

1.1 moves to amend H.F. No. 4410 as follows:

1.2 Page 4, line 15, after "(xi)" insert "when appropriate,"

1.3 Page 4, line 17, delete the period and insert a comma

1.4 Page 4, line 18, delete "The agency may recover" and insert "including"

1.5 Page 4, line 22, after the period, insert "In addition to settlement agreements,"

1.6 Page 4, line 24, delete everything after the period and insert "Oversight funds reimbursed
1.7 under this item are to be deposited in a settlement oversight reimbursement account
1.8 established in the environmental fund. The commissioner shall manage the account. Earnings,
1.9 such as interest, dividends, and any other earnings arising from assets of the account, must
1.10 be credited to the account. Funds remaining in the account at the end of a fiscal year remain
1.11 in the account. Money in the account is appropriated to the commissioner for the purposes
1.12 of the environmental fund."

1.13 Page 6, after line 14, insert:

1.14 "Sec. 3. Minnesota Statutes 2022, section 115.071, subdivision 3, is amended to read:

1.15 Subd. 3. **Civil penalties.** Any person who violates any provision of this chapter or chapter
1.16 114C or 116, except any provisions of chapter 116 relating to air and land pollution caused
1.17 by agricultural operations which do not involve national pollutant discharge elimination
1.18 system permits, or of (1) any effluent standards and limitations or water quality standards,
1.19 (2) any permit or term or condition thereof, (3) any national pollutant discharge elimination
1.20 system filing requirements, (4) any duty to permit or carry out inspection, entry or monitoring
1.21 activities, or (5) any rules, stipulation agreements, variances, schedules of compliance, or
1.22 orders issued by the agency, shall forfeit and pay to the state a penalty, in an amount to be
1.23 determined by the court, of not more than \$10,000 per day of violation except that if the

2.1 violation relates to hazardous waste the person shall forfeit and pay to the state a penalty,
2.2 in an amount to be determined by the court, of not more than \$25,000 per day of violation.

2.3 In addition, in the discretion of the court, the defendant may be required to:

2.4 (a) forfeit and pay to the state a sum which will adequately compensate the state for the
2.5 reasonable value of cleanup and other expenses directly resulting from unauthorized discharge
2.6 of pollutants, whether or not accidental;

2.7 (b) forfeit and pay to the state an additional sum to constitute just compensation for any
2.8 loss or destruction to wildlife, fish or other aquatic life and for other actual damages to the
2.9 state caused by an unauthorized discharge of pollutants.

2.10 As a defense to any of said damages, the defendant may prove that the violation was
2.11 caused solely by (1) an act of God, (2) an act of war, (3) negligence on the part of the state
2.12 of Minnesota, or (4) an act or failure to act which constitutes sabotage or vandalism, or any
2.13 combination of the foregoing clauses.

2.14 The civil penalties and damages provided for in this subdivision may be recovered by
2.15 a civil action brought by the attorney general or any person in the name of the state."

2.16 Page 6, line 19, before the period, insert "or any person injured by such violation"

2.17 Page 7, line 28, after "(4)" insert "when appropriate,"

2.18 Page 7, line 30, delete the period and insert a comma

2.19 Page 7, line 31, delete "The agency may recover" and insert "including"

2.20 Page 8, line 2, after the period, insert "In addition to settlement agreements,"

2.21 Page 8, line 4, delete everything after the period and insert "Oversight funds reimbursed
2.22 under this item are to be deposited in a settlement oversight reimbursement account
2.23 established in the environmental fund. The commissioner shall manage the account. Earnings,
2.24 such as interest, dividends, and any other earnings arising from assets of the account, must
2.25 be credited to the account. Funds remaining in the account at the end of a fiscal year remain
2.26 in the account. Money in the account is appropriated to the commissioner for the purposes
2.27 of the environmental fund."

2.28 Renumber the sections in sequence and correct the internal references

2.29 Amend the title accordingly