

6130.4900 VARIANCES.

Subpart 1. **Application for variance.** A proceeding for requesting a variance from these rules is commenced when the permit applicant or permittee files an application for a variance with the commissioner. The application shall include information necessary for the commissioner to determine that the proposed variance is consistent with the general welfare and the goals of these rules.

Subp. 2. **Determination by commissioner.** Within 30 days after receipt of the application, the commissioner shall determine whether the proposed variance constitutes a substantial change from the requirements of these parts.

If the commissioner determines that a substantial change would result, the applicant shall follow the procedures for permit to mine applications, as set forth in part 6130.4800.

If the commissioner determines that there would be no substantial change the commissioner shall without a hearing allow the variance with or without additional terms or conditions which are consistent with these parts, or deny the application stating reasons therefor.

Subp. 3. **Demand for a hearing.** If the commissioner processes the application without a hearing, pursuant to subpart 2, the applicant may file with the commissioner a demand for hearing on the decision pursuant to part 6130.4800, subpart 4.

Subp. 4. **Simultaneous filing of applications.** Applications for variance from these rules may be filed simultaneously with an application for a permit to mine, provided that the advertisement contains all information required for applications for permits to mine and for variance.

Statutory Authority: *MS s 93.47*

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