

federal government shall be deemed to be in compliance with section 363.073 upon ~~submission to receipt~~ by the commissioner of an affirmative action plan approved by a local human rights agency or the federal government and amendments to the plan which are necessary to address the employment of disabled persons protected by section 363.03, subdivision 1.

Sec. 5. **REPEALER.**

Minnesota Statutes 2000, sections 363.01, subdivision 20; and 363.03, subdivision 8b, are repealed.

Presented to the governor May 23, 2001

Signed by the governor May 25, 2001, 12:13 p.m.

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**CHAPTER 187—H.F.No. 2028**

*An act relating to the environment; modifying provisions relating to environmental audits; changing the reporting date for the pollution control agency's annual performance report; amending Minnesota Statutes 2000, sections 114C.21, subdivision 8; 114C.24, subdivision 3; and 116.011.*

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

Section 1. Minnesota Statutes 2000, section 114C.21, subdivision 8, is amended to read:

Subd. 8. **MAJOR FACILITY.** "Major facility" means an industrial or municipal wastewater discharge major facility as defined in rules of the agency; a feedlot that is permitted for 1,000 or more animal units; a large quantity hazardous waste generator as defined in rules of the agency; a hazardous waste treatment, storage, or disposal facility that is required to have a permit under the federal Resource Conservation and Recovery Act, United States Code, title 42, section 6925; or a major stationary air emission source as defined in rules of the agency; ~~an air emission source that emits 50 or more tons per year of any air pollutant regulated under rules of the agency; or an air emission source that emits 75 tons or more per year of all air pollutants regulated under rules of the agency~~ Minnesota Rules, parts 7007.0100, subpart 13, and 7007.0200, subpart 2.

Sec. 2. Minnesota Statutes 2000, section 114C.24, subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS.** Notwithstanding subdivisions 1 and 2, the state may at any time bring:

(1) a criminal enforcement action against any person who commits a violation under section 609.671;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) a civil or administrative enforcement action, which may include a penalty, under section 115.071 or 116.072, against the owner or operator of a facility if:

(i) less than three years have elapsed since the owner or operator was notified about a violation that resulted in the imposition of a monetary penalty, or less than one year has elapsed since the final resolution of an enforcement action that did not result in the imposition of a monetary penalty the owner or operator discloses a violation in the audit report required under section 114C.22, which (A) was part of an enforcement action initiated in the previous three years involving the imposition of a monetary penalty, or (B) occurred within one year after resolution of an enforcement action which did not include the imposition of a monetary penalty;

(ii) the owner or operator discloses a violation in the audit report required under section 114C.22 which was also disclosed in a previous audit report submitted within the last year;

(iii) a violation caused serious harm to, or presents an imminent and substantial endangerment to, human health or the environment;

(iii) (iv) a violation is of the specific terms of an administrative order, a judicial order or consent decree, a stipulation agreement, or a schedule of compliance;

(iv) (v) a violation has resulted in a substantial economic benefit which gives the violator a clear advantage over its business competitors; or

(v) (vi) a violation is identified through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement; or

(3) an enforcement action against the owner or operator of a facility to enjoin an imminent and substantial danger under section 116.11.

Sec. 3. Minnesota Statutes 2000, section 116.011, is amended to read:

**116.011 ANNUAL POLLUTION REPORT.**

A goal of the pollution control agency is to reduce the amount of pollution that is emitted in the state. By April 1 of each year, the pollution control agency shall include in its annual performance report information detailing the best estimate of the agency of the total volume of water and air pollution that was emitted in the state in the previous calendar year for which data are available. The agency shall report its findings for both water and air pollution:

(1) in gross amounts, including the percentage increase or decrease over the previous calendar year; and

(2) in a manner which will demonstrate the magnitude of the various sources of water and air pollution.

Presented to the governor May 23, 2001

Signed by the governor May 25, 2001, 12:00 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.