

9200.4700 HEARING PROCEDURES FOLLOWING MEDIATED AGREEMENT.

Subpart 1. **Timing of hearing.** The public hearing on the mediated agreement shall be held within 45 days after the board meeting held to establish the scope and procedures for review.

Subp. 2. **Notice of hearing.** The board shall provide written notice of the hearing to each political subdivision in which the facility is proposed to be located. The board shall also publish notice of the supplementary review hearing in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the hearing. The published notice shall:

- A. specify the date, time, and location of the hearing;
- B. describe the proposed facility and its location;
- C. describe the permits which have been issued for the proposed facility;
- D. briefly set out the process by which the agreement was reached and the scope and procedures which will be used in the supplementary review;
- E. identify the location or locations within the city, town, or county where copies of the agreement, the permit applications, agency permits, and the board's scope and procedures for review are available for review; and
- F. include the name of a person on the board's staff to whom questions about the review may be directed.

Subp. 3. **Location of hearing.** The hearing shall be held in the county where the facility is proposed to be located and as near as practical to the site of the proposed facility.

Subp. 4. **Procedures for the hearing.** The hearing shall be conducted by an administrative law judge from the Office of Administrative Hearings. A majority of the permanent board members shall be present at the hearing. The hearing shall be opened by the administrative law judge who will explain the hearing procedures. A member of the board's staff shall explain the purpose of the hearing, the statement of issues adopted by the board, and any additional permit terms, conditions, or requirements which the board is considering to implement the agreement. The political subdivision and the petitioner shall explain the mediated agreement.

Members of the public shall have an opportunity to comment upon the agreement, the issues identified in the statement of issues, and any proposed additional permit terms, conditions, or requirements. Questions may be directed to any representative of the political subdivision or the petitioner regarding the mediated agreement and to any person who presents a statement at the hearing.

The chair may request any person who has information related to the hearing to present the information if the chair determines the information would be helpful in reaching a decision in the case. The administrative law judge may exclude testimony or disallow questions which are irrelevant, unduly repetitious, argumentative, harassing, or adversarial in nature. No person shall interfere with the conduct of the hearing or disrupt or threaten to disrupt the hearing. A transcript of the hearing shall be prepared.

Statutory Authority: *MS s 115A.32*

History: *L 1984 c 640 s 32*

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