

Clarify MPCA's enforcement authorities



Minnesotans expect effective and timely enforcement of environmental laws.

Challenge

Minnesotans expect the MPCA to hold regulated parties accountable for complying with environmental law and rules. However, unclear language or processes in some existing laws have led to protracted legal challenges or prevented the agency from quickly putting a stop to serious pollution violations that endanger human health and the environment. Furthermore, under existing law, taxpayers, not polluters, pay the agency's costs for enforcing and litigating cases of pollution violation.

Why it's important

MPCA has heard from legislators and members of the public that the existing tools for enforcing environmental law are not adequate. The agency has certain emergency powers that become available if there is a finding of "imminent and substantial danger" to the public, but this has a very high bar, and in some cases does not allow for nimble and decisive action to respond to serious pollution violations.

Proposal

Clarify the MPCA commissioner's authorities to enforce against polluters, including the conditions under which the commissioner may temporarily shut down a facility to protect human health and the environment. Allow the MPCA to recover costs associated with enforcement from polluters when those costs exceed \$50,000.



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