

Subject Environmental enforcement

Authors Persell

Analyst Bob Eleff

Date March 11, 2020

## Overview

House File 4286 amends various enforcement powers of the Pollution Control Agency.

## Summary

Section	Description
1	<p><b>[115.03] Powers and duties.</b></p> <p><b>Subd. 1. Generally.</b> Authorizes the agency to reopen permits, rules, variances, stipulation agreements, and other regulatory items in order to prevent or control water pollution.</p>
2	<p><b>[115.071] Enforcement.</b></p> <p><b>Subd. 1. Remedies available.</b> Adds to the agency's enforcement tools the ability to require action to cease performance.</p>
3	<p><b>[115.071] Enforcement.</b></p> <p><b>Subd. 4. Injunctions.</b> Provides that an injunction may include the requirement to cease operation until the commissioner has received reasonable assurance that renewed operation will not harm human health or violate standards or be a serious permit violation.</p>
4	<p><b>[115.071] Enforcement.</b></p> <p><b>Subd. 8. Stipulation agreements.</b> Prohibits the commissioner from granting a violator an extension of time to comply with a stipulated term solely because the violator asserts that otherwise its cost of operations will increase.</p>
5	<p><b>[115.071] Enforcement.</b></p> <p><b>Subd. 9. Compliance requirements for unpermitted activity.</b> Requires a facility that should have a water quality permit but operated without one to be liable for</p>

Section	Description
	both financial and criminal penalties for failing to meet the conditions it would have been required to meet had it had a permit.
6	<b>[116.07] Powers and duties.</b> <b>Subd. 9. Orders; investigations.</b> Authorizes the commissioner to reopen orders, schedules of compliance, and stipulation agreements that deal with air contamination or waste.
7	<b>[116.07] Powers and duties.</b> <b>Subd. 13. Stipulation agreements.</b> Prohibits the commissioner from granting a violator an extension of time to comply with a stipulated term solely because the violator asserts that otherwise its cost of operations will increase.
8	<b>[116.07] Powers and duties.</b> <b>Subd. 14. Compliance requirements for unpermitted activity.</b> Requires a facility that should have an air quality, solid waste, or hazardous waste permit but operated without one to be liable for both financial and criminal penalties for failing to meet the conditions it would have been required to meet had it had a permit.
9	<b>[116.11] Emergency powers.</b> Provides that an emergency order or temporary restraining order to discontinue or abate pollution may include the requirement to cease operation until the commissioner has received reasonable assurance that renewed operation will not result in imminent and substantial danger.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155