



*Providing nonpartisan legal, research, and fiscal analysis services to the Minnesota Senate*

---

## **S.F. No. 4433 – MPCA Enforcement Modifications**

**Author:** Senator FOUNG Hawj

**Prepared by:** Ben Stanley, Senate Counsel (651/296-4793)

**Date:** March 9, 2024

---

**Section 1 [PCA May Require Reimbursement for Settlement Oversight Costs]** authorizes the Pollution Control Agency (PCA) to require parties who enter negotiated settlements with the PCA to reimburse the agency for oversight costs associated with implementing the negotiated settlement.

**Section 2 [PCA Authority to Order Cessation]** clarifies that PCA’s enforcement authority includes the power to compel cessation of performance.

**Section 3 [PCA Injunctive Relief Clarification]** clarifies that injunctive relief for violations of PCA statutes can include a requirement that a facility or person immediately cease operation or activities until the commissioner determines that resumption of operations will not harm human health or result in a serious permit violation.

**Section 4 [PCA May Reject Extensions Based Solely on Cost]** allows the PCA to reject requests for extensions to stipulation agreements that are based solely on increased costs.

**Section 5 [Compliance When Person Fails to Obtain Permit]** when a person or facility fails to obtain a necessary permit, this section authorizes the PCA to require the person or facility to comply with the permit terms that would have been included in a permit had the person or facility acquired the permit. This section also makes clear that the person or facility remains subject to penalties and liability for the period during which the permit should have but was not in place.

**Section 6 [PCA May Require Reimbursement for Settlement Oversight Costs]** authorizes the Pollution Control Agency (PCA) to require parties who enter negotiated settlements with the PCA to reimburse the agency for oversight costs associated with implementing the negotiated settlement.

**Section 7 [PCA May Reject Extensions Based Solely on Cost]** allows the PCA to reject requests for extensions to stipulation agreements that are based solely on increased costs.

**Section 8 [Compliance When Person Fails to Obtain Permit]** when a person or facility fails to obtain a necessary permit, this section authorizes the PCA to require the person or facility to comply with the permit terms that would have been included in a permit had the person or facility acquired the permit. This section also makes clear that the person or facility remains subject to penalties and liability for the period during which the permit should have but was not in place.

**Section 9 [PCA Authority to Act When It Has Evidence of Acts of Concern]** authorizes the PCA to suspend or revoke a permit, issue relevant orders, require financial assurances, and take additional measures when it has evidence of falsification of records, a history of noncompliance, chronic permit violations, or operating without required permits.