

Keeping permitted facilities in compliance

New compliance assistance while protecting taxpayer dollars

Challenge

Every day, a vast majority of permitted facilities in Minnesota comply with state and federal air quality laws and regulations. The Minnesota Pollution Control Agency (MPCA) works cooperatively with permitted facilities to prevent pollution and avoid future permit violations.

To help permitted facilities remain in compliance, the MPCA provides technical assistance and training, as well as timely compliance inspections. To ensure Minnesota's air is protected, the MPCA needs additional resources to help permitted facilities remain in compliance.

When permitted facilities break the public's trust by endangering our environment and public health, enforcement actions are required to hold violators accountable. The current statute does not provide MPCA with the necessary regulatory tools to effectively enforce federal and state law in the manner that Minnesotans expect. Too often, Minnesota taxpayers, not the violator, are left paying for the agency's investigations, re-negotiating requirements, and monitoring to verify compliance.

The requested policy changes and funding for additional compliance and enforcement staff will ensure that permitted facilities comply with applicable regulations.

Proposal

This proposal builds capacity in the air regulatory program for compliance and enforcement work, especially in communities disproportionately impacted by air pollution. The recommendation is for an additional 3 FTEs for a cost of \$384,000 per fiscal year. Three additional compliance and enforcement staff will allow for more timely inspections and compliance assistance. They will also help to support the work of permit-writing staff.

In addition, policy components of this bill clarify the MPCA Commissioner's authority to:

- Order a person or company to immediately cease operations during emergencies
- Suspend, modify, or revoke permits or require adequate financial assurances or additional agency oversight in cases of willful, chronic, or substantial permit violations

The MPCA is also requesting to eliminate "increased costs" as an acceptable reason for not complying with the terms of a negotiated settlement.



Why it's important

When a permitted facility falls out of compliance, the consequences to Minnesota's environment and public health can be devastating. It also has a significant economic impact on the community. These consequences are especially true for low-income and diverse communities and neighborhoods which disproportionately have pollution-heavy industrial facilities. Once a serious violation occurs, it takes considerable resources and time to rebuild community trust and bring the facility back into compliance.

For more information

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