

116.11 EMERGENCY POWERS.

Subdivision 1. **Imminent and substantial danger.** If there is imminent and substantial danger to the health and welfare of the people of the state, or of any of them, as a result of the pollution of air, land, or water, the commissioner may by emergency order direct the immediate discontinuance or abatement of the pollution without notice and without a hearing or at the request of the commissioner, the attorney general may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent the pollution. The commissioner's order or temporary restraining order is effective until notice, hearing, and determination pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order of the commissioner in these cases is appealable in accordance with chapter 14.

Subd. 2. **Other acts of concern.** (a) The commissioner may exercise the authority under paragraph (b) when the commissioner has evidence of any of the following:

- (1) falsification of records;
- (2) a history of noncompliance with schedules of compliance or terms of a stipulation agreement;
- (3) chronic or substantial permit violations; or

(4) operating with or without a permit where there is evidence of danger to the health or welfare of the people of the state or evidence of environmental harm.

(b) When the commissioner has evidence of behavior specified in paragraph (a), regardless of the presence of imminent and substantial danger, the commissioner may investigate and may:

- (1) suspend or revoke a permit;
- (2) issue an order to cease operation or activities;
- (3) require financial assurances;
- (4) reopen and modify a permit to require additional terms;
- (5) require additional agency oversight; or
- (6) pursue other actions deemed necessary to abate pollution and protect human health.

History: 1969 c 1046 s 11; 1973 c 374 s 21; 1982 c 424 s 130; 1983 c 247 s 52; 2024 c 116 art 2 s 18