

## CHAPTER 115

WATER POLLUTION CONTROL; SANITARY  
DISTRICTS

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**115.071 ENFORCEMENT.**

*[For text of subs 1 to 5, see M.S.1990]*

Subd. 6. **Administrative penalties.** A provision of law that may be enforced under this section may also be enforced under section 116.072.

**History:** 1991 c 347 art 1 s 2

**115.072 RECOVERY OF LITIGATION COSTS AND EXPENSES.**

In any action brought by the attorney general, in the name of the state, pursuant to the provisions of this chapter and chapter 116, for civil penalties, injunctive relief, or in an action to compel compliance, if the state shall finally prevail, and if the proven violation was willful, the state, in addition to other penalties provided in this chapter, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. In determining the amount of such litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Amounts recovered under the provisions of this section and section 115.071, subdivisions 3 to 5, shall be paid into the environmental fund in the state treasury to the extent provided in section 115.073.

**History:** 1991 c 347 art 1 s 3

**115.073 ENFORCEMENT FUNDING.**

Except as provided in sections 115B.20, subdivision 4, clause (2); 115C.05; and 473.845, subdivision 8, all money recovered by the state under this chapter and chapters 115A and 116, including civil penalties and money paid under an agreement, stipulation, or settlement, excluding money paid for past due fees or taxes, up to the amount appropriated for implementation of Laws 1991, chapter 347, must be deposited in the state treasury and credited to the environmental fund.

**History:** 1991 c 347 art 1 s 4

**115.075 INFORMATION AND MONITORING.**

A person may not:

(1) make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, manifest, or other document required under section 103F.701 or this chapter or chapter 115A or 116; or

(2) falsify, tamper with, render inaccurate, or fail to install a monitoring device or method required to be maintained or followed for the purpose of compliance with sections 103F.701 to 103F.761 or this chapter or chapter 115A or 116.

**History:** 1991 c 347 art 1 s 5

**115.076 BACKGROUND OF PERMIT APPLICANTS.**

Subdivision 1. **Authority of commissioner.** The agency may refuse to issue or to

authorize the transfer of a hazardous waste facility permit or a solid waste facility permit to construct or operate a commercial waste facility as defined in section 115A.03, subdivision 6, if the agency determines that the permit applicant does not possess sufficient expertise and competence to operate the facility in conformance with the requirements of this chapter and chapter 116, or if other circumstances exist that demonstrate that the permit applicant may not operate the facility in conformance with the requirements of this chapter and chapter 116. In making this determination, the agency may consider:

- (1) the experience of the permit applicant in constructing or operating commercial waste facilities;
- (2) the expertise of the permit applicant;
- (3) the past record of the permit applicant in operating commercial waste facilities in Minnesota and other states;
- (4) any criminal convictions of the permit applicant in state or federal court during the past five years that bear on the likelihood that the permit applicant will operate the facility in conformance with the requirements of this chapter and chapter 116; and
- (5) in the case of a corporation or business entity, any criminal convictions in state or federal court during the past five years of any of the permit applicant's officers, partners, or facility managers that bear on the likelihood that the facility will be operated in conformance with the requirements of this chapter and chapter 116.

Subd. 2. **Permit applicant.** For purposes of this section, a permit applicant includes a natural person, a partnership and its owners, and a corporation and its parent.

Subd. 3. **Investigation.** The commissioner may conduct an investigation to assist in making determinations under subdivision 1. The reasonable costs of any investigation must be paid by the permit applicant.

Subd. 4. **Notice of permit denial.** The agency may not refuse to issue or transfer a permit under this section without first providing the permit applicant with the relevant information and with an opportunity to respond by commenting on the information and submitting additional information regarding the circumstances surrounding the conviction, corrective measures to prevent recurrence, the applicant's rehabilitation, and technical and managerial experience. In making a final decision on the permit, the agency shall consider the permit applicant's response prior to making a final decision on the permit.

Subd. 5. **Hearing.** If the agency proposes to deny a permit under this section, the permit applicant may request a hearing under chapter 14. The permit applicant may request that the hearing be held under Minnesota Rules, parts 1400.8510 to 1400.8612.

**History:** 1991 c 347 art 1 s 6

## 115.71 DEFINITIONS.

*[For text of subs 1 to 3, see M.S.1990]*

Subd. 3a. "Community water supply system" means a public water supply system as defined in section 144.382, subdivision 4, and which serves at least 15 service connections or living units used by year-round residents, or regularly serves at least 25 year-round residents.

*[For text of subs 4 to 6, see M.S.1990]*

Subd. 7. [Repealed, 1991 c 202 s 42]

*[For text of subd 8, see M.S.1990]*

Subd. 9. "Water supply system operator" means a person who has direct responsibility for the operation of a community water supply system or such parts of the system as would affect the quality and safety of the water.

*[For text of subd 10, see M.S.1990]*

**History:** 1991 c 202 s 2,3