



RE: **Please oppose these provisions in SF 3141 – the Environment Finance & Policy Omnibus**

To: Members of the Senate Finance Committee

April 23, 2018

Dear Senator:

On behalf of the undersigned organizations and their thousands of Minnesota members, we would like to thank you for your attention to our collective environment and the current and future generations who depend on it.

The following provisions in the current Senate Environment Omnibus bill are detrimental to the short and long-term health of our state and we ask you to oppose them.

Transferring water from one water body to another without a permit.

Sec. 63

This provision allows waters to be moved from one body to another without a permit. Some waters are polluted and have invasive species, others are pristine. Current law protects the state's cleanest waters by requiring a permit for a water transfer. Agencies should retain this authority in order to prevent transfers that harm Minnesota's waters.

Accepting conflicts of interest among peer review members

Sec. 65

This section codifies the acceptance of conflicts of interest among peer review members, so long as they are disclosed. (52.2-52.4) This is an unacceptable degradation of independent peer review, which is supposed to rely on unbiased science. We urge deletion of this section.

Giving industry 16 years to meet water quality standards.

Sec. 66

This provision allows a municipality or an industry that has already constructed or made improvements to a water treatment facility in order to meet water quality standards a 16-year pass for meeting any other water quality standards that may be developed. Similar language was passed by the legislature last year – though only for municipalities. An Administrative Law Judge rejected the rulemaking that resulted from last year's legislation, t because it was not in compliance with the federal Clean Water Act. The provision is back again this year, now granting the 16-year holiday to industries as well. Water quality standards are developed to protect human health and the viability of our waters for important uses. If new water quality standards are established, polluters should be required to meet those new standards.

Relieving enforcement of groundwater appropriation permit requirements.

Sec. 95

This provision suspends an existing legal directive for sustainable groundwater management in the northeast metro. If passed into law, the bill would result in two branches of government (Judicial & Legislative) offering conflicting instructions for the Executive branch (the Department of Natural Resources), putting sustainable water management (and water levels in White Bear Lake) in peril.

We would also like to note that the public had no notice that the following provisions included in SF 3141 would be considered by the committee:

- Changing the definition of pipeline to mean “a pipeline owned or operated by a condemning authority” (Section 85)
- Removing a requirement that sugar beet waste ponds have liners to protect groundwater and surface water (Section 64)
- Adding confusing language on air quality that undermines the state’s entire air quality program, and requires special documentation when Minnesota wants to be more protective than the federal standard (Section 78)
- Backdating wetland replacement law in order to allow decisions the DNR made prior to 2009 regarding mining company wetland impacts to be legal – retroactively – by repealing requirements all other industries must follow on the location of replacement wetlands (Sections 46,47)

Please oppose these provisions in SF 3141.



Steve Morse

Minnesota Environmental Partnership

Alliance for Sustainability
Clean Water Action - Minnesota
CURE (Clean Up the River Environment)
Freshwater Society
Friends of Minnesota Scientific & Natural Areas
Friends of the Mississippi River
Institute for Local Self Reliance
Izaak Walton League – Minnesota Division
Land Stewardship Project
Lower Phalen Creek Project

Minnesota Center for Environmental Advocacy
Minnesota Council of Parks and Trails
Minnesota Land Trust
Minnesota Native Plant Society
Minnesota Ornithologists Union
Pollinator Friendly Alliance
Save Our Sky Blue Waters
St. Croix River Association
Wilderness in the City
Women’s Congress for Future Generations