

## S.F. No. 1287 – Modifications to the Pollution Control Agency’s Authority with Respect to Priority Qualified Facilities

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**Section 1 [Permanent Priority List Must Use Current Ranking System]** requires the Pollution Control Agency (PCA) to use the current Hazard Ranking System adopted by the EPA to formulate the permanent priority list under the Minnesota Environmental Response and Liability Act (MS §§ 115B.01 to 115B.20).

**Section 2 [Legislative Findings]** amends the legislative findings with respect to priority qualified facilities to make prevention of both an unjust financial windfall to, and double liability of, owners and operators of those facilities a legislative priority.

**Section 3 [Lien Changes]** makes the following changes with respect to environmental liens on priority qualified facilities:

- Provides that those liens include not only environmental response costs, but also reasonable and necessary expenses.
- Repeals language limiting duration of lien to 6 years; instead they will continue until satisfied or released.
- Provides that the state also has a lien for the amount of any increase in fair market value of a facility that results from environmental response actions taken by the state at the facility.
- Authorizes the lien to be released by the commissioner if the commissioner determines that the lien is not in the public interest.

**Section 4 [Eminent Domain Damages]** provides that when priority qualified facility property is acquired through eminent domain, reasonably foreseeable remediation costs may be deducted from the damages paid to the owner. These costs must be taken into account in any subsequent recovery for environmental response costs and must be paid back to the owner where estimated costs exceed actual costs.

**Section 5 [Real Property Acquisition Authority]** authorizes the PCA to acquire environmental covenants and related easements at solid waste disposal facilities when related to closure, postclosure care, or related purposes.

**Section 6 [Conforming Rule Repeal]** repeals a rule that is no longer current in light of the changes made in section 1.