

Subject Pollution Control Agency Enforcement Authority

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Overview

This bill includes a number of provisions impacting the authority of the Pollution Control Agency (PCA) to enforce permit requirements.

Summary

Section	Description
1	Generally. Allows the PCA to require a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of implementing the settlement, if they exceed \$25,000. Appropriates the reimbursement costs to the agency.
2	Remedies available. Authorizes the PCA to use action to cease performance as an enforcement tool.
3	Injunctions. Specifies the scope of injunctive relief.
4	Stipulation agreements. Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.
5	Compliance when required permit not obtained. Provides that a facility that fails to obtain a permit may still be required to comply with any terms of a permit that would have been issued to the facility and states that the facility is subject to liabilities and penalties for failing to operate in compliance with a permit not obtained.
6	Orders; investigations. Allows the PCA to require a facility entering into a settlement agreement to reimburse the agency for its postagreement oversight costs and the costs of

Section	Description
	implementing the settlement, if they exceed \$25,000. Appropriates the reimbursement costs to the agency.
7	Stipulation agreements. Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.
8	Compliance when required permit not obtained. Provides that a facility that fails to obtain a permit may still be required to comply with any terms of a permit that would have been issued to the facility and states that the facility is subject to liabilities and penalties for failing to operate in compliance with a permit not obtained.
9	Emergency powers. Authorizes the PCA, when there is evidence of certain behaviors such as records falsification and chronic permit violations, to investigate and exercise powers that include revoking a permit, requiring financial assurances, and other measures.



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