

REGULATORY AUTHORITY

AND HOW TO USE IT

Riley-Purgatory-Bluff Creek
Watershed District

May 4, 2022



REGULATORY AUTHORITY

LEGISLATURE



BOARD OF MANAGERS



ADMINISTRATOR



[STAFF]

REGULATORY AUTHORITY

- **Watershed Law (1955) – purposes and powers**
 - Minnesota Statutes chapter 103D
 - Special purposes, not general (police powers)
 - But “necessary and proper” to carry out express powers
- ***Krahl* – 1979**
- **Metropolitan Surface Water Management Act (1982) – a planning approach**
 - Minnesota Statutes chapter 103B
 - An inherently collaborative approach with cities

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What RPBCWD can do

- **Require permits**
- **Inspect properties**
- **Issue notices**
- **Issue compliance orders – e.g., you must stop polluting or you must fix.**
 - *Staff – temporary*
- **Fix and charge**
 - *Draw on financial assurance*

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What RPBCWD cannot do

- Issue citations or tickets
- Impose penalties
 - *Permit fees are not punitive*
- Arrest
- License
- Violate rights

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Rules

- **Critical, mandated link from policy to action**
- **Establish performance standards**
- **Governed by procedural steps for implementation**
 - *60-day review period*

Minnesota Statutes section 103D.341

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Keys

- Stay within authority, jurisdiction
- Regulate performance
- Solid record
- Right tool for the job

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Time for chat

