

1.1 moves to amend H.F. No. 846, the delete everything amendment
1.2 (H0846DE3), as follows:

1.3 Page 82, after line 24, insert:

1.4 "Sec. 90. [114C.40] VOLUNTARY SELF REPORTING OF VIOLATIONS.

1.5 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms
1.6 have the meaning given.

1.7 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

1.8 (c) "Environmental requirement" means a requirement in a law administered by the
1.9 agency, a rule adopted by the agency, a permit or order issued by the agency, an agreement
1.10 entered into with the agency, or a court order issued pursuant to any of the foregoing.

1.11 (d) "Regulated entity" means a public or private organization that is subject to
1.12 environmental requirements.

1.13 Subd. 2. Enforcement delay. The commissioner must defer for at least 90 days
1.14 enforcement of an environmental requirement against a regulated entity if:

1.15 (1) violation of the environmental requirement was first identified by the regulated
1.16 entity or an employee of or person contracted by the regulated entity;

1.17 (2) the regulated entity notified the commissioner of the violation within 48 hours of
1.18 it coming to the regulated entity's attention;

1.19 (3) the regulated entity has not been subject to an enforcement action within the past
1.20 two years from the date of the notification under clause (2); and

1.21 (4) the regulated entity has committed, in writing, to correct the violation as
1.22 expeditiously as possible under the circumstances.

1.23 Subd. 3. Penalties waived. The commissioner must not impose or bring an action
1.24 for any administrative, civil, or criminal penalties against a regulated entity if, after the 90
1.25 day delay provided under subdivision 2, the regulated entity has corrected the violation or
1.26 has a schedule to correct the violation approved by the commissioner.

2.1 Subd. 4. **Exceptions.** Notwithstanding subdivisions 2 and 3, the commissioner
2.2 may, at any time, bring:

2.3 (1) a criminal enforcement action against any person who commits a violation
2.4 under section 609.671;

2.5 (2) a civil or administrative enforcement action, which may include a penalty, under
2.6 section 115.071 or 116.072, against the regulated entity if:

2.7 (i) a violation caused serious harm to, or presents an imminent and substantial
2.8 endangerment to, human health or the environment;

2.9 (ii) a violation is of the specific terms of an administrative order, a judicial order or
2.10 consent decree, a stipulation agreement, or a schedule of compliance;

2.11 (iii) a violation has resulted in a substantial economic benefit which gives the
2.12 regulated entity a clear advantage over its business competitors; or

2.13 (iv) a violation is identified through a legally mandated monitoring or sampling
2.14 requirement prescribed by statute, regulation, permit, judicial or administrative order,
2.15 or consent agreement; or

2.16 (3) an enforcement action against a regulated entity to enjoin an imminent and
2.17 substantial danger under section 116.11.

2.18 Subd. 5. **Reporting required by law.** Nothing in this section alters the obligation of
2.19 any regulated entity to report releases, violations, or other matters that are required to be
2.20 reported by state or federal law, rule, permit, or enforcement action."

2.21 Renumber the sections in sequence and correct internal references