

**7001.0660 PRELIMINARY DETERMINATION, DRAFT PERMIT, AND PUBLIC COMMENTS.**

The provisions of parts 7001.0100 and 7001.0110 are applicable to the public notice of draft permits and preliminary determinations, the use of fact sheets concerning hazardous waste facilities, and public comments, except as specifically otherwise provided as follows:

A. The commissioner shall prepare a fact sheet for each draft permit which relates to a hazardous waste facility that the commissioner finds to be major based on a review of the potential impacts of the facility on the environment.

B. Notwithstanding the provisions of part 7001.0100, subpart 4, the public notice period concerning a complete permit application and the commissioner's preliminary determination as to whether the permit should be issued or denied shall be 45 days.

C. In addition to the requirements of part 7001.0100, the commissioner shall mail a copy of the public notice and, if a fact sheet is prepared, a copy of the fact sheet to the persons described in subitems (1) to (5), as follows. The commissioner shall also mail a copy of the permit application and the draft permit to the applicant and to the persons described in subitems (3), (4), and (5), as follows:

(1) to the governing body of each county and city or township that has jurisdiction over the area where the facility is located or proposed to be located;

(2) to each state agency that has authority under state law with respect to the construction or operation of the facility which is the subject of the permit application;

(3) to all federal and state agencies that have jurisdiction over fish, shellfish, and wildlife resources in the area where the facility is located or proposed to be located;

(4) to the state Advisory Council on Historic Preservation, to state historic preservation officers, and any other government official, including officials in other states, whom the commissioner determines may have an interest in the permit application; and

(5) to the Environmental Protection Agency and any other federal agency that has issued or is required to issue a permit in connection with the facility which is the subject of the permit application.

D. In addition to the requirements of part 7001.0100, subpart 5, the commissioner shall publish notice of the permit application in a major daily or weekly local newspaper that has general circulation in the geographical area in which the proposed hazardous waste facility is located and shall broadcast this notice over at least one local radio station.

E. Prior to final agency action on a permit application, the commissioner or the agency shall respond to comments received during the public comment period or during any public informational meeting or contested case hearing held on the matter. This response

shall state what action, if any, the commissioner or the agency will take as a result of the comments. Responses to comments must be available to the public.

**Statutory Authority:** *MS s 116.07*

**History:** *8 SR 2276; L 1987 c 186 s 15*

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