



## Emergency response package

Clarify MPCA's cost recovery authority and clean up existing language

### Challenge

Minn. Stat. § 115E, which gives the MPCA its emergency response authority, contains obsolete language, unclear terminology, and a loophole that hinders the agency's ability to recover costs after specific types of spills and releases.

### Why it's important

Removing the loophole around cost recovery for specific types of spills aligns with the state's commitment to ensuring polluters, not taxpayers, pay cleanup costs.

Prevention and response plans are currently submitted to DPS, which means the MPCA must request copies to review. Requiring them to be submitted to the MPCA will lead to faster review and more efficient service. Other technical changes will reduce confusion by using consistent terminology and deleting obsolete language.

### Who benefits

Enabling the MPCA to recover cleanup costs from spills not previously covered under statute will benefit taxpayers. In addition, all Minnesotans benefit when MPCA and its partner organizations have clarity around emergency response preparedness requirements.

### Recommendation

- Close a loophole that hinders MPCA's ability to recover cleanup costs for certain specific types of spills
- Replace the term "walkthrough" with "drill" for consistency with language used elsewhere
- Replace the term "qualified personnel" with "qualified individual" and define this term to align with federal language
- Require prevention and response plans to be submitted to the MPCA rather than to the Department of Public Safety (DPS)
- Delete an obsolete section that refers to deadlines in the 1990s

This proposal generates an estimated cost savings of \$200,000 per year.

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