

Dear Committee Members.

Thank you for the opportunity to testify in support of reinstating the MPCA Board (HF 2076).

My name is Beth Slocum. For more than 40 years I've been a farmer in Goodhue County where my husband and I raise sheep on permanent pastures. I'm also a long-time member of Land Stewardship Project.

We and our neighbors in southeast Minnesota have seen lots of changes in our countryside environment over these 40 years, many of them detrimental to our water, our soil, our air -- and to our public health and rural economy.

Reinstating the Minnesota Pollution Control Agency's Community Board is essential for providing an open, accessible, and democratic process that can lead to appropriate environmental review and potential permitting for any industrial or agricultural proposal that has the potential for "significant environmental impact."

In rural Minnesota, farm families and other rural residents feel those impacts when they are exposed to contamination of their water, air and soil, and when their health and livelihoods are affected by a proposal that will have a profound impact on their lives. The significant concerns of these folks need to be heard and weighed carefully to be sure that the environmental review process provides a thorough investigation. The Community Board becomes the first access point for the folks whose lives will be most affected – and who need the most protection from adverse impacts,

The Community Board provides access to and oversight of input from community members in a democratic, transparent process. Folks living anywhere in Minnesota can raise their concerns and provide information and feedback for the environmental review process. Too often, the proposer becomes "the customer" rather than the folks whose lives will be dramatically affected.

We need the health and economic well-being of our communities and our rural countryside to be "the customer." The Community Board can ensure that priorities are arranged thoughtfully in ways that will benefit all Minnesotans, no matter where they live work or farm.

Thank you.

Beth Slocum
Sheep Sorrel Farm
Welch, MN



DEDICATED TO A STRONG GREATER MINNESOTA

March 13, 2023

RE: Citizens Membership of Pollution Control Agency

Dear Representative Hansen and Committee Members:

I am reaching out on behalf of the Coalition of Greater Minnesota Cities (CGMC) to express our concern about H.F. 2076. The CGMC is a group of more than 100 cities located outside the metropolitan area. Our members are dedicated to a stronger Greater Minnesota and are focused on developing viable, progressive communities for families and businesses through good local government and strong economic growth. We are concerned that this proposal could have a detrimental impact on the ability of our communities to grow and thrive in the future.

The work of the Minnesota Pollution Control Agency (MPCA) affects our member cities and their residents in many ways. The MPCA helps ensure that the air they breathe is clean and our Minnesota waters are drinkable and fishable. Many of our members hold permits from the MPCA for their wastewater facilities and other municipal operations.

We value the importance of providing Minnesotans a voice regarding our environment. However, we believe this proposal, as currently structured, gives too much authority to a non-elected body that does not have specialized experience in the matters that will come before it.

This legislation vests final decision-making authority over a much broader range of activities than its predecessor board or any similar board in Minnesota or elsewhere. Every single decision on a permit. Every single variance request. This proposal is an unparalleled expansion of authority.

These decisions and the reinstated final authority over environmental assessment worksheets, environmental impact statements, and the adoption of rules all require highly specialized and technical knowledge. Yet there is no requirement that the members of this board have any experience or training regarding the matters over which they will be making decisions. In fact, the legislation specifically excludes members who have knowledge and experience with some of the issues the reconstituted agency will face.

We are concerned that reconstituting the board with this broad scope of power without requiring any technical background to address the issues before it will lead to delay, uncertainty, and potentially worse outcomes for the environment. Permit decisions that already take too long may be further delayed, particularly because of the increased amount of work this group will handle. Changes in administration could also lead to wildly different results as the make-up of the board shifts.

These decisions by the agency are important to our members. Failure to include adequate protections within permits can harm the health of our residents. But permits that are delayed or arbitrarily denied can result in the closure or relocation of businesses that support our communities.

Hearing all voices on environmental issues is a worthy goal. Still, we believe any such proposal should have a more limited policy-focused scope and be structured to guarantee that persons with direct experience in the subject matter are included. There are examples of how this can be done elsewhere. For example, the Board of Water and Soil Resources is governed by appointed citizens, but they must be knowledgeable about the subject area. Multiple appointees work in the field over which they have authority. They also have a larger board, which provides more opportunities to reflect the state's diversity. Moreover, the board does not have the same broad scope of authority as the MPCA to decide on permits.

Thank you for the opportunity to comment on this legislation. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. D. H.", with a stylized flourish underneath.

Brian Holmer
President, Coalition of Greater Minnesota Cities
Mayor, Thief River Falls

Roots Return Heritage Farm LLC



Carver, MN

E-Mail: rootsreturn@gmail.com

Date: March 14, 2023

To: Minnesota State House Members Environmental and Natural Resources Policy Committee, Chair Hansen, Vice Chair Jordan

RE: Support for HF 2076 (Pursell) MPCA Community Board Re-Instatement

Greetings Chair Hansen, and Members of the Committee:

Thank you for the opportunity to submit support of this bill. I farm and lease land to food farmers in Carver County. I serve on the advisory boards for my local **County Water Mgmt Org, MN Ag Water Quality Certification Program**, and BODs for **MN Institute for Sustainable Ag** and **MN Ag in the Classroom**. Within these boards, their governance, participation, rules and authority vary. Each provides a vehicle for participation and feedback, inquiry and engagement, enhanced understanding, or rejection of what the foundation, agency, or board's goals and existence achieves. Reinvigorating an MPCA Community Board will do the same for all Minnesotans it serves. Removing a board completely with no notifications would violate any boards governance I have ever served on and I'm sure many can concur from their own experiences.

This bill allows public re-engagement with MPCA for the check & balance approach repeated not only in statute for other agencies, but also the bedrock of what our federal system saw as democratic definition. We all sit here today in that system.

All state agencies are funded by all our tax dollars. Mere existence is to serve the public interest. If other structures or mandates within MPCA groups, councils, boards requested public interaction this may not be necessary. Some public meetings provide zero time or request for public input, some 5 minutes at the end *if* agenda does not extend, and regular decision making occurs with zero public knowledge. MPCAs 30-day notices have become increasingly difficult to navigate with the updated website. That is not democratic, and leads to narrow focus. I recently inquired to MPCA and went away without answers. How does that measure against Governor Walz current request for each agency to create metrics where serving the public and transparency are top priority? Without the community board, that metric produces a failing grade for years to come.

I feel it necessary to include an often-overlooked statute, **116B. Environmental Rights** adopted in 1971:

116B.01 PURPOSE.

The legislature finds and declares that each person is entitled by right to the protection, preservation, and enhancement of air, water, land, and other natural resources located within the state and that each person has the responsibility to contribute to the protection, preservation, and enhancement thereof. The legislature further declares its policy to create and maintain within the state conditions under which human beings and nature can exist in productive harmony in order that present and future generations may enjoy clean air and water, productive land, and other natural resources with which this state has been endowed...

Your **YES** vote will ensure transparency for agency mission and vision. There is no increased cost or time added for a permit requestor; costs and time are driven by their own compliance requirements. I humbly ask for your support for this bill for all Minnesotans.

Lori D. Cox, owner
Roots Return Heritage Farm LLC

March 11, 2023

To: MN House Environment and Natural Resources Committee
Re: HF 2076 to Reestablish the MPCA Community Board
Fr: Jim Riddle
Organic Independents LLP
6 Emerald Drive
Hillsborough, NH 03244
jimriddle56@gmail.com

Mr. Chair, Members of the Committee:

Thank you for the opportunity to testify on SF 1937, a bill to reestablish the MPCA Community Board. My wife and I own Blue Fruit Farm near Winona, MN, although we are in the process of transitioning our farm to the next generation. We have retired and presently live in New Hampshire, to be closer to our younger daughter and her family.

I served on the MPCA Citizens' Board from 2012-2015. Former Governor Mark Dayton appointed me to serve in the position, and I was confirmed by the Minnesota Senate, after a public hearing.

I am here today to express my support for Senate File 1937, which will reestablish the MPCA Community Board. The Board was eliminated by the Legislature in 2015, without a specific bill to do so advancing out of committee. There were no hearings regarding elimination of the Board, and no Board members were called to testify. The Board was eliminated by conference committee in the dark of night, in the final hours of a session.

The Citizens' Board served the people of Minnesota well since the MPCA was established in 1967. The Board served as a check and balance on the agency charged with protecting Minnesota's environment and human health.

The Board's monthly meetings were well attended and broadcast, giving the citizens of MN a voice on environmental protection and quality of life issues. Our decisions were made in the public, in broad daylight. The Citizens' Board provided a transparent and efficient process. As Board members, we did our homework and came to meetings well prepared. We asked informed questions of proposers and MPCA staff, and made tough, but transparent decisions.

Since the Board was eliminated, democracy has been weakened. The MPCA Commissioner makes all decisions, with no mandated, regular, public process, and without input from a Citizens' Board, comprised of members with a balance of diverse interests, backgrounds and technical expertise.

Citizens' Board meetings provided members of the public, including businesses, communities, and individuals, a voice. Even when a decision didn't go their way, people's concerns were heard and taken into consideration. We were often thanked for our thoughtful deliberations, even by people who "lost" on particular issues.

In my experience, the Citizens' Board never over-stepped its statutory limits. It reviewed all proposals on their merits, judged by Minnesota's laws, rules and environmental review criteria. We asked tough questions of agency staff, who sometimes acted as advocates for the

proposers, and held them accountable. Further, the work of the Board was conducted in a timely and thoughtful manner. All of our actions were taken in the light of day, with full transparency.

I have served on several local, State and Federal advisory boards, some with statutory authority, and some without. For example, I served 19 years on the MN Department of Agriculture's Organic Advisory Task Force. While we gave substantive and significant advice to various Commissioners, both Republican and Democrat, our advice could always be ignored.

I served on MN's Ag Water Quality Certification Committee, which led to creation of a voluntary program for farmers and agricultural landowners to implement conservation practices that protect our water. We served an advisory, rather than regulatory, role.

I also served on the USDA's National Organic Standards Board, which has the statutory authority to decide which substances are allowed or prohibited in organic production and handling. The Secretary of Agriculture cannot add or remove a substance without a 2/3 affirmative vote of the NOSB. Because the NOSB has real power, its work is respected and its meetings are very well attended.

The same was true of the Citizens' Board. The Citizens' Board was a model of democracy in action, and it should be reinstated, or re-constituted as a new Community Board. Thank you.

Respectfully submitted,

Jim Riddle
507-429-7959

To: MN House Environment and Natural Resources Committee
Re: Support for House File 2076 to Reinstate the MPCA Board
Fr: Loni Kemp
14083 County 23, Canton MN 55922
lonikemp@gmail.com

I am writing in strong support of S.F. 1937 to reinstate the Minnesota Pollution Control Agency Citizens' Board. The Board was eliminated by the Legislature in 2015 without a bill or hearings and in the final hours of the session. It was a hasty decision that should be reversed.

I served as a member of the MPCA Citizens' Board from 1990—1994, appointed by Governor Rudy Perpich and approved by the Senate after a hearing. I used my environmental policy experience to contribute to oversight of MPCA decisions. In my four years, we board members made hundreds of decisions on routine matters, and on contentious ones including the Forestry GEIS, Dakota County Incinerator, and livestock waste lagoons. The Citizens' Board provided a transparent and efficient process that helped Commissioners and Governors with a process that worked.

The Citizens' Board was created as part and parcel of the MPCA in 1967, to ensure transparency and accountability in this vitally important agency charged with protecting the environment in a democratic and fair manner. For 48 years this was a government process that worked. We need it again.

Why is transparency so important? The MPCA Commissioner oversees all activities of the agency, including staff and recommendations for all decisions. When the Commissioner put the staff recommendation and rationale for a proposed decision before the Citizens' Board, the recommendation was usually clearly stated and well-thought out—in part because they knew the Citizen's Board members were reading every item in their agenda packet. In a case where anyone felt they had been ignored, citizens had an opportunity to state their concerns and present facts to the Board. Whether a business seeking a permit, a community needing approval of their pollution control activities, or citizens who never had a place at the table during the process, this final approval step by the Board made sure all were heard and the decision made sense to ordinary people.

Here is the best evidence of success: I can't tell you how many times people who appeared before us, even those who did not get the final decision they wanted, still came up to thank us for listening to them and explaining the rationale for the decision we made. They saw and personally experienced that the MPCA Citizens' Board was democracy personified.

Sincerely,

Loni Kemp
14083 County 23
Canton MN 55922
Lonikemp@gmail.com

To: Members of the Minnesota House of Representatives and Minnesota Senate
Re: Support Reinstatement of the MPCA Community Board (HF 2076 / SF 1937)

March 11, 2023

Dear Members,

When the Minnesota Pollution Control Agency (MPCA) was established in 1967, the agency was headed by the Citizens' Board to ensure the agency served the interests of the public and to establish an open and transparent decision-making process. The Board, made up of eight regular Minnesotans and the Commissioner, had the full legal authority to make final decisions around environmental review, permitting, and rule-making.

In 2015, special interests successfully abolished the Board in back-door negotiations during a special legislative session. Abolishing the Board was one of the most controversial pieces of legislation that year, even leading to former Governor Mark Dayton vetoing the Omnibus Environmental Funding Bill it was inserted in.

If you believe in an open public process with informed community members - representing the interests of everyday Minnesotans - having the final say on major environmental decisions, you should be in favor of reinstating the PCA Board. Ask yourself this; have the actions and outcomes of the agency become more protective of our environment over the last eight years? Has their transparency and accountability to the public increased? Have the voices of those most impacted by environmental injustice been heard and acted upon?

Reinstating the Board, now as the MPCA Community Board, will:

- Ensure agency decisions are transparent and democratic.
- Provide meaningful opportunities for the public to make their voices heard.
- Serve as a check and balance on agency staff.
- Restore the original decision-making process that worked well for decades - at the agency.
- Advance environmental justice by ensuring those disproportionately impacted by agency decisions in both rural and urban communities have decision-making power.

Reinstating the MPCA Community Board restores a critical step to environmental review and permitting that existed for forty-eight years. We are taking this step in the name of protecting our communities, restoring transparency, and re-establishing a democratic process with rigorous public participation.

We urge you to support HF 2076 (Pursell; Hanson, J.; Koegel; Brand; Pryor; Elkins; Stephenson; Greenman; Freiberg; Bahner; Noor; Hornstein; Jordan; Rehm; Tabke; Coulter; Bierman; Klevorn and Wolgamott) and SF 1937 (Hawj, Murphy), which reinstate the MPCA Board and require membership to include at least one small-scale farmer, at least one enrolled member of a tribal nation, at least one member of a labor union, and at least three people who are low-income, Black, Brown, or Indigenous and live in an environmental justice community.

Sincerely,

A.C.E.S.

Audubon Minnesota-Iowa-Missouri

Calvary Baptist

Clean River Partners

Clean Water Action

Clean Up our River Environment (CURE)

Climate Generation

Climate Land Leaders

Comunidades Organizando el Poder y la
Acción Latina (COPAL)

Dodge County Concerned Citizens

Earth Care Congregation

EcoFaith

Environmental Justice Table

Environmental Justice Coordinating Council

First Congregational Church of Minnesota, UCC

Friends of the Boundary Waters Wilderness

Friends of the Cloquet Valley State Forest

Friends of the Mississippi River

Greener Pastures

Hamline University Center for Justice and Law

Honor the Earth

Institute for Agriculture & Trade Policy

ISIAIH

Izaak Walton League - Minnesota Division

Lake Pepin Legacy Alliance

Land Stewardship Project

Lakeville Friends of the Environment

League of Women Voters Minnesota

Lutheran Advocacy - Minnesota

Minneapolis Friends Meeting

Minnesota350

Minnesota Center for Environmental Advocacy

Minnesota Interfaith Power & Light

Minnesota Ornithologists Union

Minnesota Trout Unlimited

Minnesota Voice

Minnesota Well Owners Organization

Mountains and Waters Alliance

Pesticide Action Network North America

Pollinate Minnesota

Pollinator Friendly Alliance

Project Sweetie Pie

Renewing the Countryside

Responsible Agriculture in Karst Country

Save Lake Superior Association

Save Our Sky Blue Waters

Sierra Club North Star Chapter

Sts. Luke and James Episcopal Church

St. Paul Audubon Society

TakeAction Minnesota

The Good Acre

United Food + Commercial Workers Union
Local 663

Upper Mississippi River Region of the League
of Women Voters

Vote Climate

Water Legacy

Wild Rivers Conservancy

100% Campaign