

Minnesota Hot List

for the House of Representatives

Minnesota
Environmental
Partnership



On behalf of our member organizations, the Minnesota Environmental Partnership is pleased to provide state leaders the Minnesota Hot List. The Minnesota Hot List contains clear, concise and useful information on priority issues for the upcoming week. Senate and House Editions of the Minnesota Hot List are delivered to legislators by email. A list of participating organizations can be found at the end of this document. We hope you find this communication helpful. Please contact Patience Caso at 651-290-0154, patiencecaso@mepartnership.org or Gary Botzek at 651-283-4511, gary@capitolconnections.com with questions or information about the issues presented.

Week of May 9, 2011

FLOOR VOTE

H.F. 72 – Carbon dioxide emissions by utilities ban removed (Beard)

This bill repeals our current standards on building new coal fired power plants and allows utilities to build new coal plants without having to offset their pollution emissions, which is a critical part of the 2007 Next Generation Energy Act that had bipartisan support and was signed into law by Governor Pawlenty. Minnesota needs to invest in renewable energy and efficiencies – not dirty, expensive coal power that pollutes our air and water. Repealing this law will bring us back to last century's technology and the cost of coal is currently rising. Combining enormous cost to consumers and ratepayers along with the lack of need for new baseload energy reveals there is no reason to rollback this standard or the clean energy path Minnesota has set.

Position: Oppose bill

FLOOR VOTE

H.F. 1097 - Omnibus environment policy bill (McNamara)

This bill weakens protections for a variety of policies that protect our water and our Great Outdoors. The following sections are of concern:

- Sections 2 and 77: Weakens the regulation of pesticides. These provisions prohibit the MN Pollution Control Agency (MPCA) from taking a regulatory role in oversight and permitting of pesticide applications to land and prohibit creating regulations more stringent than federal law. The Department of Agriculture's authority over terrestrial application was clarified by a bill signed into law earlier this session. The MPCA has clear authority to regulate discharges to water. However using the term "waters of the U.S." complicates the agency's ability to protect our water. This definition is currently under review at the Federal level.
- Sections 3 and 85: Eliminates the mandatory EAW for expansions at ethanol and biobutanol plants. It is unwise to eliminate the mandatory EAW for these projects, because of the certainty that these facilities will have significant environmental effects. Ethanol projects have a history of violating pollution permits.
- Section 64: Weakens wetland replacement. This section makes it easier for the mining industry to destroy wetlands by allowing a more favorable ratio for wetland replacement. Specific industries should not be given special treatment when it comes to meeting their obligations to mitigate or prevent damage to Minnesota's environment.
- Section 97: Delays deadline to adopt ordinances related to failing septic systems. Counties should not get a second extension of the deadline in state law to adopt ordinances to address failing septic systems that discharge untreated sewage into lakes, rivers, and streams.
- Section 85: Increases the number of individuals needed to petition for an EAW, from 25 to 100 residents or property owners in the county where the project is located, or an adjoining county. No reason has been given for requiring additional petitioners for an EAW, a process that is used infrequently to bring community concerns to the attention of policymakers. The geographic

restriction ignores that environmental effects do not respect county boundaries, and would exclude those with a legitimate interest in a project, such as a family residing in another county whose child is in daycare near the proposed facility. Regardless of how long you've visited a lake for fishing opener, a family camping weekend, or a hunting expedition, unless you own property in the project area, you would have no ability to petition for an EAW.

- Section 99: Forces the DNR to approve the Lutsen Area Ski Resort permit to use more than 150,000,000 gallons/day of surface water to make snow and supply potable water to its patrons. Even with some limits on water withdrawals this provision undermines the DNR's permit authority and will seriously harm the trout habitat in the Poplar River. The DNR should decide when it makes sense to issue a permit to consume enormous quantities of water. At a minimum, this provision should have a sunset so that the ski resort invests in getting water from Lake Superior rather than the Poplar River.

Position: Oppose bill

H.F. 997 - State agency civil penalty imposition regulated, and fees and expenses awarded to prevailing parties in actions involving state agencies.

Commerce and Regulatory Reform: Thursday, May 11 at 2:30 p.m.

Chair: Rep. Joe Hoppe

Action: Committee vote

Micromanages agencies in their work to enforce environmental and other laws, requiring them to jump through unnecessary hoops. With substantial budget cuts this is not the time to add bureaucracy to the work of state agencies.

Position: Oppose bill

=====
Participating Organizations: 1000 Friends of Minnesota * Alliance for Sustainability * Audubon Chapter of Minneapolis * Clean Water Action * Clean Up the River Environment * Conservation Minnesota * Environment Minnesota * Fresh Energy * Friends of the Boundary Waters Wilderness * Friends of the Cloquet Valley State Forest * Friends of the Mississippi River * Friends of Washington County * Institute for Energy and Environmental Research * Institute for Local Self-Reliance * Izaak Walton League of America - Midwest * Izaak Walton League of America-MN * Land Stewardship Project * League of Women Voters Minnesota * Leech Lake Area Watershed Foundation * Mankato Area Environmentalists * Minnesota Audubon Society * Minnesota Center for Environmental Advocacy * Minnesota Conservation Federation * Minnesota Food Association * Minnesota Ground Water Association * Minnesota Land Trust * Minnesota Ornithologists' Union * Minnesota Public Interest Research Group * Minnesota Renewable Energy Society * Minnesota River Valley Audubon Chapter * Minnesota Waters * Permaculture Cold Climate Research Institute * Renewing the Countryside * Save Lake Superior Association * Sierra Club-North Star Chapter * Southeastern MN for Environmental Protection * The Conservation Fund * The Nature Conservancy * Trust for Public Land * Voyageurs National Park Association * WaterLegacy * Will Steger Foundation * Windustry