

OPPOSE S.F. 3311

MCEA opposes SF 3311 because it rolls back protections of Minnesota's water and air. It gives a 16-year free pass for industrial polluters, limits the ability of agencies to fund permitting programs, and imposes undue burdens on the Minnesota Pollution Control Agency's ability to regulate pollution, including TCE, a known carcinogen.

Section 2, 4, 5, 6 & 8: Fee increases require additional approval, or authority to impose fees is eliminated.

User fees are a necessary component of funding state permit programs. The MPCA has not increased most water permit fees for more than 27 years. These fees cover the cost of reviewing applications, certifying personnel for wastewater treatment and water supply systems, and certifying laboratories. There is no need for an additional layer of approval.

Section 3: 16-year free pass from water quality standards for industrial polluters

Section 111 gives industrial polluters a blanket 16-year exemption from complying with stronger water quality standards, if investments are made in wastewater treatment upgrades. This violates the federal Clean Water Act and would result in regulatory uncertainty as legal challenges are likely.

Section 7: Needless requirements to achieve "permitting efficiency." There is no evidence that MPCA's permitting is inefficient now, nor that simply adding more reporting burdens on the agency will change outcomes. According to a 2018 MPCA report, 97% of "priority" permits and 93% of all permits were issued within stated goals.

Section 9: Purports to limit use of Trichloroethylene, but will actually have the opposite effect. TCE is a toxic air and water pollutant that poses a risk to public health and should be phased out. This provision, in contrast, limits the ability of the PCA to phase out TCE at any particular facility unless there is an alternative that is both "equally effective" and "commercially available at a comparable price." Moreover, it entitles facility owners to an individualized feasibility study partially funded by public dollars. It permits the MPCA to use funds in a "trichloroethylene emissions account" but such an account does not exist. If the study does not show that an alternative is "feasible" (without defining what "feasible" is), the PCA is forced to grant a variance and allow the facility to continue using a toxic compound, prioritizing even the smallest impact on corporate profits above public health.

Section 12: Prevents enforcement of National & State Air Quality Standards

Section 12 prevents the MPCA from enforcing a national or state ambient air quality standard as an applicable standard if the facility is maintaining its existing level of emissions. This violates the federal Clean Air Act. Air quality standards are critical to protecting public health and visibility, and must be applied uniformly to all facilities in order to be effective. All facilities should have to abide by the same rules.



Distributed and produced by the Minnesota Center for Environmental Advocacy

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