

# 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

# REGULATORY AUTHORITY

## 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*

# REGULATORY AUTHORITY

## What RPBCWD cannot do

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

# REGULATORY AUTHORITY

## 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***



# REGULATORY AUTHORITY

## Keys

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

# REGULATORY AUTHORITY

*Time for chat*

