



Clarify the MPCA's authority to recover cleanup costs

RECOMMENDATION

Recover up to \$200,000 annually by closing a loophole in state law.

Clarify language in state law that hinders MPCA's ability to recover the cost of cleanup from parties responsible for certain spills and leaks. Clarifying the MPCA's authority means that polluters, not taxpayers, will be responsible for the cost of containment leaks.

Challenge

MPCA responds to various types of environmental emergencies, including spills and leaks. The necessary cleanup is expensive. In cases where the party responsible for the spill cannot or will not do the cleanup, MPCA hires a contractor to clean it up, and then seeks reimbursement.

However, the MPCA does not have clear authority to require reimbursement in certain cases. These include petroleum spills from saddle tanks and spills that are not considered hazardous materials.

Why it's important

When the MPCA cannot recover cleanup costs, the Remediation Fund is used to cover the expenses. The Remediation Fund is intended for cleanups where there is no responsible party, or the responsible party cannot pay.

Allowing responsible parties to dodge cost recovery by exploiting legal loopholes reduces the budget for addressing other contaminated sites where the Remediation Fund is a more appropriate funding source.

Who is impacted

Holding responsible parties accountable for cleanups benefits taxpayers because, under current law, taxpayers pay when reimbursement is not an option.

Tom Johnson

Government Relations Director

tom.e.johnson@state.mn.us

651-338-8955

Alexis Donath

Legislative Coordinator

alexis.donath@state.mn.us

651-373-9277