS OF APPLICATION.

[For text of subps 1 to 3, see MR]

Subp 4 **Additional information.** Additional information shall be provided for specific types of facilities as indicated

A large LPG storage facility refer to part 7853.0300, and

B. large petroleum pipeline facility refer to part 7853.0500

Statutory Authority: *MS s 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0230 GENERAL INFORMATION SECTION.

Subpart 1. **Content of section.** Each application shall contain a general information section that shall include the following information

[For text of items A to C, see MR]

D. a brief description of the proposed facility, its complete address (if known) or general location, a brief description of its planned use, its estimated cost, its planned in service date, and its design capacity in gallons (LPG storage) or its maximum design throughput in barrels per day and its size in Mbpd-miles (petroleum pipeline),

[For text of items E and F, see MR]

[For text of subp 2, see MR]

Statutory Authority: *MS s 216B 08; 216B 243, 216C 10*

History: *26 SR 1438*

7853.0300 LARGE LPG STORAGE FACILITY.

In addition to the data required by parts 7853.0230 to 7853.0260, each applicant for a large LPG storage facility shall provide the information required by parts 7853.0310 to 7853.0450, and optionally, part 7853.0270

In a joint application, separate responses are required from each person for information required under parts 7853.0310, 7853.0320, and 7853.0340

Statutory Authority: *MS s 216B 08; 216B 243, 216C 10*

History: *26 SR 1438*

7853.0310 HISTORICAL ENERGY DATA.

Each applicant for a large LPG storage facility shall provide the following information

[For text of items A to C, see M.R.]

Statutory Authority: *MS s 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0320 FORECAST DATA.

Each applicant for a large LPG storage facility shall provide answers to the questions below, unless previously submitted to the agency pursuant to chapter 7610, in which case a copy of such submission may be incorporated into the application to satisfy the requirements of this rule

[For text of items A to D, see MR]

Statutory Authority: *MS s 216B 08; 216B 243, 216C 10*

History: *26 SR 1438*

MINNESOTA RULES 2002

7853.0330 CERTIFICATE OF NEED FOR PETROLEUM FACILITY

74

7853.0330 DESCRIPTION OF PROPOSED FACILITY.

Each application for a large LPG storage facility must include the following information

[For text of items A to E, see MR]

Statutory Authority: *MS s 216B 08; 216B 243; 216C.10*

History: *26 SR 1438*

7853.0340 ALTERNATIVES.

Each applicant for a large LPG storage facility shall respond to the following questions

[For text of items A and B, see MR]

Statutory Authority: *MS s 216B 08, 216B 243, 216C 10*

History: *26 SR 1438*

7853.0400 INFORMATION REQUIRED.

When a certificate of need application is submitted for a large LPG storage facility on an existing LPG storage site, which site already has storage capacity of at least 100,000 gallons, a copy of an environmental assessment worksheet (EAW) may be submitted in lieu of specific answers to the requirements in parts 7853 0420 to 7853 0450. If permits for construction of the facility are required by other state agencies, a copy of each permit application, or the informational equivalent, shall also be submitted

In all other cases, the applicant for a certificate of need for a large LPG storage facility shall provide environmental information for the proposed facility and for each alternative facility discussed in response to part 7853.0340. The applicant shall provide the information in the format given in parts 7853 0420 to 7853 0450 to the extent that the data is applicable and reasonably available.

Statutory Authority: *MS s 216B 08, 216B 243; 216C 10*

History: *26 SR 1438*

7853.0440 POLLUTION CONTROL AND SAFEGUARDS EQUIPMENT.

[For text of subps 1 and 2, see MR]

Subp 3 **Leak, fire, and explosion safeguards.** Describe measures that would be taken to prevent leaks, fires, and explosions or to minimize the environmental impact of a leak, a fire, or an explosion

[For text of subp 4, see MR]

Statutory Authority: *MS s 216B 08, 216B 243, 216C.10*

History: *26 SR 1438*

7853.0700 [Repealed, 26 SR 1438]

7853.0710 [Repealed, 26 SR 1438]

7853.0720 [Repealed, 26 SR 1438]

7853.0730 [Repealed, 26 SR 1438]

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7853.0750 [Repealed, 26 SR 1438]

7853.0760 [Repealed, 26 SR 1438]

7853.0770 [Repealed, 26 SR 1438]

7853.0780 [Repealed, 26 SR 1438]

7853.0790 [Repealed, 26 SR 1438]