

Subject Pollution Control Agency Enforcement Authority

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Date March 18, 2024

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	<p>Generally.</p> <p>Authorizes 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. Establishes an account in the environmental fund for the reimbursements and appropriates money from the account to the commissioner.</p>
2	<p>Remedies available.</p> <p>Authorizes the PCA to use action to cease performance as an enforcement tool.</p>
3	<p>Civil penalties.</p> <p>Authorizes any person to bring a civil action for penalties and damages for violations of chapter 114C, 115, or 116.</p>
4	<p>Injunctions.</p> <p>Specifies the scope of injunctive relief and allows any person injured by a violation of chapter 114C, 115, or 116 to seek an injunction in the name of the state.</p>
5	<p>Stipulation agreements.</p> <p>Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.</p>

Section	Description
6	<p>Compliance when required permit not obtained.</p> <p>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.</p>
7	<p>Orders; investigations.</p> <p>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.</p>
8	<p>Stipulation agreements.</p> <p>Allows the PCA to deny extending the time for a violator to comply with a stipulated term solely because of increased costs.</p>
9	<p>Compliance when required permit not obtained.</p> <p>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.</p>
10	<p>Emergency powers.</p> <p>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.</p>



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