

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3521

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DATE	D-PG	OFFICIAL STATUS
02/24/2020	4884	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to criminal penalties; modifying and providing criminal penalties for

1.3 certain environmental violations; amending Minnesota Statutes 2018, sections

1.4 115.071, by adding a subdivision; 609.671, subdivisions 6, 9, 12.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 115.071, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 3a. **Sharing data with county attorney.** Within 30 days after the commissioner

1.9 of the Pollution Control Agency decides not to take enforcement action against a facility

1.10 whose air emissions have exceeded permitted levels by 15 percent or more, the commissioner

1.11 must forward information regarding the nature and extent of the violations committed by

1.12 the facility to the applicable county attorney for possible prosecution.

1.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.14 Sec. 2. Minnesota Statutes 2018, section 609.671, subdivision 6, is amended to read:

1.15 Subd. 6. **Negligent violation as gross misdemeanor.** A person who commits any of

1.16 the acts set forth in subdivision 4, or 5, or 12 as a result of the person's gross negligence is

1.17 guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than

1.18 one year, or to payment of a fine of not more than \$15,000, or both.

1.19 Sec. 3. Minnesota Statutes 2018, section 609.671, subdivision 9, is amended to read:

1.20 Subd. 9. **False statements; tampering.** (a) A person is guilty of a felony who ~~knowingly~~

1.21 knows or reasonably should know that through the person's action or inaction the person:

2.1 (1) makes any false material statement, representation, or certification in; omits material
 2.2 information from; or alters, conceals, or fails to file or maintain a notice, application, record,
 2.3 report, plan, manifest, permit, license, or other document required under sections 103F.701
 2.4 to 103F.755; chapter 115 or 116; the hazardous waste transportation requirements of chapter
 2.5 221; or rules adopted under these laws; or

2.6 (2) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device
 2.7 or method required to be maintained or followed for the purpose of compliance with sections
 2.8 103F.701 to 103F.755, chapter 115 or 116, or rules adopted under these laws.

2.9 (b) ~~Except as provided in paragraph (c),~~ A person convicted under this subdivision may
 2.10 be sentenced to imprisonment for not more than two years, or to payment of a fine of not
 2.11 more than ~~\$10,000~~ \$25,000, or both.

2.12 ~~(c) A person convicted under this subdivision for a violation related to a notice or report~~
 2.13 ~~required by an air permit issued by the agency as provided in United States Code, title 42,~~
 2.14 ~~section 7661a(a), as amended through January 1, 1991, may be sentenced to payment of a~~
 2.15 ~~fine of not more than \$10,000 per day of violation.~~

2.16 Sec. 4. Minnesota Statutes 2018, section 609.671, subdivision 12, is amended to read:

2.17 Subd. 12. **Air pollution.** (a) A person is guilty of a felony who ~~knowingly~~ knows or
 2.18 reasonably should know that the person's action violates:

2.19 (1) ~~causes a violation of~~ a national emission standard for a hazardous air pollutant adopted
 2.20 under United States Code, title 42, section 7412; or

2.21 (2) ~~causes a violation of~~ an emission standard, limitation, or operational limitation for
 2.22 a hazardous air pollutant established in a permit issued by the Pollution Control Agency.

2.23 A person convicted under this paragraph may be sentenced to imprisonment for not
 2.24 more than three years, or to payment of a fine of not more than \$50,000 per day of violation,
 2.25 or both.

2.26 (b) A person is guilty of a ~~misdemeanor~~ felony who ~~knowingly~~ knows or reasonably
 2.27 should know that the person's action violates:

2.28 (1) a requirement of chapter 116, or a rule adopted under that chapter, that is an applicable
 2.29 requirement of the federal Clean Air Act, as defined in Federal Register, volume 57, page
 2.30 32295;

2.31 (2) a condition of an air emission permit issued by the agency under chapter 116 or a
 2.32 rule adopted under that chapter; or

3.1 (3) a requirement to pay a fee based on air emissions under chapter 116 or a rule adopted
3.2 under that chapter.

3.3 A person convicted under this paragraph may be sentenced to imprisonment for not
3.4 more than ~~90 days~~ two years, or to payment of a fine of not more than ~~\$10,000~~ \$25,000 per
3.5 day of violation, or both.