



Minnesota House Environment and Natural Resources Finance and Policy Committee
Chair Rick Hansen

March 18, 2024

Re: Supporting HF 4135

Chair Hansen and Members,

The Minnesota Environmental Partnership and undersigned organizations support HF4135 (Hansen) which establishes an account to pay for mitigating nitrate pollution of private wells, a \$0.99 per-ton fee on nitrogen fertilizers that goes into this account and requires testing of land-applied biosolid fertilizer for PFAS “forever chemical” pollutants. HF4135 is an important response to a public health crisis in southeastern Minnesota, while addressing an emerging issue statewide.

Every Minnesotan has a right to clean, safe drinking water, whether they get their water from a private well or from a public drinking water system. The State of Minnesota has committed to the U.S. Environmental Protection Agency that it will undertake a comprehensive response to address the nearly 10,000 households in 8 counties in southeastern Minnesota whose wells exceed the 10 ppm drinking water standard for nitrate. Drinking water above this threshold risks “blue baby syndrome,” and research shows that even lower levels are correlated with increased levels of colorectal and bladder cancer and birth defects.

The Minnesota Department of Health estimates the cost to address these wells (with treatment systems or well repairs) will exceed \$40 million in the 8-county area. Testimony by state agencies this session has suggested the cost to mitigate private wells contaminated with nitrate statewide could exceed \$100 million. A permanent fund with a dedicated funding source is needed, and it’s appropriate that the product that causes the pollution include a fee to pay for the impact on private wells. The money raised would then be distributed to county health boards for this work. This model has worked well in Iowa, whose Grants-to-Counties program has used fertilizer fees to pay for similar activities since 1987.

The \$0.99 / ton fee in HF4135 will have a negligible financial impact on individual farmers while raising approximately \$3 million per year to pay for well mitigation. With current prices of approximately \$700 / ton for anhydrous ammonia fertilizer, this is a minimal impact of approximately 0.15%. In addition, this fee would be tax deductible for farmers as a cost of doing business, which further reduces the impact.

The testing provisions for PFAS are also important. Currently, there is no requirement in law or rule to test land-applied biosolids used as a fertilizer for PFAS compounds. Some states such as Maine have gone so far as to ban land-applied biosolids due to PFAS contamination. It’s common sense that

Minnesota should require testing to determine the extent of PFAS contamination in land-applied biosolid fertilizer.

We thank Chair Hansen for bringing this bill forward. We urge the committee to vote to approve these commonsense steps to protect our state's valuable drinking water.

Sincerely,



Steve Morse
Executive Director

Submitted on behalf of the following organizations:

Alliance for Sustainability

Clean Water Action Minnesota

Climate Land Leaders

CURE

Environmental Working Group

League of Women Voters Minnesota

Minnesota Center for Environmental Advocacy

Minnesota Trout Unlimited

Minnesota Well Owners Organization

Northern Waters Land Trust

Pollinator Friendly Alliance

Renewing the Countryside

Resilient Cities and Communities

Roots Return Heritage Farm LLC*

Save Lake Superior Association

Save Our Sky Blue Waters

WaterLegacy

**Denotes non-MEP member*



March 18, 2024

Chair Hansen and Members of the Committee:

Minnesota Center for Environmental Advocacy (MCEA) strongly supports HF 4135 (Hansen) which establishes an account to address nitrate pollution of private wells, a \$0.99 per-ton fee on nitrogen fertilizers, and requires testing of land-applied biosolid fertilizer for PFAS “forever chemical” pollutants.

HF 4135 was previously heard in the House Agriculture Committee, and this testimony is limited to Section 14 of the bill relating to **testing provisions for PFAS in land applied biosolid fertilizer**.

Currently, there is no requirement to test land-applied biosolids used as fertilizer for PFAS compounds. Research conducted by MCEA and Dr. Matt Simcik at the University of Minnesota found PFAS pollution downstream of areas with land-applied biosolids fertilizer in several areas of the state. Our report [“Forever Chemicals in our Wastewater”](#) released in November 2023 documented this connection, and we encourage members to review it. It’s common sense that Minnesota should require testing to determine the extent of PFAS contamination in land-applied biosolid fertilizer. Indeed, that was one of the recommendations MCEA made in this report.

Wastewater operators do not create PFAS, but as the “end of pipe” receiving the waste of upstream users they face a challenging management situation. Other states are also struggling to create a response to the multi-faceted threat to public health presented by PFAS “forever chemicals” in biosolids. For example, the state of Maine has banned the land application of biosolids due to the contamination of PFAS.

The legislature’s passage of Amara’s Law in 2023 has put Minnesota on the right path in terms of source reduction of PFAS. As Amara’s Law is implemented, we should expect concentrations of PFAS in wastewater and biosolids to decrease over time. One benefit of testing biosolids as HF 4135 does would be to track the progress resulting from our source reduction efforts.

Every Minnesotan has a right to clean, safe drinking water, whether they get their water from a private well or from a public drinking water system. HF 4135 is an important step toward making this value statement a reality. Thank you to Rep. Hansen for authoring this bill, and for including Section 14 requiring testing of biosolid fertilizer for PFAS.

Sincerely,

Aaron Klemz, Chief Strategy Officer, Minnesota Center for Environmental Advocacy
aklemz@mncenter.org, (763) 788-0282



March 19, 2024

Chair Hansen and members of the House Environment and Natural Resources Finance and Policy Committee,

On behalf of our organizations, which collectively represent nearly all cities in Minnesota, we are writing to express concern with a testing requirement found in Sec. 14 of HF 4135, legislation authored by Chair Hansen. That provision that would add an immediate new testing requirement for biosolids from city wastewater treatment systems.

The League of Minnesota Cities (LMC) is a membership organization that serves more than 835 member cities through advocacy, education and training, policy development, risk management, and other services. The Coalition of Greater Minnesota Cities (CGMC) is a group of more than 100 cities throughout the state dedicated to developing viable progressive communities for families and businesses through good local government and strong economic growth. Our cities play a significant role in ensuring Minnesotans have clean water through our wastewater facilities and their biosolids programs.

We share the Legislature's concerns about the health risks associated with per-and-polyfluoroalkyl substances (PFAS) and have been supportive of efforts to address PFAS through source control. Our wastewater facilities are not sources of PFAS. Rather, they are receivers of PFAS from other upstream sources. We conduct our wastewater discharge and biosolids programs in compliance with all applicable state and federal laws and NPDES permit requirements, and removing PFAS from our effluent and biosolids is not technologically nor economically feasible.

Since the treating and destroying of PFAS in wastewater and biosolids is not feasible, and the only practical solution is source reduction and elimination, our organizations have worked with the MPCA and other city groups, such as the Minnesota Environmental Science and Economic Review Board (MESERB), to develop and implement aggressive science-based source reduction strategies. Simultaneously, the MPCA is actively working to design a Minnesota-specific biosolids management and testing program based on programs already functioning in other states.

Testing biosolids at the municipal level is expensive and challenging for a number of reasons, including the need for trained personnel who can take the samples accurately, the limited availability of labs that can process the samples, and high costs to get that work done. Additionally, the language in Sec. 14 would require testing for every potential PFAS compound that a test exists for.

Because these approaches are so new, we lack a funding source for this work. City utilities generate revenue through rates collected from their customers and cannot just create significant new revenue without proposing, justifying, and amending local rates, then changing billing systems to reflect those new rates. We do not believe that the cost and timeline requirements in Sec. 14 are feasible for municipal wastewater systems. We would instead suggest that the MPCA be allowed to complete their biosolids management program creation process, which is well underway, before new requirements are put in place and that the legislature look at ways to support that work by providing resources for wastewater systems to complete the necessary testing.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Wefel". The signature is written in a cursive, flowing style.

Elizabeth Wefel
Coalition of Greater Minnesota Cities

A handwritten signature in black ink that reads "Craig A. Johnson". The signature is written in a cursive, flowing style.

Craig Johnson, Intergovernmental Relations
League of Minnesota Cities