



June 9, 2015

**Minnesota Legislators:**

**We write to make clear our strong opposition to a number of provisions in the Special Session Agriculture and Environment Omnibus Budget Bill. We ask you to oppose the bill when it reaches the floor, and vote NO on final passage.** The vote on this bill is of utmost importance to the state's environmental and conservation community, and the many hundreds of thousands of our organizations' members are eager to see this bill rejected.

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 and want them protected. In stark contrast, this bill undermines and rolls-back key policies that protect and restore our air, land, and water and provide for strong public engagement.

**We ask that you vote NO on the Environment and Agriculture Budget Bill because it:**

- 1. Abolishes the Citizens' Board of the Minnesota Pollution Control Agency (MPCA) (Location in the Special Session bill:** Article 4, Sec. 150, Lines 191.14-15): The Citizens' Board was established in 1967 to ensure the MPCA serves the public interest and to establish open, transparent, and accountable decision-making processes. The Board has worked well and is a model we can be proud of. *Language eliminating the Citizens' Board passed neither House nor Senate before it was added by Conferees to the Conference Report.*
- 2. Breaks the Compromise Agreement on Biofuels:** There was a signed agreement among energy, agriculture, and environment stakeholders to establish a 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 of our most polluted watersheds in the heart of farm country. The language in the bill will result in large, ongoing subsidies for biofuels plants that, without the full compromise package to establish protective crops, may *worsen* water quality, under-cutting gains made in the governor's important buffer initiative.
- 3. Exempts Sulfide Mining Waste from Solid Waste Rules (Art. 4, Sec. 119, Lines 173.11-15):** This provision was never introduced as a separate bill or heard in any policy committee. The full effect of exempting sulfide mining waste from solid waste rules is not known, in part because the technologies used by the proposed mines have not been finalized, which affects the types of waste created. Exempting as-of-yet unknown waste streams from potential sulfide mines is an unnecessary risk to water quality and public health.

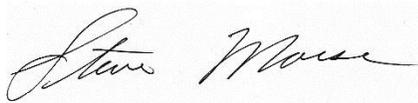
4. **Suspends Wild Rice Protection** (Art. 4, Sec. 136, Lines 184.34 – 185.20): Forbids the MPCA from requiring polluters to make investments to comply with the sulfate standard, which protects wild rice, until MPCA completes a new rulemaking on the wild rice standard.
5. **Ties State Agencies' Hands on Environmental Review** (Art. 4, Sec. 122, Lines 177.20-26): Environmental review stops the permitting process so impacts can be analyzed upfront. This bill requires companies be given a 14-day advance notice (was 21 days in the vetoed bill) before discretionary environmental review can be ordered. This allows companies 14 days to push for permits that would bypass environmental review.
6. **Provides Funding to Promote False Pollinator Labelling** (Art 1, Sec. 20, line 25.29 – 26.2): 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."
7. **Exempts Cities from Metro Water Supply Plan** (Art. 4, Sec. 97, Lines 155.18-20): Exempts cities from making their water supply plans consistent with the metro water supply plan. This undermines the purpose of regional water supply planning provisions that must necessarily protect regional resources such as aquifers from unsustainable use.
8. **Restructures Metropolitan Area Water Supply Planning Advisory Committee** (Article 4, Section 130, lines 180.11-182.25): Subjects Met Council water supply planning authority to an advisory committee dominated by local governments. This adds undue municipal influence over metropolitan water supply planning process, subjecting the final plan to the will of cities that fiercely defend the over-pumping of groundwater even as aquifer levels decline sharply across the metro area.
9. **Requires Expensive Cost Analyses** (Art 4, Sec. 135, lines 184.1-184.32): Requires the MPCA to conduct expensive and unnecessary cost analyses of existing and anticipated water quality standards. This will slow the standards development process, waste scarce financial resources, and establish a false baseline for costs by examining only costs to industry rather than the benefits of clean water to all Minnesotans.
10. **Raids Dedicated Environmental Funds** (Article 3, Sec. 2, Lines 73.5-15): The bill raids the Metropolitan Landfill Contingency Action Trust (MLCAT) of \$8.1 Million. This fund was created with local taxes and tipping fees and the state is simply taking this money with no plan for repaying it. The bill raids \$58 Million from the Closed Landfill Investment Account (CLIF). While the CLIF fund is now scheduled to be repaid, past raids amounting to \$43 Million have left the landfill account far short of the amount required to protect our surface and groundwater and to clean up pollution when it occurs from the more than 100 landfills for which the state is legally responsible.
11. **Grants Polluters Amnesty** (Art. 4, Sec. 99, Lines 156.6–35): A polluter amnesty provision delays enforcement and waives penalties for companies that self-report violations of environmental regulations, even if part of a court order. This needlessly strips the MPCA of its powers to hold polluters accountable for violating environmental standards.

**The bill remains one of the most anti-clean water measures in decades and rolls-back critical protections for our Great Outdoors.** While a few similarly unacceptable provisions, such as requiring expensive, time consuming external peer review of clean water rules, suspending enforcement of water quality rules in the Red River until 2025, and barring the MPCA from providing

enforceable policy and guidance to regulated parties, have been addressed or deleted since the bill was vetoed by Governor Dayton, many provisions remain in the bill that are unacceptable for Minnesota.

**For these and other concerns that have been raised, we ask you to protect our water and our Great Outdoors by voting NO on the Special Session Omnibus Agriculture & Environment Budget bill when it is considered by the full House and Senate.** Thank you in advance for defending the Legacy of our Great State.

Sincerely,



Steve Morse, Executive Director  
Minnesota Environmental Partnership

Alliance for Sustainability	Minnesota Center for Environmental Advocacy
Audubon Minnesota	Minnesota Conservation Federation
Audubon Society of St. Paul	Minnesota Food Association
Clean Water Action	Minnesota Land Trust
Climate Generation	Minnesota Ornithologists' Union
Conservation Minnesota	Minnesota Project
CURE (Clean Up the River Environment)	Minnesota Renewable Energy Society
Environment Minnesota	MN350
Friends of the Boundary Waters Wilderness	MPIRG
Friends of the Cloquet Valley State Forest	Northeastern Minnesotans for Wilderness
Friends of the Mississippi River	Renewing the Countryside
Friends of the Parks & Trails of St. Paul & Ramsey County	Sierra Club - North Star Chapter
Izaak Walton League - Minnesota Division	St. Croix River Association
Izaak Walton League of America - Midwest Office	Transit for Livable Communities
Land Stewardship Project	Urban Roots
League of Women Voters Minnesota	Voyageurs National Park Association
Lower Phalen Creek Project	WaterLegacy
Mankato Area Environmentalists	