



March 11, 2024

Chair Hansen and Members of the Committee:

Minnesota Center for Environmental Advocacy (MCEA) is a statewide nonprofit advocacy organization celebrating its 50th year of protecting Minnesota's environment and the health of its people. MCEA supports HF 4410 (Hansen) / SF4433 (Hawj), which strengthens the Minnesota Pollution Control Agency's (MPCA's) authority to address violations of environmental laws and permits, and allows the MPCA to recover oversight costs of a negotiated settlement.

There are several important provisions in this bill. The ability of MPCA to immediately stop pollution from continuing when a permit is being violated is critical for the MPCA's credibility with communities affected by pollution. Section 3 of [HF 4410 / SF 4433](#) adds clarity and detail to the injunctive relief that a court can grant when MPCA finds violations of permits. Specifically, this section makes clear that when the MPCA finds a violation, the Attorney General can seek injunctive relief that includes "immediately ceas[ing] operation or activities" until the MPCA Commissioner can be assured that operations will not violate state pollution requirements or threaten human health. It's common sense that in cases where a violation creates a threat to human health that the MPCA should have the explicit authority to ask a court for this relief.

Another provision of HF 4410 / SF 4433 is in Section 5, which allows the MPCA Commissioner to "require a person or facility that fails to obtain a required permit to comply with any terms of a permit that would have been issued ..." This clarification prevents a non-permitted facility from evading MPCA's permitting authority.

Section 9 of HF 4410 / SF 4433 makes it clear that "falsification of records," "a history of noncompliance," "chronic or substantial permit violations," or "evidence of danger to health or welfare of the people of state or evidence of environmental harm" can result in actions by the MPCA Commissioner to protect the public.

The authority that is clarified and made explicit in HF 4410 / SF 4433 is consistent with already existing statutory authority. The areas of law that this bill amends (Minn. Stat. 116.11) already give the MPCA Commissioner emergency authority to "direct the immediate discontinuance or abatement of the pollution without notice" when there is "imminent and substantial danger ..."

HF 4410 provides useful and helpful clarity for the MPCA, the courts, and the people of Minnesota, about the scope of the emergency authority available to the agency when they encounter serious or chronic permit violations. In addition, this legislation would ensure that the oversight costs of administering negotiated settlements are paid by the violators and not the people of Minnesota.

MCEA supports this legislation, and thanks Chair Hansen for authoring the bill and to committee members for their thoughtful consideration.

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