

Meeting Minnesotans' need for online services

Accelerate development of online customer service technology

Challenge

To effectively serve businesses and the public, state agencies must adopt online services like those Minnesotans find everywhere. Thousands of permit holders, city staff, consultants, citizens, and regulated parties interact with the MPCA, submitting applications and required data, asking questions, and more. The MPCA has more than 400 services and data sets in total, many still in paper format. The agency receives more than 600 data requests each month, one of the highest rates among state agencies.

Minnesotans can now handle some of these necessary tasks electronically on the MPCA website. With additional resources, the agency can accelerate the rate at which paper services are moved online.

Proposal

This proposal is an increase of \$300,000 per year from the Environmental Fund to continue the development of online customer service tools. Thanks to past appropriations, the MPCA has already moved some of its applications and processes online, which has been a tremendous benefit during the COVID-19 pandemic.

Still, many types of transactions can only be conducted on paper. Additional investment is needed to move these processes online and to maintain the databases that support our online services. This appropriation will support one FTE at MPCA. The remaining funding pays for contracted services to maintain and update an existing database to accommodate the process changes.

This proposal is expected to support development of the following online services:

- **Upgraded citizen complaint form** for reporting environmental concerns, including illegal discharges, dumping of waste, or air quality issues.
- **Statewide credentialing** for 700 certified designers, installers and inspectors of septic systems.
- **Construction stormwater permits** for subdivisions to foster more timely economic development.



Streamlined economic redevelopment because of faster responses to applications and improved response times to record requests



Enhanced **partnerships with local governments** by allowing them to use the data systems



Better and faster customer service by creating more online services for regulated parties and partners

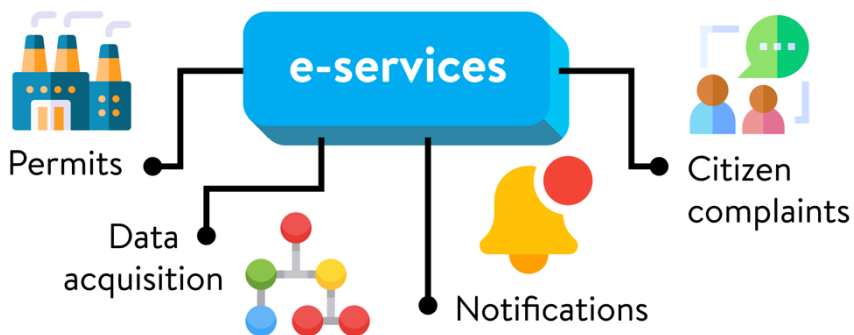


Improved access to data and environmental information for all Minnesotans

Why it's important

Managing agency transactions via paper is inefficient. A paper permit application requires at least 60 minutes of non-technical work before technical staff can start their review. Electronic services can handle the non-technical processing much faster, saving both time and money.

The MPCA has more than 400 online applications and services that must be updated. We can no longer make great strides with small investments. Consistent funding is needed to keep up with our customers' expectations. This funding will help to provide:



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Protecting Minnesota's air quality

Make statutorily required adjustments to air program funding

Challenge

The federal Clean Air Act (CAA) includes a requirement for states to charge air emission fees to cover the cost of issuing permits to facilities that emit air pollutants. In addition, the federal CAA requires air permit fee increases to cover inflation so as to ensure that adequate resources are available to meet the requirements of federal law.

State statute requires MPCA to increase air permit fees to cover the costs of delivering permitting, monitoring, and other regulatory services to regulated parties in the air quality program. The MPCA collects these fees from permittees for two years, and then requests the authority to spend. Air emission fees, including this incremental increase, are deposited to the Environmental Fund.



Proposal

This proposal increases the agency's authorized appropriation to the Air Program from the Environmental Fund equal to the increase in emission fees generated in FY 2020 and FY 2021 under the cost provisions in statute. As established in statute, calculation of the increase includes identifying the total cost of the Air Program (\$16,267,000), identifying the consumer price index increase for the last biennium (1.8%) and distributing that calculated increase – \$318,000 in FY 2022 and \$636,000 in FY 2023 – across agency Air Program appropriations. The primary outcome is the maintenance of service levels from biennium to biennium. The increased costs addressed by this request cover all aspects of the Air Program related to permitting activity, including regulatory work and air quality monitoring.

Why it's important

This proposal is necessary to comply with state and federal regulations. The proposal will ensure the agency is able to maintain service levels for the Air Program. Air pollution has a disproportionate impact on communities of color and low-income populations where industrial and manufacturing land uses reside. These investments are critical for maintaining clean and healthy air for all Minnesotans.

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Realigning agency funding

Minor changes are needed to maximize agency capacity

Proposal: Realigning internal funding to reflect streamlining programs

This proposal redirects funds among MPCA divisions so as to reflect the current organizational structure. These adjustments do not increase or decrease the total funding to the MPCA or change any funding sources. They update the funding distribution between divisions to more accurately reflect where the work is now being done.

Why it's important

During the last biennium, the MPCA made several shifts to better align work groups with related functions in the agency. This included moving the emergency preparedness section from the Remediation Division to the Operations division and moving the external training unit from the Resource Management and Assistance Division to the Municipal Division. This proposal aligns internal funding to reflect those changes.

Proposal: Accelerating Superfund site remediation

This proposal redirects \$256,000 from the Remediation Fund's project dollars to pay for two (2) FTEs to oversee and manage contaminated sites in the MPCA Superfund program. It does not increase or decrease total funding to the MPCA or the Superfund program, and the dollars remain within the Remediation program. These FTEs are critically needed to address a nearly threefold increase in the number of active Superfund sites since 2010.

Why it's important

For several years, the MPCA Superfund program has been operating in a "triage state", responding only to the very highest-risk sites with immediate human health risks, such as high-priority vapor sites and sites where drinking water is impacted. Without additional staffing resources, there will be increasing demand on staff time and it may become necessary to idle existing sites or create long delays in responding to responsible parties cleaning up sites, which would limit the program's ability to respond to sites with immediate human health concerns.

Proposal: Prioritizing Superfund and Petroleum closed site reassessments

This proposal redirects \$180,000 per year within the Remediation Fund to pay for three temporary FTEs to support records management needs associated with Superfund and Petroleum closed site reassessment projects. It does not increase or decrease total funding to MPCA, it merely moves existing funds to a high-priority need.

Why it's important

In the early 2010s, advances in scientific understanding led to the need to reopen previously-closed remediation sites. Because of changes to drinking water health standards and evolving understanding of the risks associated with vapor intrusion, MPCA is re-evaluating risk levels at these old sites and performing additional remediation work at sites where the need is greatest. Many of the old files and records associated with these old sites exist in paper form only. These temporary record management staff will work to digitize these old files, allowing for more efficient workflows on the part of specialized technical staff.

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Protecting Minnesota communities from air pollution

Monitoring equipment is essential to detecting and addressing air quality inequities

Challenge

The MPCA is responsible for ensuring facilities are compliant with permits and state and federal air quality regulations. In addition to providing technical assistance to help permittees remain in compliance with their permits, the MPCA conducts inspections and reviews stack test reports and continuous monitoring reports. These activities are necessary to ensure compliance, provide a deterrent to violators, create a level playing field, and recover economic benefit gained from violations.

While most permittees comply with their permits, MPCA staff increasingly need to verify or conduct their own air monitoring assessments for Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAPs) while in the field. When emitted, VOCs can form ozone and create smog, and HAP emissions are known to cause cancer or other serious health effects. The MPCA currently does not have the equipment necessary to identify VOCs and HAPs during inspections.

Air quality risk

These communities are more likely to be near higher levels of air pollution.



Proposal

This proposal requests a \$180,000 appropriation from the Environmental Fund in FY23 for the purchase of several specific pieces of air monitoring equipment, and an ongoing appropriation of \$4,000 in FY24 and beyond from the Environmental Fund for ongoing equipment maintenance. This new equipment is US EPA approved and includes:

Forward-looking Infrared (FLIR) Camera

Allows leak detection at very low levels of pollution. Readings can be used for screening or directly as evidence of a violation.

Toxic Vapor Analyzer (TVA)

Measures gas concentrations down to parts per million. Readings can be used to detect violations.

Digital Opacity Software Package

Provides an opacity result that can be directly compared to an opacity limit in a permit or a rule. This software is also used to identify permit violations.

With this equipment, MPCA will be able to identify Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs) while in the field. When emitted, VOCs can form ozone and create smog. HAPs emissions are

known to cause cancer or other serious health effects. This equipment will enable MPCA to more effectively monitor compliance statewide, including in areas disproportionately impacted by air pollution.

Why it's important

The air emissions compliance and enforcement program works to ensure human health and environmental risks are managed to benefit all Minnesotans. Many air emission facilities are in former or current industrialized areas, which are often co-located within MPCA-designated environmental justice areas. Currently, hundreds of air emission facilities are located within MPCA defined environmental justice areas. This proposal will help improve the air quality in any community, with emphasis on communities disproportionately impacted by pollution and located near a facility that has an air emissions permit.

MPCA models show lower income communities and areas of higher concentrations of people of color are at a greater risk from air pollution. Residents in 46% of lower income areas and 91% of communities of color experience air pollution risk above health guidelines. The requested funding for air monitoring equipment will ensure that facilities located in these areas comply.

This air emissions monitoring equipment, along with increased inspections, compliance determination and enforcement activities at air emission facilities, will help MPCA detect potential problems, giving Minnesotans greater confidence that nearby businesses are complying with the law and with their air permits and operating in a way that protects human health and the environment.

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Identifying sources of PFAS in the environment

Pilot project will help reduce and manage Per- and polyfluoroalkyl substances (PFAS) by identifying facilities that are sources of and conduits for contamination



Challenge

Minnesota's investigation into PFAS contamination began in 2002 when PFAS contamination was traced to four disposal sites in the east metropolitan area of the Twin Cities. The MPCA now believes potential PFAS contamination is more widespread than previously understood.

Many businesses across Minnesota have historically used PFAS. Car washes using PFAS-containing waxes and polishes, textile companies using PFAS coatings, and firefighting training centers using PFAS-containing foams, among others. Many businesses may not be aware that there are PFAS-containing products in their supply chain, or may not be aware of the health risks associated with those products. Not all uses of PFAS in industrial settings are known.

Proposal

This proposal seeks appropriations of \$450,000 in FY 2022 and \$250,000 in FY 2023 from the Environmental Fund for the acceleration and expansion of the MPCA's pilot project tracking facilities that are potential sources and conduits of PFAS. Such facilities include incinerators, large manufacturing operations, compost facilities, open and closed landfills, among others. The MPCA anticipates ongoing needs of \$250,000 per year through FY 2025.

Why it's important

PFAS contamination is a complex problem that must be attacked from many angles. Understanding the sources of PFAS is crucial. Working together, several state agencies have analyzed existing data and have determined that the results of this proposal would fill a critical data gap in our current knowledge of PFAS.

PFAS can be toxic to humans, fish and wildlife. Humans can be exposed to PFAS through many potential routes, including drinking water containing PFAS or eating fish harvested from PFAS-contaminated surface water. Identifying and remediating sources of PFAS to the environment will prevent adverse physical health outcomes associated with PFAS exposure and reduce exposures for fish and wildlife.

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Evaluating PFAS contamination at landfills, compost facilities, and wastewater treatment plants

Fill a critical data gap around PFAS contamination

Challenge

Per- and polyfluoroalkyl substances, or PFAS, are a group of synthetic chemicals that have been used in a wide array of consumer and industrial products since the 1940s. PFAS are ubiquitous in the environment, and therefore also in our waste streams.

Monitoring in Minnesota and around the country has found that PFAS can concentrate at waste facilities, including those that accept only waste from businesses and homes. PFAS do not break down in the environment or in traditional treatment systems at waste facilities.



The MPCA is required by state and federal law to address contaminants that pose risks to human health, and to find ways to reduce those adverse effects so as to protect human health and the environment.

The most studied PFAS are known to be hazardous to human health at very low levels, and can pose a risk if they are consumed through drinking water, food, or incidental ingestion of dust and soil. States including Minnesota continue the important work of setting health limits for the 5,000+ chemicals in the PFAS family.

Proposal

This proposal is one-biennium only, appropriating \$300,000 in FY 2022 and \$200,000 in FY 2023 from the Environmental Fund to evaluate materials entering wastewater and solid waste facilities that result in high levels of PFAS at these locations – so we can accelerate our progress in reducing the adverse effects of PFAS.

This analysis will expedite our understanding of how waste coming into these sites, both from specific industrial users and general household waste, is affecting PFAS levels in the water that leaves wastewater and solid waste facilities (through effluent, leachate, and compost contact water).

Results will be used to develop technical assistance to local governments and others so facility operators can reduce PFAS impacts to the environment. Both private and public operators of these facilities are looking for ways to address the PFAS challenge. The work will start in FY 2022.

Why it's important

PFAS contamination is a complex problem that must be attacked from many angles. Having the necessary data is crucial. Working together, several state agencies have analyzed existing data and have determined that the results of this proposal would fill a critical data gap in our current knowledge of PFAS.

Because PFAS represents a serious risk to human health and the environment, everyone will benefit from the results of this proposal. PFAS is of particular concern when it comes to protecting pregnant women and developing fetuses, since some PFAS are developmental toxicants. This proposal provides essential initial information to understand what materials are contributing to the levels of PFAS seen leaving waste facilities.

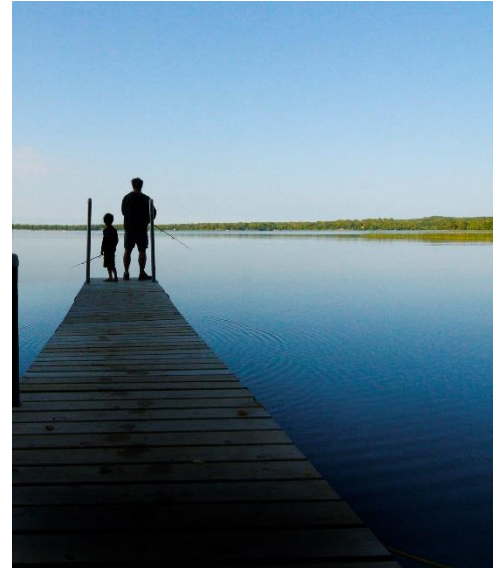
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Protecting Minnesotans from fish contaminated with PFAS

Extensive fish tissue monitoring needed to determine when and where fish are safe to eat

Challenge

Our lakes, rivers, and streams are a treasured resource for fishing, swimming, and boating – enjoyed by Minnesotans statewide.

But those who consume fish from local lakes and streams may be at risk of exposure to unhealthy amounts of per- and polyfluoroalkyl substances (PFAS), a group of more than 5,000 chemicals linked to adverse health effects. PFAS have been widely used since the 1940s and are considered “forever chemicals” because they don’t break down in the environment.

PFAS have been found in Minnesota’s most remote waterways and in fish tissue samples. PFAS can be transferred to people when fish contaminated with the chemical are eaten.

New and ongoing water monitoring is needed to identify the extent of PFAS contamination in Minnesota and to develop safe fish consumption advice.

Proposal

This proposal appropriates \$200,000 in each of FY 2022 and FY 2023 from the Environmental Fund for sampling fish and water for PFAS in multiple surface waters.

Data gathered will help the agency evaluate trends for PFAS in Minnesota’s waterways. This information, in turn, will be used by the MCPA in establishing new water quality standards and by the Minnesota Department of Health in updating fish consumption advice. This is anticipated to be an ongoing appropriation. While some funds have supported previous monitoring of PFAS, there have not been dedicated state funds for this activity in the past.



Collecting foam in an Oakdale stream suspected of containing PFAS.



Why it's important

PFAS pose a growing challenge to Minnesota's water and land, and to Minnesotans. It is particularly important to protect pregnant women and children, as well as Minnesotans who live near industrial sources of pollution, which includes higher proportions of communities of color and low-income residents. In addition, fish consumption is generally higher among members of Minnesota's tribal nations and other communities practicing subsistence fishing.

Results of this work fills a critical data gap on fish contaminant data. The project is efficient and cost-effective because it relies on the existing structure of the Interagency Fish Contaminant Monitoring Program for planning, collection, laboratory testing, data management, and data analysis.



By making sure Minnesota's waters remain clean and vital for both residents and aquatic wildlife, we can support Minnesota's tourism economy and preserve these treasures for future generations.

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Helping communities prepare for possible railroad spills

MPCA's rail coordinator helps communities prepare for the possibility of oil spills and other environmental emergencies along rail lines.

Challenge

Oil spills from train derailments present serious risks to human health and the environment. MPCA's rail preparedness coordinator works with the five largest railroads operating in Minnesota to develop preparedness and response plans for rail emergencies. Coordinating with local emergency managers, fire officials, and railroads, this position helps to test the feasibility of each railroad's preparedness plan and assists with drills and training. The rail coordinator also has some compliance and enforcement responsibilities.



Proposal

This proposal ensures \$128,000 is in the Railroad and Pipeline Safety Account for the MPCA's rail preparedness coordinator. This position fulfills MPCA's statutory obligations under Minn. Stat. 115E, Oil and Hazardous Substance Discharge Preparedness. The previous funding source expired in 2017 and the Railroad and Pipeline Safety Account balance is no longer sufficient to maintain the position. This proposal is part of a larger budget proposal by the Departments of Public Safety and Transportation to reinstate the railroad and pipeline safety assessment to ensure funding is available for local and state government to address oil spills and other emergencies.

Why it's important

The Bakken oil field produces 1.2 million gallons per day. Nearly two-thirds of this production is shipped by rail through Minnesota. Fortunately, a catastrophic spill or derailment has not occurred in recent years. Nevertheless, ongoing preparation and monitoring are essential to protect human health and the environment. The statewide rail preparedness coordinator facilitates important collaboration between railroads and the communities where they operate.

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Addressing mercury in the St. Louis River Watershed

More work is needed to reduce mercury in fish tissue

Challenge

The St. Louis and Cloquet Rivers are home to high mercury concentrations. Mercury is a neurotoxin. Exposure can damage the brain and central nervous system. Children and fetuses are most vulnerable because their nervous systems are still developing. Mercury bio-accumulates up the food chain in fish tissue. Humans eat the larger fish that have higher mercury levels.

Under state and federal law, the MPCA works with partners to address mercury contamination of lakes and streams. When mercury levels exceed water quality standards, lakes and streams are put on the state's impaired waters list. Under the federal Clean Water Act, an impaired water requires a total maximum daily load (TMDL) study. A TMDL study uses all available information to determine how much of a specific pollutant, in this case mercury, the water body can receive and still meet the water quality standard.



Proposal

The Governor recommends a one-time appropriation of \$350,000 in FY 2022 from the Environmental Fund to conduct water quality modeling needed to complete the St. Louis River Mercury Total Maximum Daily Load (TMDL) study. Preliminary work for this study has already been done.

The project is expected to begin in FY 2022 and continue for three years. The \$350,000 requested will be used in FY22 to contract for one-time modeling expertise and resources to fill critical technical gaps and advance the TMDL. After this initial work is completed, remaining work will be completed with existing resources. The MPCA will engage citizens and stakeholders and will partner with local governments, Tribal governments, Wisconsin DNR and US EPA Region 5 to complete this work.

Due to community and Tribal interests and because of the quantity of mercury data already acquired in this watershed, the MPCA is focusing on the St. Louis River watershed, as opposed to other waters in Minnesota. . The MPCA will leverage and collaborate with other water quality work underway in watershed, including local planning efforts. The results of a completed TMDL process will help local governments effectively integrate local actions and projects that are important for reducing mercury pollution.

Why it's important

Reducing mercury in fish tissue will benefit everyone who consumes fish caught in the waterbodies of the St. Louis River watershed. Children and those who consume higher levels of fish will benefit the most. This proposal will lead to watershed planning and management that can be targeted towards reduction of mercury levels in fish tissue. This is significant because fish consumption is generally higher among members of Minnesota's Tribal Nations. These Tribal Nations have treaty fishing rights in the St. Louis River.



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Investing in cleaner more sustainable expansion of biofuels in Minnesota

New funding would aid in deployment of biofuels at fuel stations across the state

Challenge

The Walz administration is committed to responding to climate change and shrinking our carbon footprint by accelerating our state's transition away from fossil fuels. With this in mind, the Governor established the Council on Biofuels with the goal of developing tangible and actionable steps towards expanding and improving access to renewable fuel alternatives. Over the course of nine months, the Council met and developed 10 recommendations to pursue the state's goal of greenhouse gas reduction, carbon efficiency and petroleum replacement goals. These recommendations call for a multi-faceted approach with robust contributions from multiple state agencies. A key component of these recommendations is the need to upgrade fuel-dispensing equipment to make sure it is compatible with E25. It is estimated that under this proposal approximately 2,975 stations in Minnesota would need equipment replacement, based on biofuels compatibility requirements.



Proposal

This proposal is an \$800,000 per fiscal year General Fund appropriation for seven years beginning in FY 2024. These funds would be used by MPCA to cover agency costs associated with upgrading, replacement, or new installation of fuel dispensing equipment. These costs are comprised of 6.25 FTE for inspections, providing compliance and technical assistance, and for reviewing, approving, and managing required forms and submittals. With a large number of stations in need of transition, this supplemental appropriation will help ensure there is sufficient capacity to support biofuel expansion and transition.

Why it's important

Transportation is the largest contributor to greenhouse gas emissions in Minnesota. By transitioning to biofuels, we can reduce our carbon footprint, increase our energy independence, and support Minnesota growers and businesses. The proposal will help give MPCA the additional capacity necessary to advance the state's transition to a renewable energy future.

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Two supplemental changes allow service delivery that Minnesotans expect

Challenge

Many Minnesotans rely on MPCA's ability to respond quickly to ensure they have safe drinking water. Discoveries of new contamination continue but are unpredictable. The MPCA must maintain the ability to respond quickly to these discoveries.

An example is PFAS groundwater contamination in the Twin Cities East Metro impacting many private and public drinking water wells, due to decades of PFAS waste deposited in landfills. MPCA has provided safe, temporary drinking water systems for impacted individuals and communities until long term actions are implemented. 3M is to reimburse MPCA for these efforts, but the company has disputed and not reimbursed all of the expenses. It has resulted in the Remediation Fund covering additional expenses until the dispute is resolved.



Proposal

This proposal is for an additional transfer of \$4.0 million in FY 2022 from the Environmental Fund to the Remediation Fund. This transfer is needed to ensure MPCA can continue to address contaminated sites in the East Metro and across Minnesota, and to ensure a positive balance in the Remediation Fund. This proposal does not increase or decrease funding to the MPCA but merely moves funds from the Environmental Fund to the Remediation Fund.

Why it's important

This transfer will prevent a strain on funding for the agency's remediation program. Without this transfer, there would be negative impacts on MPCA's ability to address contaminated sites in the East Metro and across the state.

Challenge

Many Minnesotans depend on services from MPCA in water-related areas such as wastewater, stormwater, feedlots and monitoring. Whether they are individuals, local governments, or businesses, they are entitled to timely and reliable service from the agency as regulated parties. With rising costs of service delivery and flat funding in existing budgets, the agency is continuing to actively pursue innovative ways of operating more efficiently. But without an enacted increase, service that Minnesotans expect and deserve may decline.



Proposal

This proposal recommends additional funding of \$ 1,435 million in FY 2022 and \$1,641 million in each subsequent year from the Environmental Fund for MPCA's Water Programs. The increase will be distributed to the following MPCA Divisions: Watershed \$410,000/\$460,000; Resources Management and Assistance \$85,000/\$91,000; Environmental Analysis and Outcomes \$210,000/\$245,000; Municipal \$465,000/\$545,000; and Industrial \$265,000/\$300,000. These appropriation increases will maintain current services.

Why it's important

These programs provide services that improve water quality and positively impact people in all areas of Minnesota. The funds will help ensure that permittees receive technical assistance in a timely manner and will support MPCA's work on tailored permitting approaches like trading and site specific standards that fully protect water for residents of communities adjacent to permitted facilities and lead to improved cost-effective permit compliance, with better protection of water resources statewide as the result. Citizens across the state will continue to have access to water monitoring data and assessments, and local partners will continue to receive technical support and assistance with water and watershed management. Without the funds, timely and innovative permitting work, targeted technical assistance, and strong local-state partnerships for water management will be more difficult.

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Keeping permitted facilities in compliance

New compliance assistance while protecting taxpayer dollars

Challenge

Every day, a vast majority of permitted facilities in Minnesota comply with state and federal air quality laws and regulations. The Minnesota Pollution Control Agency (MPCA) works cooperatively with permitted facilities to prevent pollution and avoid future permit violations.

To help permitted facilities remain in compliance, the MPCA provides technical assistance and training, as well as timely compliance inspections. To ensure Minnesota's air is protected, the MPCA needs additional resources to help permitted facilities remain in compliance.

When permitted facilities break the public's trust by endangering our environment and public health, enforcement actions are required to hold violators accountable. The current statute does not provide MPCA with the necessary regulatory tools to effectively enforce federal and state law in the manner that Minnesotans expect. Too often, Minnesota taxpayers, not the violator, are left paying for the agency's investigations, re-negotiating requirements, and monitoring to verify compliance.

The requested policy changes and funding for additional compliance and enforcement staff will ensure that permitted facilities comply with applicable regulations.

Proposal

This proposal builds capacity in the air regulatory program for compliance and enforcement work, especially in communities disproportionately impacted by air pollution. The recommendation is for an additional 3 FTEs for a cost of \$384,000 per fiscal year. Three additional compliance and enforcement staff will allow for more timely inspections and compliance assistance. They will also help to support the work of permit-writing staff.

In addition, policy components of this bill clarify the MPCA Commissioner's authority to:

- Order a person or company to immediately cease operations during emergencies
- Suspend, modify, or revoke permits or require adequate financial assurances or additional agency oversight in cases of willful, chronic, or substantial permit violations

The MPCA is also requesting to eliminate "increased costs" as an acceptable reason for not complying with the terms of a negotiated settlement.



Why it's important

When a permitted facility falls out of compliance, the consequences to Minnesota's environment and public health can be devastating. It also has a significant economic impact on the community. These consequences are especially true for low-income and diverse communities and neighborhoods which disproportionately have pollution-heavy industrial facilities. Once a serious violation occurs, it takes considerable resources and time to rebuild community trust and bring the facility back into compliance.

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Enhancing efficiency by eliminating redundant report on implementation of water quality standards in permits

Maximize the MPCA's technical assistance to cities, maintain focus on optimization

Challenge

The MPCA is currently required under statute to produce an annual report that is redundant and duplicative of other, more effective means for sharing the same content. Preparing the **National Pollutant Discharge Elimination System/State Disposal System Permits, Water Quality Standards, and Municipalities Report** requires at least 80 hours of staff time per year, or up to \$3,500 annually, and reduces the capacity of the MPCA's sole municipal liaison to serve communities.

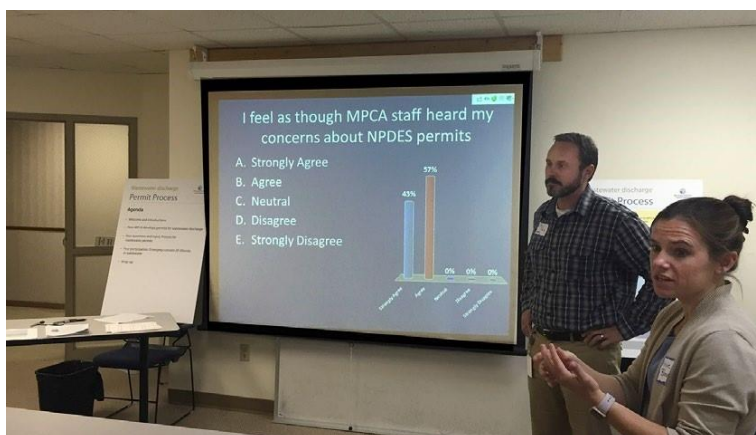
Proposal

Remove the statutory mandate to prepare this report, because the information it contains is already readily available on the agency's website and in other formats. This duplication of effort is inefficient and redundant, and takes resources and staff time away from assisting municipalities.

Why it's important

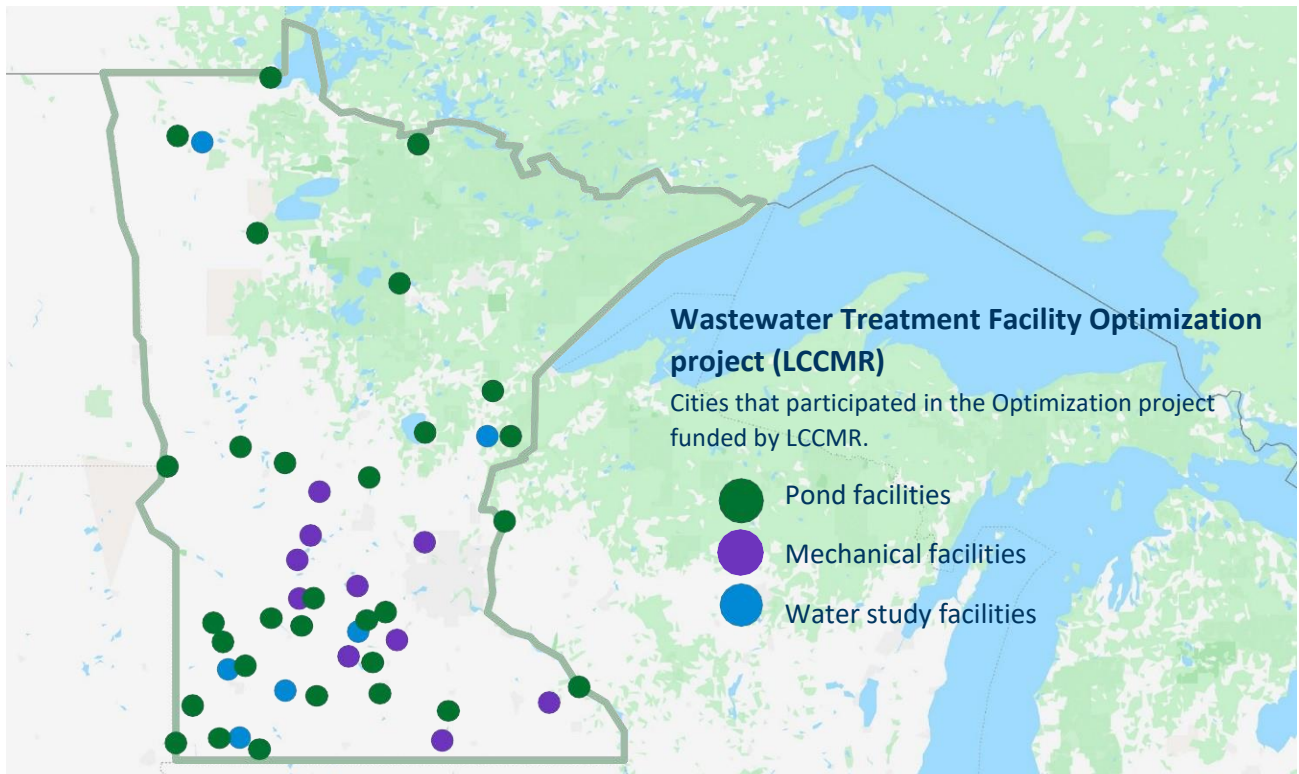
MPCA values communication with stakeholders. For that reason, we already share the information contained in this report online, in formats designed for nontechnical audiences as well as technical staff. Web analytics show that the legislative report has been viewed very few times, and over the first five years this report was produced, the agency has received no questions or comments about it.

The staff person with the expertise to prepare this report is the MPCA's only municipal liaison. This person serves in a position specifically created by the Legislature to help Minnesota communities solve problems related to wastewater treatment and wastewater infrastructure needs. Eliminating this mandate will free up the municipal liaison to do more of this important work with cities statewide. Furthermore, freeing up our Municipal Liaison's time will assist in implementation of the **Wastewater Treatment Facility Optimization—Best Management Practices** (BMPs) report, a compendium being produced by MPCA in partnership with Minnesota Rural Water, the University of Minnesota and others, using funding from the Environment and Natural Resources Trust Fund as recommended by the Legislative Citizen Commission on MN Resources (LCCMR). The optimization BMPs will help municipalities statewide to minimize wastewater operating costs—whether those facilities are mechanical on pond systems—while maximizing ability of facilities to meet new phosphorus limits without having to undertake major construction.



Joel Peck, MPCA Municipal Liaison and Municipal Wastewater Section Manager Nicole Blasing discuss permit issues with municipal operators and elected officials in the Detroit Lakes region (December 2016)

Thus, this proposal to eliminate the duplicative report will result in more technical assistance for cities facing challenges such as aging infrastructure and nutrient removal. Freeing up this capacity will pave the way for faster adoption of new facility optimization BMPs funded via the LCCMR.



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Addressing statewide inequities in pollution exposure

The effects of pollution are concentrated in communities that already bear heavy social and economic burdens.

Challenge

While many parts of Minnesota have benefited from air pollution reductions, more work is required to improve air quality in areas where Black, Indigenous, people of color, and low-income residents live. Past business decisions and discriminatory government policies resulted in pollution-heavy industrial facilities located in many low-income and diverse communities and neighborhoods. This increased exposure corresponds to health disparities exhibited in these same communities.

Proposal

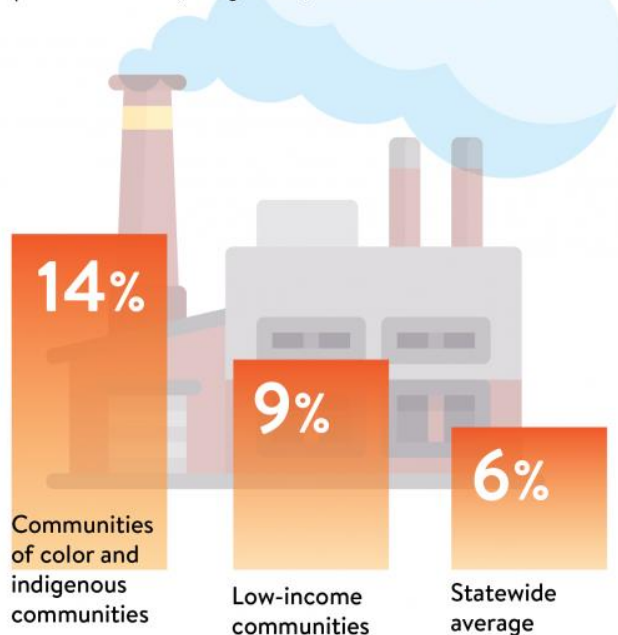
New policy tools are needed to give residents a more meaningful seat at the table when new or expanded industrial facilities are proposed in their communities. These new tools will also help businesses stay in compliance and cities make better permitting decisions. This proposal has three essential components – clearly defining environmental justice in state statute; codifying the MPCA’s current environmental justice efforts, and integrating cumulative impact analysis in permitting decisions.

Clearly define environmental justice and areas of concern

Clearly define community of color as	Any geographically distinct population with a substantial number of individuals who identify as Black, African-American, Hispanic, Latinx, Asian, Pacific Islander, or any other nonwhite race.
Clarify that environmental justice means	Communities of color, indigenous communities, and low-income communities enjoy a healthy environment and fair treatment with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
Clearly define environmental justice areas of concern as	A census tract or tracts wherein at least 40 percent of people reported income less than 200 percent of the federal poverty level or at least 45 percent of the people identify as people of color in the most recent data from the United States Census Bureau.

Living near air pollution

Your likelihood of living near a facility that emits pollution at a level above health guidelines is higher if you are a person of color, indigenous, or lower income.



Codify in statute ongoing agency efforts to protect human health and the environment in environmental justice areas of concern

Minnesotans entrust the agency to protect communities from pollution. This will codify the agency's long-term commitment to addressing disproportionate burdens and inequities by:

- Bringing a community focus through community outreach, engagement, and education;
- Working with other state agencies to develop multi-pronged approaches to eliminating environmental and health disparities;
- Promoting accessibility to environmental data pertaining to environmental justice areas of concern;
- Encouraging coordination and collaboration with residents of environmental justice areas of concern to address environmental and health inequities and disparities; and
- Ensuring environmental justice values are represented to the agency by a Commissioner-appointed environmental justice advisory committee.

Integrate cumulative impact analysis into permitting process in environmental justice areas of concern

Under this proposal, cumulative impacts would be defined as the potential public health and environmental impacts from combined pollutant exposures and risks, incorporating the context of community vulnerabilities, assessed from publically accessible data based on the past, present, and reasonably foreseeable future levels, emissions, and discharges affecting the geographical area. This proposal sets requirements for new or expanding facilities located in an environmental justice area of concern. These facilities must:

- Analyze the cumulative impacts of adding or expanding within the area of concern
- Hold at least one public meeting in the neighborhood prior to final permit decision
- Host regular meetings with neighboring residents to discuss community concerns

Under this proposal, the MPCA may require facilities in environmental justice areas of concern to host regular meetings with neighboring residents to discuss community concerns. In addition, this proposal allows MPCA to deny new permits in environmental justice areas of concern if the agency finds that a new facility would cause or contribute to adverse cumulative impacts.

Why it's important

Striving to address environmental inequities across Minnesota is an ambitious and long-term effort. Air pollution is associated with a variety of harmful respiratory and cardiovascular effects. Low-income residents and people of color are disproportionately impacted by air pollution.

While fully addressing disparities in environmental exposures and effects will require the combined and concerted efforts of many partners: government; non-profit and community organizations; businesses; and community members, new data-driven approaches that consider cumulative impacts and enhance resident involvement are critical to reducing environmental and health impacts in these communities.

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Preparing communities for our changing climate

Extreme weather events increasingly threaten Minnesota's economy and communities

Challenge

Communities throughout Minnesota are increasingly unprepared for mega-rain events that are four times more likely today than just a generation ago. With aging and inadequate stormwater infrastructure, extreme precipitation events that are causing too many local streets to flood, sewer systems to backup into homes and businesses, and wastewater treatment plants to release partially or fully treated sewage into lakes and rivers.



While many cities, counties, and Tribal Nations across the state are already developing strategies to address future needs related to climate change, additional resources are needed to make sure every community can afford the necessary preparations.

Proposal

This proposal includes General Fund appropriations of \$1.358 million for FY 2022 and \$1.6055 million for FY 2023 to provide grants to communities statewide for climate resiliency planning. These grants can pay for the climate risk assessment, planning, and pre-design needed to inform the development of bonding proposals to upgrade stormwater infrastructure. Currently these activities are not eligible for bonding funds. Grants will be available on a competitive basis to counties, cities, townships and Tribal Nations in Minnesota.

Why it's important

Extreme weather events adversely impact Minnesota's economy by destroying homes and businesses, damaging our infrastructure, and contaminating drinking water supplies. The cleanup from these events puts a strain on city budgets and often results in significant damage to residential, business and public property. Resiliency planning efforts are also necessary to mitigate the effects of extreme heat on vulnerable Minnesotans.

Evaluating community impacts will allow local governments to do the necessary work now to prepare their communities for future effects of a changing climate. Assessments and planning will provide greater assurance to local communities, create more certainty for the economy and foster sustainable economic growth.

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Promoting sustainability through waste prevention and reuse

Waste prevention, repair and reuse of electronics, clothing, household items and food donation shrinks our carbon footprint, reduces disposal costs and supports Minnesota businesses.

Challenge

Despite maturing compost and recycling programs, Minnesotans are still disposing of more waste - and landfills keep growing. Landfills currently have no formal incentives to reduce the amount of waste they receive.

In 2019, there were 20 active Mixed Municipal Solid Waste (MMSW) landfills, collecting about 2.1 million tons of waste. Landfills produce sizable amounts of greenhouse gases (GHGs) that contribute to climate change. In addition, landfilling uses up valuable space, impacts neighboring communities, and creates costly liabilities even decades after landfills close.

A wide range of prevention and reuse activities - such as food donation, electronics repair, sharing libraries, thrift stores, and refurbishing home furnishings - offer opportunities to prevent items from entering the waste stream. But these waste-prevention activities have not received the attention and support they deserve.

Without action now, Minnesota will continue to expand landfills to accommodate increased generation of waste and will bear the cost (financial and negative impacts to communities) and climate consequences of maintaining landfills. This will be a missed opportunity to support communities and individuals to consume more sustainably, save money, reduce statewide GHG emissions, and bolster the local reuse economy.

Proposal

The Landfill Responsibility Act (LRA) is a new initiative that seeks to slow landfill expansion and lessen GHG emissions by expanding efforts to reuse items and prevent waste creation.

These goals would be achieved through creating an obligation for landfills to decrease their impacts by funding waste prevention and reuse projects at a rate equal to three percent of their annual gross revenue from mixed municipal solid waste (MMSW) disposal. The MPCA will solicit waste prevention and reuse/repair projects and compile an eligible projects list. Landfill operators will choose projects from the list to fund, equal to their three percent obligation, as part of their Waste Prevention Plan. The Waste Prevention Plan is submitted every three years for MPCA approval.

By the numbers:



2.1 million tons of waste accumulated in landfills in 2019



77,800 jobs were related to the reuse, rental and repair industry in 2015



\$10.26 billion in sales are attributed to the reuse, rental and repair industry in 2015



40% of waste prevention and reuse activities would directly benefit underserved communities

For measurement, MPCA will collect the weight of waste that eligible projects divert from landfills and use life cycle assessments to convert these amounts into GHGs saved and other environmental benefits. MPCA will also conduct waste composition studies at landfills to track changes in the amount of various types of material streams and assist with calculating GHG savings.

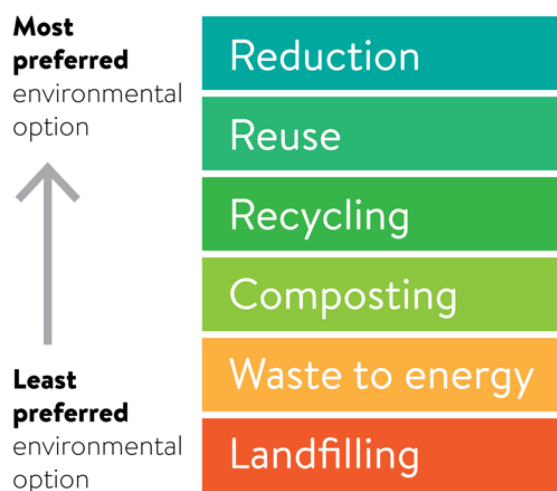
The LRA specifies that 40% of waste prevention and reuse activities must directly serve communities in environmental justice areas. It would provide access to services such as: food donation, repair services, learning opportunities on meal-planning to avoid waste, and skill-building to be able to repair products. It also lessens dependence on landfills, which disproportionately affect environmental justice communities.

Why it's important

The LRA seeks to:

- Save money for individuals and businesses by reducing their waste generation; bolster the reuse economy
- Reduce environmental and climate impacts by incentivizing prevention of waste and material reuse
- Minimize landfill dependence and the costly responsibilities of post-closure care
- Preserve landfill space; minimize landfill impacts to neighboring communities
- Provide access to services for environmental justice (EJ) communities of concern
- Reduces GHG emissions

Minnesota's waste hierarchy



Preventing waste and reusing materials are priorities in Minnesota's efforts to combat climate change. Life cycle assessment data shows significant GHGs are emitted during the production phase of many materials, including food/beverages, electronics, furnishings, and textiles. When we quickly throw things away and replace them, we incur those GHG impacts again, because new products have to be made. That's why preventing waste can reduce GHG emissions. For example, if Minnesotans doubled the useful life of our clothing and household furnishings through increased repair and reuse, the GHG savings would be equal to increasing the efficiency of all Minnesotans' personal vehicles by 15 percent. On average, preventing food from being wasted—for example by using tools to right-size food purchasing and serving at restaurants—saves 20 times more GHG emissions than composting it.

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Expanding eligibility for recycling and composting grants

Provides opportunity for Tribal Nations to compete for recycling and composting infrastructure grants

Challenge

Current statute related to for MPCA's Greater Minnesota Recycling and Composting Grants is written in such a way that Tribal Nations are ineligible to compete for these funds. These grants are a valuable way for communities to expand recycling services to residents, creating economic activity by treating these materials as resources rather than trash. All Minnesotans benefit from consistent statewide access to funding for recycling and composting services.



One of several rural drop-off collection locations for convenient recycling of paper and food and beverage materials throughout in St. Louis County

Proposal

This proposal seeks to extend eligibility for Greater Minnesota recycling and composting grants to federally-recognized Tribal Nations in Greater Minnesota. Existing statute limits eligibility for the grants to “political subdivisions” as defined under M.S. 465.719, which does not include Tribes. In order to be consistent with the spirit of the law, only Tribal Nations in Greater Minnesota would be eligible to apply.

Why it's important

Recycling supports more than 60,000 jobs in the state, paying almost \$3.4 billion in wages and adding nearly \$15.7 billion to Minnesota's economy. Each year, Minnesotans throw away more than 850,000 tons of recyclables with an estimated value of \$153 million per year.

These grant funds are an important tool for communities seeking to increase access to recycling and composting. Tribal Nations are important partners in our statewide waste management and reduction efforts.

Providing statewide access to recycling and composting infrastructure is an important step toward achieving our statutory goals to reduce waste and greenhouse gas emissions.

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Uniform labeling for compostable products

Address compost industry concern, inform consumer choices and ultimately reduce the strain on landfills

Challenge

Minnesota's composting industry is seeing costly problems because non-compostable materials are entering the waste stream that supplies compostable material. A key issue is misleading labeling on some compostable products. Moreover, as consumers demand to know the environmental implications of their purchasing choices, misleading labeling on compostable products can lead consumers to purchase and dispose of products with dubious environmental benefit. This proposal will ensure that labeling claims such as "compostable" conform to standard, industrywide definitions. Such conformance will reduce consumer confusion and prevent the contamination problem seen at some compost facilities today.



Proposal

This proposal will standardize labeling claims to ensure consistency with industry standards. These standards are maintained by a third party certifier. Consistency with industry standards will reduce consumer confusion. Further, it will allow everyone, including those for whom English is not a first language, to more easily identify and dispose of products that are suitable for composting. The proposal also amends M.S. 325E.046 to provide MPCA with the authority to enforce the new labeling requirements.

Why it's important

Composting is a vibrant and growing industry in Minnesota. Simple policy changes would help to reduce the amount of contamination in the compost stream, resulting in a higher-quality and more competitive product. Supporting this industry's success is in the interest of all Minnesotans because treating organics as a resource, not as trash, reduces our greenhouse gas emissions and reduces the amount of waste entering our landfills. In addition, cost-effective local sources of compost help communities adapt to the changing climate by improving drought resistance of soil and helping with erosion control.

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Rapidly responding to protect Minnesotans: Clarify statutory appropriation for CLIF

Ensure Closed Landfill Investment Fund use for unexpected/urgent events

Challenge

Communities all across Minnesota have closed landfills that must be monitored and managed in perpetuity to protect the environment and human health. Time-sensitive responses to unexpected environmental releases or incidents at these sites cannot be postponed until the Legislature has the opportunity to authorize an appropriation. These sites produce contaminated fluids (leachate) and gases that must be managed properly to avoid polluting groundwater or affecting nearby structures. There are 110 closed landfills in the Closed Landfill Program, located all across the state and mostly in rural areas.



Closed Washington County landfill in Lake Elmo. Note the proximity of homes and Lake Jane to this landfill.

The Minnesota Legislature created the Closed Landfill Investment Fund (CLIF) in 1999 to ensure that the state had the money necessary to maintain the more than 100 landfills statewide in the state's Closed Landfill Program. The CLIF was seeded with \$20 million and left to grow until FY2021. State law requires the MPCA to maintain and monitor closed landfills in perpetuity to ensure they are not contaminating the environment and posing risks to human health.

The language in the CLIF statute notes that "Money in the fund may be spent by the [MPCA] commissioner." Some believe the statute must explicitly state that the funds "are appropriated" to fully grant spending authority. But if the Closed Landfill Program does not have timely access to the funding set aside in the Closed Landfill Investment Fund, Minnesota communities could be put at risk.

Proposal

This proposal clarifies that the **Closed Landfill Investment Fund** (CLIF) is statutorily available to the agency for spending on qualified closed landfill expenses beginning in fiscal year 2022. This recommendation will help to ensure that the Legislature's foresight in establishing CLIF can be successfully and efficiently implemented, and a prompt response can be executed in emergency or urgent situations at closed landfills.

To show accountability for the use of these funds, the MPCA will measure and report on the amount of money spent each year, how it was spent, and the number of completed closed landfill projects adjacent to environmental justice areas.

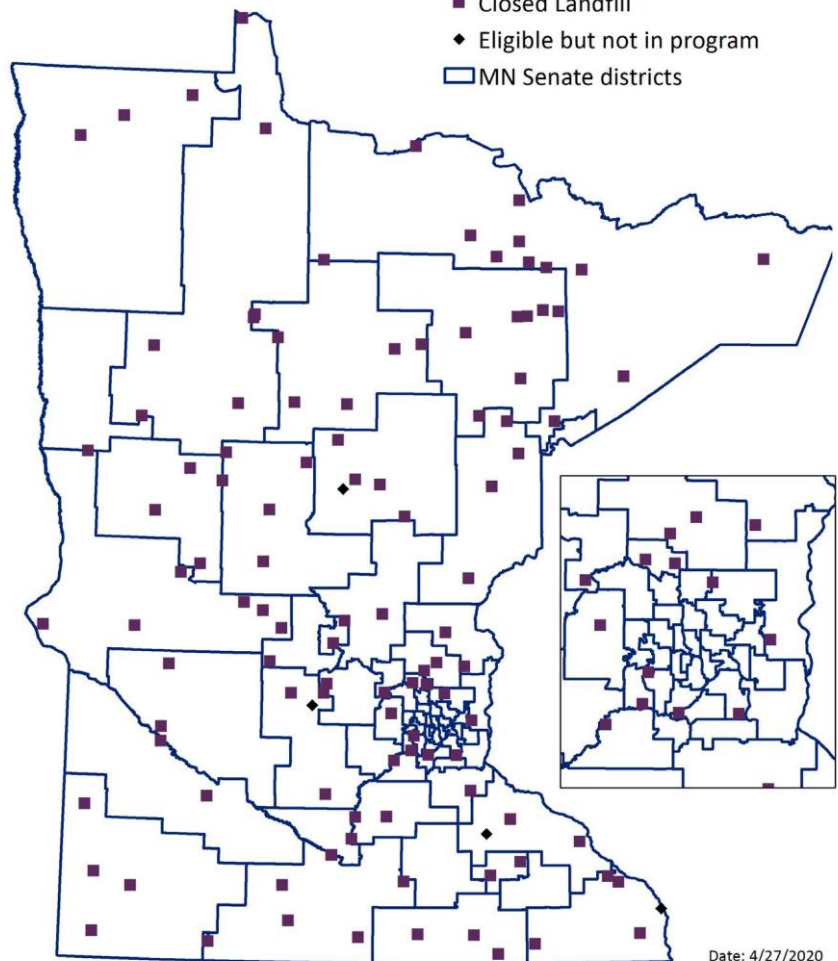
Why it's important

Changing the statute language will allow the MPCA to act quickly when closed landfills pose a risk to human health and the environment. The agency uses several other remediation accounts that have statutory appropriations, including the Petroleum Tank Fund, Dry Cleaner Environmental Response and Reimbursement Account, Metropolitan Landfill Contingency Action Account, Natural Resources Damages Account, and Water Quality and Sustainability Account (i.e., 3M Natural Resources Damages Settlement). The MPCA has a strong, decades-long history of managing these accounts in a fiscally protective and responsible manner.



Closed Landfill Program locations

- Closed Landfill
- ◆ Eligible but not in program
- MN Senate districts



Date: 4/27/2020

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