



May 20, 2015

Governor Mark Dayton
116 Veterans Service Building
20 W 12th Street
St. Paul, MN 55155

Dear Governor Dayton:

We write to make clear our strong opposition to a number of provisions in House File 846, the Agriculture and Environment Omnibus Budget Bill, and to ask for a veto of this legislation.

We thank you for your leadership on buffers and your underlying commitment to the protection and clean-up of Minnesota's lakes, rivers, and streams, in all parts of the state. We, too, are committed to clean water, environmental stewardship, the circumspect use of our natural resources, and the enjoyment and protection of our Great Outdoors.

When we ask Minnesotans what they value most about our state, they talk about our lakes, rivers and streams, forests, prairies and wildlife. Minnesotans care deeply about our Great Outdoors.

In stark contrast, H.F. 846 cuts general fund spending for the environment by \$62 million (24%) while the state enjoys a large budget surplus. The bill undermines key policies that protect and restore our air, land, and water and provide for strong public engagement.

We ask you to veto H.F. 846, the Omnibus Agriculture & Environment Budget Bill and send it back to be stripped of the objectionable provisions. Preventing these provisions from becoming law in Minnesota is of the utmost importance to the state's environmental and conservation community.

We recognize the important provisions in this bill. Included are the budgets for the Department of Agriculture, other state agencies, the avian flu response, and the buffers language. We also commend you for your leadership in addressing the state's water quality challenges. Nevertheless, the overall negative impacts of this bill to our state water and other resources, and to the state's executive agencies charged with managing and safeguarding them, unquestionably outweigh these positive provisions.

We thank you for securing the buffer language contained in this bill. We support this provision, as it will accelerate implementation of and compliance with existing law over a 2-3 year timeline, and begins the process of focusing attention on the remaining riparian areas that are currently not protected. This is a step forward in protecting our Minnesota waters.

We share your disappointment that your original comprehensive buffer proposal was blocked by the legislature. Your original proposal would have been a more substantial step toward protecting all of Minnesota's streams, rivers and lakes. We have a long way to go to once again make the rivers, lakes and streams in Minnesota farm country swimmable and fishable. Achieving this will require significant ongoing executive attention and action. We look forward to continuing to work with you and your administration toward this critical goal.

The most offensive provisions in the legislation include, but are not limited to:

- **Abolishing the Citizens' Board of the Pollution Control Agency (MPCA) (Article 4, Sec. 112, Lines 167.11-16):** repeals the MPCA Citizens' Board. The Citizens' Board was established in 1967 to ensure the PCA serves the public interest and to establish an open and transparent decision-making process. The Citizens' Board has worked well and is a model we can be proud of. *The Conferees adopted language to eliminate the Citizens' Board altogether, which did not pass either the House or Senate.*
- **Raiding Dedicated Environmental Funds (Article 3, Subd. 6, Lines 73.5-15):** Even with \$1 billion on the bottom line, this bill raids a total of over \$59.4 Million from funds that are to prevent old landfills from contaminating our groundwater and surface water and clean up the pollution where it occurs. This budget gimmick results in a more than 24% cut in general fund spending for the environment. Even if some of the funds are eventually paid back as scheduled in the bill, the overall amount of clean up funds will fall far short of the \$172 million needed for cleaning up leaks from our more than 100 landfills for which the state is responsible.
- **Tying state agencies' hands on environmental review (Art. 4, Sec. 121, Line 176.1-7):** requires three week notice to companies, not the public, before discretionary environmental review can be ordered. Environmental review stops the permitting process so that impacts can be analyzed upfront. This allows the proposers 3 weeks to push for permits and avoid environmental review as the 60-day permitting clock does not stop during this 3 week time.
- **Breaking the Compromise Agreement on Biofuels:** The signed agreement between energy, agriculture, and environment stakeholders would establish the next-generation biofuel industry in Minnesota. This bill violates that agreement, undercutting our ability to establish perennial crops for ethanol production and develop new beneficial agricultural systems to protect and restore our lakes, rivers and streams in some our most polluted watersheds in the heart of farm country. The compromise agreement had broad bipartisan support and united agricultural and environmental interests. The full agreement should be restored in a revised budget bill.
- **Providing Funding to Promote False Pollinator Labelling (Art 1, Sec. 20, line 25.9):** provides funding for the promotion of plants and seeds deceptively labeled as pollinator-friendly. Recently, the legislature voted to allow deceptive advertising for "pollinator-friendly plants" that need only not kill bees on first contact. Plants contaminated short of that threshold can be labeled "pollinator-friendly."
- **Requiring the MPCA to conduct expensive, time-consuming, and duplicative peer reviews and cost analyses of water quality standards (Art. 4, Sec. 98, Line 155.27, and Sec. 134, Line 182.18):** requires the MPCA to conduct peer reviews of water quality standards, and expensive cost analyses of existing and anticipated water quality standards

that establish a false baseline for estimated capital and operating costs of complying with water quality standards without including economic and social costs associated with declines in water quality.

- **Hobbling the MPCA from carrying out its pollution control duties (Art. 4, Sec. 119, Line 174.32 – 175.2):** this section bars the MPCA from enforcing against any permittee or polluter any guidance, policy, or interpretation that meets the definition of a rule under Minn. Stat. 14.02., without first conducting full Chapter 14 rulemaking. The guidance, policy, and other interpretations provided by the MPCA is intended to answer common questions, typically from regulated parties, about how the MPCA's rules and state law would be applied, without resorting to court action.
- **Surprise Sulfide Mining Amendment (Art. 4, Sec. 117, Lines 171.17-21):** the bill exempts sulfide mining waste from solid waste rules. *This amendment was never introduced as a bill or heard in any committee, and its future effect is unknown.* Exempting as-of-yet unknown waste streams from potential sulfide mines is an unnecessary risk to water quality and public health. Nobody has been able to explain how or whether this would apply to PolyMet and other proposed mines.
- **Suspending Red River Rules (Art. 4, Sec. 135, Lines 183.18-25):** Delays enforcement of updated nutrient pollution permits for wastewater treatment facilities in the Red River watershed until 2025, unless approved by the U.S. EPA, North Dakota Department Health, and EPA Regions 5 & 8.
- **Suspending Wild Rice Protection (Art. 4, Sec. 136, Lines 183.26 – 184.14):** forbids the PCA from requiring investments to comply with the sulfate standard, which protects wild rice, until the PCA completes a new rulemaking on the wild rice standard.
- **Giving Polluters Amnesty (Art. 4, Sec. 97, Lines 154.18 – 155.26):** A polluter amnesty provision delays enforcement and waives penalties for regulated parties that self-report violations of environmental regulations. This provision needlessly strips the MPCA of its powers to hold polluters accountable for protecting our natural resources.
- **Exempting Cities from Metro Water Supply Plan (Art. 4, Sec. 95, Lines 153.30 –153.32):** Exempts cities from making their water supply plans consistent with the metro water supply plan. Subjects Met Council authority to an advisory committee dominated by local governments. This undermines the purpose of regional water supply planning provisions that must necessarily protect regional resources such as aquifers from unsustainable use.
- **Metropolitan Area Water Supply Planning Advisory Committee changes (Article 4, Section 129, lines 178.26-181.7):** Subjects Met Council water supply planning authority to an advisory committee dominated by local governments. This adds undue municipal influence over metro water supply planning process, subjecting the final plan to the will of cities that fiercely defend groundwater over-pumping even as aquifer levels decline sharply across the metro area.

Lastly, although some previously adopted provisions that suspended current water quality standards were removed, the repetitive water quality studies that have been kept in the bill will have huge fiscal impacts, but are only minimally funded.

For these and other concerns that have been raised, we ask you to protect our water and our future resources by vetoing HF 846, the Omnibus Agriculture & Environment Budget bill, and sending it back to the legislature so that the above provisions may be removed.

Thank you for defending the Legacy of our Great State.

Sincerely,



Steve Morse, Executive Director
Minnesota Environmental Partnership

Alliance for Sustainability

Audubon Minnesota

Audubon Society of St. Paul

Clean Water Action

Climate Generation

Conservation Minnesota

CURE (Clean Up the River Environment)

Environment Minnesota

Friends of the Boundary Waters Wilderness

Friends of the Cloquet Valley State Forest

Friends of the Mississippi River

Friends of the Parks & Trails of St. Paul &
Ramsey County

Izaak Walton League - Minnesota Division

Izaak Walton League of America - Midwest Office

Land Stewardship Project

League of Women Voters Minnesota

Lower Phalen Creek Project

Mankato Area Environmentalists

Minnesota Center for Environmental Advocacy

Minnesota Conservation Federation

Minnesota Food Association

Minnesota Land Trust

Minnesota Ornithologists' Union

Minnesota Project

Minnesota Renewable Energy Society

MN350

MPIRG

Northeastern Minnesotans for Wilderness

Renewing the Countryside

Sierra Club - North Star Chapter

St. Croix River Association

Transit for Livable Communities

Urban Roots

Voyageurs National Park Association

WaterLegacy