



Chair Hansen and Members of the Committee:

The Minnesota Center for Environmental Advocacy is a public interest law firm and advocacy organization celebrating our 50th year of defending Minnesota's environment and the health of its people. MCEA supports HF671 (Lee), a bill that requires non forgivable penalties for serious or repeat violations of environmental laws and HF3579 (Lee), which strengthens the reporting requirements for air pollution permits, particularly those in environmental justice areas, and in areas where air quality limits for pollutants are exceeded, known as "nonattainment areas."

[HF 671](#) changes just one word in [Section 116.072, subdivision 5](#). Currently, the statute says that for a "repeated or serious violation" the Commissioner "may issue an order with a penalty that will not be forgiven after the corrective action is taken." HF 671 would change "may" to "must."

Forgivable penalties can make sense in orders for first-time or minor violations to permits or environmental laws. The goal of enforcement is to bring facilities into compliance with permit terms that protect the environment and public health. But for a facility with repeated violations or for a serious violation, a non forgivable penalty makes sense, and sends a message to the affected community that Minnesota understands our enforcement responsibilities. Since serious or repeated violations impose costs on the public, it's certainly appropriate that there be costs to the violator.

A permittee has due process when administrative penalty orders are issued. This includes the ability to choose to demand an expedited administrative hearing, a district court hearing, or mediation. Also, HF 671 would not affect administrative penalty orders for feedlot violations, which have [separate standards for forgiveability](#) "notwithstanding subdivision 5."

HF 3579 improves the enforcement of air pollution permits, particularly in areas that are in and near residential neighborhoods. There have been too many recent examples of facilities that are in violation of their permits, but where it took years or even decades to discover this. These examples include Water Gremlin in White Bear Township and Northern Metal Recycling in north Minneapolis.

By requiring performance tests on a defined schedule to be included in air pollution permits, this reduces the risk of a facility continuing to operate with broken or inadequate pollution control equipment. This means that real data will be used to confirm that a facility is meeting the limits in their air pollution permit. HF 3579 focuses on facilities located in environmental justice areas, where even relatively small facilities can have an outsized public health impact because of proximity to residences, day cares, and schools. MCEA welcomes this emphasis.

Recent public attention on air permit violations has presented the Legislature with an opportunity to build public trust in our regulatory systems. Permits to pollute should come with clear verification and standards, and our regulatory agencies should have the resources and authority to enforce them. HF 3579 is a step forward toward a future where communities near permitted facilities have confidence that the air they breathe is safe and clean.

Thank you to Rep. Lee for authoring these important bills and to this committee for your consideration.

Aaron Klemz, Chief Strategy Officer, aklemz@mncenter.org, 763-788-0282



February 28, 2024

RE: HF3579/HF671 Support As Written

Dear Chair Hansen and Committee Members,

Clean Water Action is a national organization that was founded in 1972 to support passage of the national Clean Water Act. Since then, we have worked continuously to create a better environment for all through organizing, education, and advocacy. We have operated in Minnesota since 1982, marking 40 years of effective, grassroots based advocacy and organizing. Minnesota has a strong history of environmental stewardship, but also has a legacy of environmental racism and discrimination. While significant progress has been made to address this legacy, there is still much work to be done to ensure that every Minnesotan is guaranteed clean air and water, and a healthy living environment.

On behalf of Clean Water Action Minnesota, and our 132,000 members, we want to express support for HF 3579 and HF 671. Air pollution is a serious issue that affects the health of people across Minnesota. These harms are particularly concentrated in historically marginalized communities, leading to the severe health disparities we see in our state. Historic practices such as redlining and racial covenants led to polluting facilities largely being concentrated in low income and BIPOC neighborhoods. This concentration resulted in a disproportionate burden of pollution that has had impacts on the environment and public health of these neighborhoods for generations. Reports from the Minnesota Department of Health and Blue Cross Minnesota show that while Minnesota is one of the healthiest states in the country, we also have some of the worst health disparities between White communities and BIPOC communities.

HF3579 and HF671 will help bolster our regulations by expanding testing and reporting of air emissions and reinforcing fines for noncompliance and repeat offenders. Increasing the testing and reporting of air emissions will ensure that facilities are abiding by the limits set out in their permits. Reinforcing fines and punishing repeat offenders will incentivize facilities to properly invest in pollution control equipment, protecting workers and community members in the process.

Air pollution in overburdened communities has been an ongoing issue for decades. The cumulative impacts of geographically concentrated pollution, along with other social and environmental stressors, has created a clear divide in how our communities are treated. No one should be forced to suffer from the health impacts of pollution because of their race or income.

Our regulations are meant to keep pollution in check and protect our air, water, and public health. These bills will continue the work towards ensuring that every Minnesotan, regardless of race, color, national origin, or income, is being protected from the harms of pollution.

We urge your support on HF 3579 and HF 671.

Thank you,
Avonna Starck, State Director

Avonna Starck

Sasha Lewis-Norelle, Environmental Health and Justice Organizer

Sasha Lewis-Norelle

Clean Water Action Minnesota

February 26, 2024

TO: Environment and Natural Resources Finance and Policy Committee
CC: Representative Liz Lee, Senator Fong Hawj
RE: HF3579 and HF261 (Rep. Fue Lee)

Melissa Lorentz
946 Earl Street
Saint Paul, MN 55106

Chair Hansen and Members of the Committee:

I urge you to support the bills introduced by Representative Fue Lee that would (1) require air-permit holders to test their emissions in environmental-justice neighborhoods (HF3579) and (2) make administrative penalties nonforgivable for repeat offenders (HF261).

I live a half mile from the Northern Iron Foundry in the Payne Phalen neighborhood of Saint Paul.¹ This is an area of environmental justice concern with the highest childhood elevated blood lead levels in Minnesota. The EPA has identified Northern Iron as among the lead-emitting facilities in the United States with the greatest likelihood of impacting children. This census tract also ranks in the highest 20% of PM2.5 levels.

This foundry has operated in its current location since 1906 and had an air permit since 1995, but MPCA records indicate that there were no stack tests performed until 2023. A 2020 investigation found that the foundry had violated its air permit since at least 2007 by operating new equipment affecting emissions without notifying the MPCA. The foundry also failed to make sure that all of its pollution control equipment was operating correctly.

Northern Iron is not the only foundry with longstanding air-permit violations. The EPA is currently investigating the Saint Paul Brass Foundry in Frogtown—another environmental justice neighborhood. There also, there was no testing for at least ten years despite neighborhood complaints.

Clearly, there is a pattern of longstanding non-enforcement of air pollution laws in Minnesota's most vulnerable and overburdened communities. Neighbors of these foundries are rightly concerned for our health. These facilities should be required to verify their compliance with emission limits set forth in their permits. And penalties must be adjusted so they are more than a slap on the wrist.

- Melissa Lorentz

¹ I submit this testimony as a neighbor of the foundry and not on behalf of my employer.

Representative Lee and members of the committee,

I am writing to express my strong support for House Bills HF3579 and HF671. Regrettably, I am unable to deliver my testimony in person due to childcare commitments.

I am the mother of a two-year-old son with respiratory issues. Every common cold goes to his lungs. He is on multiple inhalers and medications a day. I try to keep him healthy because it is scary and exhausting when he gets sick.

His daycare is situated across the street from Smith Foundry in East Phillips. I have frequently reported noxious odors to the Minnesota Pollution Control Agency (MPCA) and 311. Like many in the community have experienced, the responses from MPCA have been frustratingly inadequate. Moreover, it is unacceptable that facilities such as Smith, continue to operate while releasing any amount of lead into residential neighborhoods, defying the well-established scientific consensus that no level of lead exposure is safe, particularly for children.

The existing protocols are clearly insufficient, leaving citizens like myself—a mother fighting for her child's health—feeling disregarded and helpless.

What we urgently need are enforceable laws that hold facilities accountable for maintaining air, water, and land quality standards. Non-compliance must be met with stringent penalties that deter future violations and emphasize the importance of adherence to these emission limits.

The protection of our communities and, most importantly, our children, should be non-negotiable. We must safeguard the air, water, and land in Minnesota to ensure it poses no harm to those who live, play, or learn near industrial facilities.

For these reasons, I wholeheartedly support the legislation proposed by Representative Lee in Bills HF3579 and HF671. Thank you for your time.

Sincerely,
Allison Lind