

Testimony on SF 2637 (MPCA Fees Increase Prohibition)

March 6, 2018

Chair, Members. Thank you for the opportunity to testify this morning. My name is Darrell Gerber. I'm the Policy Analyst at the Minnesota Center for Environmental Advocacy, MCEA.

I am speaking today in opposition to SF 2637. The programs that this bill is preventing MPCA from properly funding via fees are central to the protections of Minnesota's waters and are required by federal law. Continuing with this approach inevitably puts us on a path of uncertainty about the future of our waters. It also is a path of delay and uncertainty for permittees.

- For some context, MPCA fees have not comprehensively increased in nearly 25 years. Back then, Nirvana was hottest thing from the West Coast and first class mail cost 29 cents. Since, the cost of doing the work covered by the fees has increased and, unlike the cost of postage, the fees for permits to discharge to Minnesota's waters has not changed.
- Full funding of these programs is necessary to ensure that MPCA is capable of doing the work needed to protect our water..

MPCA stated in a recent factsheet that they "...currently have a 57% backlog [in the] municipal wastewater permitting program." and that "Some programs are only able to do the bare minimum of the required permitting work."

What are some of the key steps being skipped? One example, is testing to establish the ambient water quality before permits are issued. What this does is determine the portion of a pollutant in a water body due to natural sources. You can imagine how important this is to determine the degree to which a facility is contributing to the problem before issuing a permit. Yet, in many cases, this testing is not being done to the extent needed, the permits are not being issued to require these reductions, and the water is getting dirtier.

Another example is the feedlot program where fees currently cover only 9 percent of the current expenditures. Sewage from animal feedlots equivalent to that of 50 million humans is estimated to be generated in Minnesota each year. The vast majority of this is spread untreated on land as fertilizer. Manure can provide an important boost to crop production, but it also contains high level of potential pollutants that pose complex and varied threats to water and air. The research necessary to administer and enforce these permits can be intensive...and expensive.

Ironically, the some of the functions targeted by this legislation are likely to help the permittees. These include certification of wastewater and water supply operators; training of personnel designing, building, installing and working with septic systems; and certifying water quality testing laboratories.

- Paying for these functions with other funds is ill-advised and potentially unconstitutional

The MPCA has used the Clean Water Fund to fund a portion of the municipal wastewater, septic tanks, and municipal stormwater programs. Fees supported these programs well before the

passage of the Clean Water, Land, and Legacy Amendment in 2008. The MPCA needs to be about to increase fees to cover the full cost of required functions in these programs to avoid potentially using the Clean Water Fund as an improper substitute for a traditional source of funding.

In close, thank you for the opportunity to speak today and I ask for a no vote on this bill as it unnecessarily hinders the ability of the Minnesota Pollution Control Agency to set permit fees that are needed to recover the costs of critical permitting programs.