

House Research Act Summary

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TOPIC: Pollution Control Agency Decision Review; Incinerator Emissions Testing

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Overview

This act includes two separate parts. The first specifies which Pollution Control Agency decisions may be appealed to the Minnesota Court of Appeals pursuant to Chapter 14. The second modifies the time for ensuring compliance with incinerator emissions requirements.

- 1 Provides that final decisions of the Pollution Control Agency (PCA) or of the Commissioner of the PCA relating to:
 - issuance, amendment, or denial of a permit, license or certification;
 - the granting or denial of a variance;
 - issuance of an administrative order, except an administrative penalty order issued pursuant to section 116.072; or
 - denial of a contested case hearing relating to any of the above mattersmay be appealed to the Court of Appeals pursuant to sections 14.63 to 14.69. Current law provides for judicial review under those same sections of any final decision of the PCA for which review is not provided in Chapter 14, the state administrative procedures law. This change is intended to clarify confusion arising from recent court decisions regarding which PCA decisions are appealable under the procedures in sections 14.63 to 14.69.
- 2 Provides that an incinerator which has exceeded its emissions permit requirements must take steps to ensure compliance with permit requirements and extends the time for demonstrating compliance from 30 days to 60 days.