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Subject Minnesota Pollution Control Agency policy bill**Authors** Hansen**Analyst** Bob Eleff**Date** March 8, 2021

Overview

This document summarizes the portion of the Minnesota Pollution Control Agency's policy bill, sections 10 through 13, of interest to the Judiciary Finance and Civil Law Committee.

Summary

Section	Description
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| 10 | <p>[115B.406] Excluded facilities.</p> <p>Subd. 9. Environmental liens. Provides that a lien under this paragraph continues until it is satisfied or the PCA commissioner releases it after determining that attachment or enforcement is not in the public interest.</p> <p>Provides that if, as a result of the PCA conducting an environmental response action at a priority qualified facility, the fair market value of the facility increases, the state has a lien on the amount of the increase, until the lien is satisfied or released by the commissioner.</p> |
| 11 | <p>[115B.407] Acquiring and disposing of real property at priority qualified facilities.</p> <p>Subd. 1. Acquiring and disposing of real property. Provides that properties (defined in section 115B.39, subd. 1, par. (m)) acquired through eminent domain under this section are not required to offer the property for resale to the former owner from which it was acquired.</p> <p>Subd. 2. Eminent domain damages. Limits damages awarded for condemnation of real property under this section to the greater of \$500 or, for a total taking, the before-market value, or, for a partial taking, the difference between the before- and after-market value.</p> |

Section	Description
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Lists information a finder of fact must report when awarding damages in a condemnation proceeding under this section.

12 **[116.07] Powers and duties.**

Subd. 4l. Real property interests. Authorizes the commissioner of PCA to acquire interests in real property at a solid waste disposal facility where the property interests are related to closure, post-closure care, or actions needed following the expiration of the post-closure care period. Provides that the state is not liable solely because of acquiring such an interest.

13 **[116.0735] Authority to require information on contaminants.**

Subd. 1. Definitions.

Subd. 2. Agency action. Authorizes the PCA to take action whenever the commissioner detects a contaminant, or when, through environmental monitoring or biomonitoring data, the commissioner has reason to believe that a release has occurred or environmental harm may be attributable to exposure to a contaminant.

Subd. 3. Duty to provide information. Requires a person engaged in activities where agency action is proposed to furnish to the commissioner any information the person may have or reasonably obtain that is relevant to the contaminant under investigation.

Subd. 4. Classifying data. Provides that data obtained from a person under this section are public data, unless the subject of the data certifies to the commissioner that the data relates to sales figures, unique methods of production, or other information that would adversely affect the person's competitive economic position, in which case the commissioner must classify the data as private or nonpublic. Nevertheless, such nonpublic data may be disclosed in a proceeding under this section, in agency actions such as permitting or setting standards, and to other agencies that protect human health, welfare, or the environment.