

4410.6410 DISAGREEMENTS REGARDING EIS ASSESSED COST.

Subpart 1. **EQB to determine cost.** If, after the RGU has issued its scoping decision under part 4410.2100, the RGU and the proposer disagree about the cost assessed by the RGU to the proposer, either party may request in writing that the EQB determine the appropriate cost assessment. The request must be accompanied by a description of the cost dispute together with relevant supporting documentation; a copy of the request must be supplied to the other party. The other party shall provide a written explanation of its position on the cost dispute, together with any relevant supporting information, to the EQB and the other party within ten days of receipt of its copy of the request to the EQB. The chair of the EQB may request any additional information from either party that is needed to understand and resolve the cost dispute.

Subp. 2. **Issuance of determination.** The EQB shall determine the appropriate cost in dispute at its first meeting held 15 or more days after receipt of complete information from both parties. The EQB may order a contested case hearing if it determines that a hearing is necessary to obtain the information necessary to make a decision. If the EQB orders a hearing it shall determine the appropriate cost at its first meeting held 15 or more days after receipt of the report from the administrative law judge.

Subp. 3. **Half cash payment.** Nothing in subparts 1 and 2 shall prevent the proposer from making one-half of the cash payment as recommended by the RGU's proposed EIS cost for the purpose of commencing preparation of the draft EIS. If the proposer makes the above cash payment, preparation of the draft EIS shall immediately begin. If the required cash payment is altered by the EQB's determination, the remaining cash payments shall be adjusted accordingly.

Statutory Authority: *MS s 116D.04; 116D.045*

History: *21 SR 1458*

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