



DEDICATED TO A STRONG GREATER MINNESOTA

To: Senator Ingebrigtsen, Representative Hansen, and members of the Environment and Natural Resources Conference Committee

Re: Senate File SF4062

Date: May 6, 2022

Dear Chairs Ingebrigtsen and Hansen and conference committee members,

I am writing on behalf of the Coalition of Greater Minnesota Cities (CGMC), an organization of more than 110 cities located outside the Twin Cities metropolitan area. We have a great interest in the environment omnibus bill because it has a direct impact on our member cities, which are stewards of Minnesota's waters through their wastewater, drinking water, and stormwater systems.

We appreciate the opportunity to comment, and thank you for your consideration of our input. We want to voice our support for several aspects of the bill and voice our concerns regarding others.

LEAD LINE REMOVAL

The health problems associated with lead found in drinking water are well known. The fact that there is no safe level of lead in drinking water was highlighted during multiple hearings on lead-related bills in the House. These hearings have also emphasized that lead pipes are present in water systems throughout the state. We applaud the House's recognition that the state must step up and help homeowners remove residential lead service lines, but we strongly oppose any program that funds grants only for those who reside in the Twin Cities metropolitan area, as is done in the House bill (House Art.1, Sec. 6 (d) R23).

The Minnesota Department of Health (MDH) has stated that homes built before 1940 may have lead service lines connecting them to public water. 38% of cities in Greater Minnesota have over one-third of their housing stock built before the 1940s and only 3.6% of the metro cities. It is irresponsible to move forward with a plan that ignores this problem outside the metropolitan area. Children deserve lead-free water, whether they live in Minneapolis, Moorhead, Mahanomen, or Montgomery.

Rather than sending these funds solely to the Metropolitan Council, these funds should be available to every community in Minnesota. Directing funds towards a statewide program will save on administrative costs as the MDH is already well-positioned to support such a program for everyone, not just a subset of Minnesota. We urge the committee to take action on the lead line removal issue and direct the funds to statewide lead removal efforts.

PFAS PROVISIONS

Earlier this year, the Minnesota Pollution Control Agency (MPCA) unveiled its per-and-polyfluoroalkyl substances (PFAS) monitoring strategy, which may require upwards of 100 cities to monitor their wastewater influent for PFAS. Sampling for PFAS requires a high level of knowledge and skill in order to prevent inconsistencies and cross-contamination. The risk of cross-contamination and potentially erroneous results is heightened without a uniform sampling method. Because of the complexities associated with sampling, it would be important to outsource the sampling to a contractor (or several, each dedicated to specific regions of the state). Doing so would help ensure uniformity and improve quality assurance.

In the Senate bill (Art.2, sec. 77, R52), the MPCA would be required to pay for PFAS monitoring expenses. In the House bill, (Art. 1, sec. 2 (d), R4), \$2 million would be dedicated to preventing PFAS contamination, which was also

part of the Governor's recommended budget. We urge that the best approach to resolving the differences between the two bills on this issue would be to dedicate \$600,000 of that \$2 million to the MPCA so that it can hire an outside contractor to perform this sampling in a uniform manner.

It is our understanding that the Minnesota Municipal Utility Association (MMUA), whom both the CGMC and the League of Minnesota Cities have worked with on this issue, is proposing language that would achieve our objective. We urge the conferees to adopt this solution and incorporate the language into their final report.

We have concerns about efforts to address limits for certain types of PFAS through statute, rather than rulemaking (House Art. 4, secs 10 and 11, R12-R13). For example, although we appreciate the desire to enact water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), we are concerned the timeline for completing those standards may put the rules ahead of the science and treatment options. Similarly, we are concerned with setting the value for the health risk limits of perfluorooctane sulfate in statute, rather than through the rulemaking process.

Finally, the House bill contains multiple provisions aimed at addressing the sources of PFAS in our air and water. We do not have feedback on any individual provision because we lack the expertise to evaluate the efficacy of the proposals. We do believe that addressing PFAS at the source is the best approach so long as those efforts are grounded in the best available science.

SEWER OVERFLOW LANGUAGE

The MPCA has worked together with the CGMC, the League of Minnesota Cities, and other city groups on the language regarding notification after sewer overflows (House Art.2, sec. 45, R77-R78). The compromise language that is contained in the House bill provides a workable solution for our wastewater facilities.

STORMWATER INFRASTRUCTURE GRANT PROGRAM

Over the last decade, our cities have seen more frequent heavy rain and extreme weather events that have caused flooding and property destruction due to overwhelmed stormwater systems. The CGMC supports the creation and funding of a program (House Art. 2, sec. 47 and Art. 1, sec.2, R3) to help local governments address this issue and urges its inclusion in the final conference committee report.

REVISION OF WILD RICE SULFATE STANDARD

In 2015, the Legislature directed the MPCA to revise its water quality rules to protect wild rice from unhealthy levels of sulfate. In 2017, the MPCA proposed an updated wild rice sulfate standard. During that rulemaking, the Agency and many others acknowledged that the old standard was outdated. In 2018, an administrative law judge rejected those rules as vague. Since then, the MPCA has not attempted to update them.

To ensure wild rice is adequately protected and that any permit limitations for wastewater facilities are justified by the best available science, the MPCA should move forward and revise these standards. We support extending the date by which the rulemaking should be completed to 2025, as set forth in the Senate bill. (Senate Art. 2, sec. 66 R47).

If you would like to discuss these issues in greater detail or have any questions, please reach out to me at ewafel@flaherty-hood.com or 651-259-1924. Thank you for your time and consideration.

Sincerely,



Elizabeth Wefel, Lobbyist
Coalition of Greater Minnesota Cities