



Minnesota Senate Environment, Climate, and Legacy Committee
Chair Fong Hawj

April 3, 2024

Re: SF 5048

Chair Hawj and members,

The undersigned organizations support the goal of providing a regulatory framework for extraction of non-fuel gas, such as helium, which currently lies outside statutory authority. We would recommend passage of a bill with provisions for rulemaking regarding environmental review, regulatory standards for leasing and granting or denying permits, and financial assurance.

However, the undersigned organizations strongly oppose appending to this necessary legislation provisions that would launch carbon sequestration in Minnesota. Permanent carbon sequestration in a geologic formation is a rapidly changing and highly controversial area. Minnesota has no experience with this type of facility. No agency or agencies have analyzed health, safety, water quality, air quality, or environmental justice issues related to pipelines, other forms of transportation of carbon, or carbon sequestration. The potential that carbon sequestration may be used to inappropriately extend the operating life of fossil fuel combustion facilities also has not been evaluated.

With respect to the regulation of non-fuel gas extraction, the undersigned groups make the following recommendations:

- The bill should be limited to non-fuel gas (sometimes referred to as “low-BTU” gas) such as helium, not to “oil and gas,” so that it doesn’t open the door to drilling or fracking for oil or gas.
- The bill should set a moratorium on leasing or extraction of non-fuel gas until rules are drafted, including rules by the Minnesota Department of Natural Resources, Pollution Control Agency, the Department of Health, and Environmental Quality Board.
- The bill should specify that rules address environmental and health effects (coexisting radiation, PFAS in drilling mud, brines in rock formations, releases), mandatory categories for environmental review, limits on the scope of extraction, appropriate royalties, a clear permit term, sealing and/or reclamation requirements, and requirements for financial assurance. Rules should require a permittee to demonstrate that extraction would protect environmental quality and health and would not result in taxpayer liability.

- If exploration for non-fuel gas is allowed prior to rulemaking, temporary rules should prevent use of PFAS, require testing for radiation and cessation at specified levels, and require lined sump or tank containment of cuttings and fluids with high salts, radiation, or mineral content.
- Any technical committee reviewing potential policy issues for rulemaking or further legislation should represent members of the public and groups who are stakeholders interested in environmental quality, health, and justice, not just entities interested in profits and production. Tribal governments should be included among the governmental entities provided with representation.

With respect to developing policy regarding carbon sequestration and carbon pipelines, the undersigned groups would strongly recommend that bill provisions on this topic be severed from non-fuel gas legislation and that no policy on this topic be considered this year.

Before Minnesota will be in a position to set policy on the controversial new issue of carbon pipelines and carbon geologic sequestration, tribal government-to-government consultation, engagement of potentially affected members of the public, completion of federal rulemaking by the Pipeline and Hazardous Materials Safety Administration, and independent scientific and technical analysis of environmental, health, and climate impacts are required.

Thank you for your consideration of our recommendations.

Sincerely,



Steve Morse
Executive Director

Submitted on behalf of the following organizations:

Bicycle Alliance of Minnesota
Climate Generation
Cooperative Energy Futures*
CURE
Friends of Minnesota Scientific and Natural Areas
Friends of the Boundary Waters Wilderness
Izaak Walton League of America Minnesota
Division League of Women Voters Minnesota
Minnesota Center for Environmental Advocacy
Minnesota Interfaith Power & Light
Minnesota Trout Unlimited
Minnesota Well Owners Organization
Save Our Sky Blue Waters
Sierra Club North Star Chapter
Vote Climate
WaterLegacy

**denotes non-MEP member*