

Senate

State of Minnesota

May 30, 2015

Dear Governor Dayton,

We write as DFL Senators who voted against H.F. 846 on the final day of the session. As you know, 3/4ths of our caucus opposed this bill because of the harm that it will do to our environment.

We greatly appreciated your decision to veto this legislation because of the numerous misguided provisions rolling back protection of our state waters, air and land. This bill also broke a negotiated agreement on developing a new bio-economy, meaning that the state will pour millions of dollars into projects that will undercut some of the water quality benefits coming from the buffer bill.

Your veto was critical to blocking these big steps backwards.

When the bill is amended for passage in the special session, we want the bill to eliminate those harmful provisions. We want to be able to support the bill instead of having a harmful one that Senate Republicans pass.

Although we have concerns over many items in the bill, we want to highlight four of the worst provisions that need to be addressed before this bill becomes law:

- **Abolishing the Citizens' Board of the Pollution Control Agency (MPCA) (Article 4, Sec. 112, Lines 167.11-16)** The Citizens' Board was established almost fifty years ago, to allow meaningful public input and ensure the PCA serves the public interest. The Citizens' Board has worked well and is a highly respected model. Under a future administration that doesn't care about the environment, the Citizens' Board may be the only chance to stop environmental harm. *The conference committee language to eliminate the Citizens' Board did not pass either the House or Senate. This language must be deleted from the bill.*
- **Breaking the Compromise Agreement on Biofuels: (Art 1; Lines 10.35 – 11.18 Art 2: Sec 57 -61)** The signed agreement among energy, agriculture, and environment stakeholders would establish the next-generation biofuel industry in Minnesota. By breaking that agreement, this legislation uses millions of dollars in public money for something that *increases* the agricultural run-off – undercutting some of the progress being made under your historic buffer bill. With the complete package, a significant part of the initiative will establish perennial crops and develop new beneficial agricultural systems that restore waters in some of our most polluted watersheds in farm country. The compromise agreement had broad bipartisan support and was adopted, with funding, by the Senate, but the watershed restoration portion of the agreement was stripped in Conference Committee. The bio-chemical language is separate, but the bio-fuels language should be removed from the bill unless the entire package, with the perennial grasses provision, is included.
- **Hobbling the MPCA by requiring it to conduct expensive and time-consuming cost analyses of water quality standards and prohibiting it from enforcing its environmental policy without going through the full rulemaking process (Sec. 134, Line 182.18 – 183.16; and Art.**

4, Sec. 119, Line 174.32 – 175.2) Requiring the MPCA to conduct expensive cost analyses of existing and future water quality standards without including the costs associated with declines in water quality is foolish. By preventing MPCA use of guidance, policy, and interpretations, which are helpful in answering questions from regulated businesses about how the law would be applied, they will make the process more onerous for both businesses and the MPCA. This would block the MPCA from enforcing numerous existing rules as it interprets them. All this language should be removed.

- **Surprise Sulfide Mining Amendment (Art. 4, Sec. 117, Lines 171.17-21):** This provision exempts nonferrous mining waste from state environmental rules. Despite strong interest in this issue, it was deceptively hidden at the end of an *unrelated* section on siting for new landfills. This violates legislative process and shuts out all public input. The effect of the exemption cannot be quantified, since the waste streams from nonferrous mining are not yet known, unlike taconite mining. Broadly exempting as-of-yet unknown waste streams from potential sulfide mines is an unnecessary risk to water quality and public health. Proponents of nonferrous mining routinely mention that the mines will be environmentally clean because of Minnesota's strong environmental rules. This secretive process for exempting the waste from environmental rules shows how false those claims are. No Senate or House policy committee considered the issue. Attorneys disagree in their interpretation of what this hidden provision means. For that reason alone, it deserves a full hearing. There is no reason to rush this. The language should be removed from the bill. At an absolute minimum, the language should be amended to clearly state that the exemption applies only to tailings basins and not other forms of mining waste.

We urge you to stand strong and, at a minimum, address these priority issues before signing off on any agreement that will be returned to the Senate for final passage.

Thank you for defending the Legacy of our Great State.

Sincerely,

Senator John Marty
Senator Katie Sieben
Senator Bobby Jo Champion
Senator Kevin Dahle
Senator Kari Dziejic
Senator Melisa Franzen
Senator Fong Hawj
Senator Ron Latz
Senator Roger Reinert
Senator Patricia Torres Ray
Senator Melissa Wiklund

Senator Sandy Pappas
Senator Jim Carlson
Senator Greg Clausen
Senator Scott Dibble
Senator Chris Eaton
Senator Jeff Hayden
Senator Susan Kent
Senator Tony Lourey
Senator Bev Scalze
Senator Chuck Wiger

Senator Barb Goodwin*
Senator Richard Cohen*

* These names were added since the letter was delivered to Governor Dayton.