

**7049.0940 PUBLIC NOTICE AND OPPORTUNITY FOR HEARING.**

Subpart 1. **Requirement.** Within 20 working days after making a determination that a submission meets the requirements of parts 7049.0890 to 7049.0910, the agency shall issue a public notice of request for approval of the submission and provide an opportunity for the applicant, an affected state, an interested state or federal agency, or a person or group of persons to request a contested case hearing with respect to the submission.

Subp. 2. **Circulation.** The public notice of request for approval of the submission shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include:

A. mailing notices of the request for approval of the submission to federal and state fish, shellfish, and wild fish resource agencies, unless the agencies have asked not to be sent the notices, and any other person or group who has requested individual notice, including those on appropriate mailing lists; and

B. publication of a notice of request for approval of the submission in a newspaper of general circulation within the jurisdictions served by the POTW that provides meaningful public notice.

The public notice must provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission. All written comments submitted during the 30-day comment period must be retained by the agency and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the agency.

Subp. 3. **Hearing.**

A. The agency shall provide an opportunity for the applicant, an affected state, an interested state or federal agency, or a person or group of persons to request a public hearing with respect to the submission.

B. The request for public hearing shall be filed within the 30-day or extended comment period described in subpart 2 and shall indicate the interest of the person filing the request and the reasons why a hearing is warranted.

C. At the request of the POTW authority, the agency shall hold a hearing. In addition, a hearing shall be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt shall be resolved in favor of holding the hearing.

D. Public notice of a hearing to consider a submission, sufficient to inform interested parties of the nature of the hearing and the right to participate, shall be published in the same newspaper as the notice of the original request for approval of the submission

under subpart 2. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

**Statutory Authority:** *MS s 115.03*

**History:** *33 SR 696*

**Published Electronically:** *November 6, 2008*