



Chair Hansen and Members of the Committee:

The Minnesota Center for Environmental Advocacy is a public interest law firm and advocacy organization celebrating our 50th year of defending Minnesota's environment and the health of its people. MCEA supports HF671 (Lee), a bill that requires non forgivable penalties for serious or repeat violations of environmental laws and HF3579 (Lee), which strengthens the reporting requirements for air pollution permits, particularly those in environmental justice areas, and in areas where air quality limits for pollutants are exceeded, known as "nonattainment areas."

[HF 671](#) changes just one word in [Section 116.072, subdivision 5](#). Currently, the statute says that for a "repeated or serious violation" the Commissioner "may issue an order with a penalty that will not be forgiven after the corrective action is taken." HF 671 would change "may" to "must."

Forgivable penalties can make sense in orders for first-time or minor violations to permits or environmental laws. The goal of enforcement is to bring facilities into compliance with permit terms that protect the environment and public health. But for a facility with repeated violations or for a serious violation, a non forgivable penalty makes sense, and sends a message to the affected community that Minnesota understands our enforcement responsibilities. Since serious or repeated violations impose costs on the public, it's certainly appropriate that there be costs to the violator.

A permittee has due process when administrative penalty orders are issued. This includes the ability to choose to demand an expedited administrative hearing, a district court hearing, or mediation. Also, HF 671 would not affect administrative penalty orders for feedlot violations, which have [separate standards for forgiveability](#) "notwithstanding subdivision 5."

HF 3579 improves the enforcement of air pollution permits, particularly in areas that are in and near residential neighborhoods. There have been too many recent examples of facilities that are in violation of their permits, but where it took years or even decades to discover this. These examples include Water Gremlin in White Bear Township and Northern Metal Recycling in north Minneapolis.

By requiring performance tests on a defined schedule to be included in air pollution permits, this reduces the risk of a facility continuing to operate with broken or inadequate pollution control equipment. This means that real data will be used to confirm that a facility is meeting the limits in their air pollution permit. HF 3579 focuses on facilities located in environmental justice areas, where even relatively small facilities can have an outsized public health impact because of proximity to residences, day cares, and schools. MCEA welcomes this emphasis.

Recent public attention on air permit violations has presented the Legislature with an opportunity to build public trust in our regulatory systems. Permits to pollute should come with clear verification and standards, and our regulatory agencies should have the resources and authority to enforce them. HF 3579 is a step forward toward a future where communities near permitted facilities have confidence that the air they breathe is safe and clean.

Thank you to Rep. Lee for authoring these important bills and to this committee for your consideration.

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