Business Item 2026-204

Industrial Waste Enforcement Fee Increases

Nanette Ewald, Industrial Waste & Pollution Prevention

Environmental Committee: November 10, 2026

METROPOLITAN COUNCIL

Why we are here

Industrial Waste enforcement fees have not changed since 2012

Since 2012:

- Staff time and compensation costs have increased
- Enforcement Response Plan now includes additional management review of all issued enforcements
- We have added an Enforcement Meeting as an intermediate enforcement step
- The current fee structure does not adequately recover the staff resources required to administer enforcement activities

The Proposal:

Increase the enforcement fee structure to align fees with staff time and resources required to administer enforcement actions

What has changed since 2012

Current fee structure does not adequately recover costs

- Met Council's Enforcement Response Plan was updated in 2017 to include additional management review and oversight
- An Enforcement Meeting was established as an intermediate enforcement step
- Staff compensation and program costs have increased

What are enforcement fees?

They are cost recovery fees, not civil or criminal penalties

- Waste Discharge Rule 505.00 gives us the authority to assess cost recovery (enforcement fees) to industries when enforcement is needed
- Fees recover staff and administrative costs associated with administering enforcement activities, including:
  - Reviewing violations and compliance history
  - Communication, documentation, and follow-up
  - Manager review and coordination
  - Enforcement meetings and Orders to Appear
- This supports a fair fee-for service approach by assessing enforcement costs to industries whose violations require staff time and resources, rather than shifting costs to the general ratepayers

Proposed fee increases

The proposed fees would be effective January 1, 2027

Enforcement Fee	Current Fee	Proposed Fee	Proposed Increase
Administrative Violation/ Late Report	$150	$250	$100
Discharge Violation (Notice of Violation)	$200	$350	$150
Enforcement Meeting	NA	$350	New fee
Order to Appear	$350	$1000	$650

Why these amounts?

Closer alignment with resources needed for enforcement activities

- Considers staff time and resources required for each type of enforcement action
- Addresses ~45% cumulative inflation since 2012
- Acknowledges changes in enforcement activities and program responsibilities, as well as increased management involvement
- Comparable to fees charges by other industrial pretreatment programs
- Maintains a reasonable compliance incentive without making the fees punitive

Proposed action

That the Metropolitan Council approve the proposed Industrial Waste enforcement fee increases, including a new $350 Enforcement Meeting Fee, effective January 1, 2027.

Questions

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