



League of Women Voters of Minnesota Records

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for November
VOTER

use for
LSP 100

Faced with the growing controversy over feedlots, the 1998 Minnesota legislature saw fit to fund a study. A panel of 25 Citizen Advisory Committee members was appointed to undertake a Generic Environmental Impact Statement (GEIS) on Animal Agriculture. The purpose of the study was "to examine the long-term effects of the livestock industry as it exists and as it is changing on the economy, environment, and way of life of Minnesota and its citizens." After more than four years the GEIS is finished; as of last month it has officially been found adequate by the Environmental Quality Board.

I represented the LWVMN on the Citizen Advisory Committee (CAC), and stayed with it for the duration—meeting two full days (and sometimes three) per month for over three years, attending numerous public hearings all over the state, participating in consultant interviews, traveling to farm operations in rural Minnesota and reading, reading, reading. Our task often seemed utterly impossible. Imagine a committee of that size trying to get anything done, let alone deal with a politically controversial subject with very high stakes. Consider the composition of the committee, with its numerous industry and government representatives, a few environmentalists and farmers, a couple of academics and a (lonely) member of the League. And then consider the fact that the committee's operating procedure required that decisions be reached by nothing less than 100% consensus.

First we set about defining our task, and after a series of public hearings held around the state we produced the *Scoping Document*, which listed the goals and objectives of the study as we saw them. We divided the subject of animal agriculture into twelve areas of study: social and community issues; land use; role of government; industry structure and competitiveness; profitability and economic viability; external benefits and costs; water; air quality and odor; soils; manure and crop nutrients; human health; animal health and wellbeing. Under each topic we listed the questions which we believed needed answers. We then set about interviewing and hiring consultants to do a literature search in each topic area; the idea was to find out which of our questions could be answered by existing information and which could not. In the end all of the contracts went to the University of Minnesota, an event which caused the representative from Clean Water Action to resign from the CAC in protest.

The literature search completed, we went through the interviewing and hiring procedure again, this time seeking consultants to do new research for us in areas where information was lacking. Consultants from varied sources were hired this time. The result was a collection of Technical Work

Papers which, together with the literature summaries, provide an enormous amount—thousands of pages—of information.

We were then faced with the arduous task of producing policy recommendations. Keep in mind that our decisions had to be based on 100% consensus, so that just one CAC member could stop the committee from adopting a recommendation that a large and sometimes overwhelming majority favored. In the end 77 recommendations passed, and because they were arrived at by 100% consensus, it is hoped that the legislature will take them most seriously.

The final step involved the preparation of the GEIS Summary, put together by the Project Director and reviewed by the CAC. With extracts pulled from the literature summaries and technical working papers, it is designed to answer in relatively brief form the questions originally posed in the Scoping Document.

There is little doubt that the GEIS is proving itself to be greatly useful, and if its vast amount of information is regularly updated it will be useful for years to come. I believe it is important, however, to point out what the GEIS failed to accomplish: we did not adequately deal with sustainable agriculture; we did not do an adequate comparison of alternative means of production. The main focus was large-scale industrial agriculture. It took a lot of effort simply to give social issues a serious hearing. There was no sociologist on the CAC, nor, by the way, was there (originally) a professional in human health, to say nothing of an animal specialist. We did add a health professional to fill a resignation, but my nomination of an applied economist/animal welfare specialist to replace a departing economist was turned down, and we operated as a group of 24 for a couple of years. Incidentally, the issue of animal welfare was, it turned out, the most difficult topic for the group to handle; the sessions on this topic nearly caused a meltdown.

Since the 77 policy recommendations put forward by the CAC are only that—recommendations—it is unclear to what extent they will be used by Minnesota legislators. It is to be hoped that they will lead to some needed reforms, since the issues surrounding the feedlot controversy are still very much on the minds of the public. What is certain is that both the information gathered in the literature summaries and the new research done under the direction of the CAC—much of it absolutely first-rate—are proving to be immensely beneficial to the state and beyond. All of the GEIS documents—all 6000+ pages, including comments received from public hearings—are available on the web at www.mnplan.state.mn.us/eqb/geis/. I understand that this website has been getting 1000 hits a day from all over the world.

The GEIS, like any intensely political project, particularly one as ambitious as this, had its highs and lows, successes and failures, certainly its surprises. It was, as they say, a learning experience. I consider it an honor to have served on the GEIS Citizen Advisory Committee, and cannot overemphasize how important it was to have the League at the table. And my thanks to my CAC alternate Andy Otness (LWV Edina) for being at the table when I could not be.

Helen Palmer
October 26 2002

Helen Palmer

From: "Mason and Gwen Myers" <salmyers@ix.netcom.com>
To: "Helen Palmer" <helenpalmer@comcast.net>
Cc: "Mary Steen" <msteen@stolaf.edu>
Sent: Friday, November 02, 2007 9:54 PM
Subject: Re: MPCA issue

Hi Helen,

I'll give Mary a call. We really should consider this thoroughly. We've called for change. This is a change recommended by people very knowledgeable about the MPCA and authored by Sen. Ellen Anderson/Rep. Joe Mullery, thoughtful legislators w/ a lot of experience.

Can you find out if LSP has a position on this bill? Do you know if MCEA has taken a position - maybe you could ask Kris Sigford. MPCA has certainly gone around w/ the MPCA often enough to have a real interest in reform. I'd check w/ Matt, but he's off looking for Bambi - and Kris would be a better source. I can check w/ Sierra to see if it's on their radar.

Seems to me the commissioner's subservience to the governor was one problem - and the fact that the Dept of Ag seems to be the dog wagging the MPCA whenever Ag's interests are under review is another major problem, surfacing in the firing of the hydrologist Mr. Wotzka recently. You remember many more problems, I'm sure. The goal of the bill is to reduce the commissioner's power and increase the appointed board's power, as you know. You probably know Merritt's arguments in favor - Mary will fill me in.

Since the committee said that "...we must promote change to enable the MPCA to carry out its environmental protection mission," I think we need to have some specific reasons if we decide not to support the change in this bill. It might be a good idea for a couple of committee members to meet w/ Grant Merritt on this. I hate to see us make a big deal about our study and then stand here aloof when change is proposed. Our position will be noticed, I'm thinking we'd better support it or oppose it and have good reasons for whatever we do.

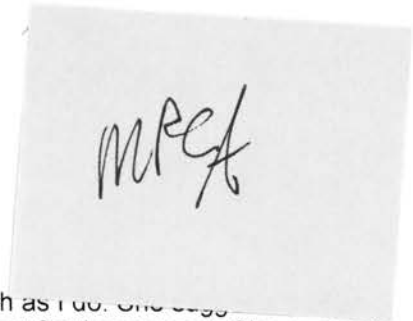
Cheers,
Gwen

----- Original Message -----

From: Helen Palmer
To: Mason C. and Gwen S. Myers
Sent: Friday, November 02, 2007 1:13 PM
Subject: MPCA issue

Hi Gwen: I just had a talk with Mary Steen, who remembers things pretty much as I do. She suggests remain neutral on the particular change presented by Grant Merritt's bill, at least for the moment. She suggests that you give her a call. I think that's a good idea. Her number is 507-645-7274. Thanks for the alert. Helen

Another thought: Sally would be a resource, and she is in town at least at the moment, I think. Phone number: 612-379-7199. She was a loyal member of the committee, has a really good memory, and a way of thinking about these things that doesn't occur to me!



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A bill to modify the structure of the Pollution Control Agency

(<http://www.senate.leg.state.mn.us/perl/billinf.pl>)

Senate author: Sen. Ellen Anderson, Chair, Environment and Natural Resources Budget Division
House author: Rep. Joe Mullery, Chair, Public Safety and Civil Justice Committee

S.F. No. 1876, as introduced - 85th Legislative Session (2007-2008) Posted on Mar 14, 2007

1.1A bill for an act

1.2relating to state government; modifying the structure of the Pollution Control

1.3Agency; amending Minnesota Statutes 2006, sections 116.02, subdivisions 1, 4;

1.4116.03, subdivisions 1, 2; repealing Minnesota Statutes 2006, section 116.02,

1.5subdivisions 6, 7, 8, 9, 10.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 116.02, subdivision 1, is amended to read:

1.8 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota

1.9Pollution Control Agency, is hereby created. The agency shall consist of ~~the commissioner~~

1.10~~and eight~~ nine members appointed by the governor, by and with the advice and consent

1.11of the senate. One of such members shall be a person knowledgeable in the field of

1.12agriculture and one shall be representative of organized labor.

1.13 Sec. 2. Minnesota Statutes 2006, section 116.02, subdivision 4, is amended to read:

1.14 Subd. 4. **Chair.** ~~The commissioner shall serve as chair of the agency.~~ The agency

1.15shall elect ~~such~~ the chair and other officers as it deems necessary. The commissioner

1.16may not serve as a member of the agency.

1.17 Sec. 3. Minnesota Statutes 2006, section 116.03, subdivision 1, is amended to read:

1.18 Subdivision 1. **Office.** (a) The office of commissioner of the Pollution Control

1.19Agency is created and is under the supervision and control of the commissioner, who is

1.20appointed by the governor under the provisions of section 15.06.

1.21**(b)** The commissioner must carry out the policies established by the agency and

1.22direct the staff.

2.1**(b) (c)** The commissioner may appoint a deputy commissioner and assistant

2.2commissioners who shall be in the unclassified service, but shall be subject to the approval

2.3of the agency.

2.4**(e) (d)** The commissioner ~~shall~~ may make all decisions on behalf of the agency that

2.5are not required to be made by the agency under section 116.02.

2.6 Sec. 4. Minnesota Statutes 2006, section 116.03, subdivision 2, is amended to read:

2.7 Subd. 2. **Organization of office.** The commissioner shall organize the agency and

5. Judicial Selection Methods Pros and Cons

Election

Pro:

- Direct participation by citizens.
- Judges interact with voters and level of visibility of the judiciary is raised.
- Judges are accountable to the public.
- Educates the electorate and candidates.

Con:

- Voters are uninformed.
- Partisan interests, special interests, and moneyed interests get involved.
- Loss of sense of judicial impartiality.
- Unqualified candidates can get elected.
- Qualified people may choose not to seek office.
- Judges can be ousted for making a controversial decision.
- Loss of public confidence in the courts.
- Negative advertising.

Appointment

Pro

- Largely eliminates problems with elections.

Con

- Removes citizens' direct participation in choosing judges.
- May be a purely political exercise.

Appointment with legislative confirmation

Pro

- Eliminates the role of money.

Con

- Removes citizens' direct participation in choosing judges.
- May become a purely political exercise.

Merit selection / Retention election system

Pro

- Diminishes the role of politics.
- Provides the public with an opportunity to demand accountability.
- System is preferred by those who claim that it produces higher quality judges, promotes a stable court, and promotes public confidence in the judiciary.
- Largely relieves judges from the need to raise funds, thereby promoting judicial independence.
- Can blunt the effect of political party endorsement.

Con

- Possible last minute ambush by moneyed or special interest groups.
- Judge runs against an ideal.
- Judge can be ousted for making a controversial decision.
- Negative advertising.

2. 8employ such assistants and other officers, employees and agents as the commissioner may
2. 9deem necessary to discharge the functions of the commissioner's office, define the duties
2. 10of such officers, employees and agents, and delegate to them any of the commissioner's
2. 11powers, duties, and responsibilities, subject to the commissioner's control and under such
2. 12conditions as the commissioner may prescribe. The commissioner may also contract with,
2. 13and enter into grant agreements with, persons, firms, corporations, the federal government
2. 14and any agency or instrumentality thereof, the Water Research Center of the University
2. 15of Minnesota or any other instrumentality of such university, for doing any of the work
2. 16of the commissioner's office. None of the provisions of chapter 16C, relating to bids,
2. 17shall apply to such contracts. All contracts entered into pursuant to this subdivision shall
2. 18be subject to the approval of the agency.

2. 19 Sec. 5. **REPEALER.**

2. 20Minnesota Statutes 2006, section 116.02, subdivisions 6, 7, 8, 9, and 10, are repealed.

given the White rulings, because of the role of partisan politics, the influence of money, lack of unbiased information for voters, and the likelihood that, if there is no vetting of candidates by a selection commission, unqualified candidates may get elected. They see a danger in blurring the distinction between judicial and legislative campaigns, speak of the degradation of the judicial system, and loss of public confidence. Some voice concern about qualified persons choosing not to run in these kinds of races.

2. Appointment

As noted above, nearly all judges in Minnesota first reach office through gubernatorial appointment. District court judges are chosen by the governor from a list of names forwarded by the Commission on Judicial Selection following a process that is pretty universally given high marks for initially putting a quality judiciary on the bench.

In a purely appointive system, judges would not face election after initial appointment by the governor, but would instead apply for reappointment. A judicial evaluation commission would evaluate each judge eligible for reappointment and make the reappointment decision. Supporters of a purely appointive system point out that it avoids the negatives that come with elections. The primary criticism is that it removes voter participation from the process.

3. Appointment with legislative confirmation

Minnesota could opt to follow the federal model. The governor would nominate judicial candidates who would then either be confirmed or not by a legislative body such as the Senate. At the end of their terms judges would be subject to reconfirmation in the same way. The advantage of this method is that it essentially removes money from the process, and it allows for open hearings and participation by the public through their representatives. Critics of this method point out that this method takes away direct participation by voters, and they speak of the risk of turning such confirmation hearings into partisan contests.

4. Merit selection followed by retention election

According to this process, judges are initially appointed by the governor from a list of names forwarded by a selection commission. Then, at the end of their first terms of office, they run in a retention election; that is, they do not run against another candidate, but instead against their own record, and voters decide whether or not they should be retained for another term. If the judge is not retained by the voters, a new appointment is made by the governor and the cycle begins again. An evaluation commission reviews the judge's performance toward the end of his/her term; this information is made available to the public.

Supporters of this method point out that initial appointment from a list of screened candidates ensures quality judges from the start; further it authorizes voters to have the final say as to whether a judge should be retained or not. Supporters point out that the evaluation commission would provide voters with unbiased information about the candidates, that little money is spent in retention elections, and that politics as a rule are kept to a minimum. Critics of this method point out that it may be easier for a judge to run against a real-life opponent than against an "ideal." And some judges fear a last-minute "stealth" attack in a retention election.

Starb
1-21-08

Ag giants persuade MPCA to alter rule

● Industry scientists gave state regulators research they said called for looser regulation of a pesticide. The state agreed.

By TOM MEERSMAN
meersman@startribune.com

After three years of research, the state was ready to impose the nation's first water-quality limit for acetochlor, a potent farm chemical that was washing into rivers and lakes.



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SUMMARY OF RESPONSES TO MPCA DISCUSSION QUESTIONS: 20 LOCAL LWVS

1. Most important aspects/findings

- **--surprise/shock at how agency has moved from protecting public to coziness with business interests; economic factors over-ride pollution prevention; corporate, industry, agriculture, labor interests dominate the Citizens' Board; "it is not supposed to be an arm of the Chamber of Commerce!"
 - need to measure efficiency by air and water quality standards, not by how many permits are issued
- **--need to find way to keep agency more apolitical
 - commissioner should be from environmental background
 - 6-year appts. with staggered terms
- *--relation to other agencies
 - power of Dept. of Agriculture
 - feedlots and pesticides need more regulation
 - overlapping jurisdictions; dilution of responsibilities
- *--structure of Citizens' Board:
 - needs to be more representative of environmental interests; perhaps require one member to represent environmental sector (MCEA, for ex.)
 - commissioner should not have vote on Citizens' Board (agree: 1)
- *--ability of citizens to voice opinion
- need to fully fund MPCA: environmental protection and education both important
 - fee-based funding drives efforts of agency
- praise for MPCA staff; air and water quality dramatically improved since MPCA was created. More to be done: study did not sufficiently recognize air quality problems.
- inspired to take action on local water quality

2. Further investigation?

- **--none needed
- *--funding, fees
- *--MPCA response (study seemed biased against MPCA)
 - how will education be made a stronger component of agency's work?
- **--relation between MPCA and other agencies (Ag, Dept of Health)
- *--specific emerging issues: pesticide use, ethanol
- *--public access to information; transparency; concerns of ordinary citizens and input
- *--structure: impact of merging Office of Environmental Assistance with MPCA; commissioner as political appointee; structures of other agencies;

3. Direction for LWVMN

- **--do not need further consensus
- need consensus to develop specific directions for LWV to take
- **--look at ethanol plants—be proactive (*positions on environment*)
- **--support increased funding for MPCA; support larger percent of general fund for MPCA; may need further consensus on funding issues (*positions on citizen rights and right to know*)
- **--monitor MPCA's actions—with respect to water quality; be a watch dog, esp. on the Citizens' Board; have a LWV observer at Citizens' Board meetings (*positions on citizen rights and right to know*)
- *--support Grant Merritt bill on structure of Citizens' Board (*positions on citizen rights and right to know*) (*do current positions allow us to do this?*)
- Citizens' Board needs environmental voice (*organization of government position*)
- Citizens' Board needs to be balanced politically; needs environmental position similar to ag and labor (*organization of government position*)
- support state grants to citizen groups challenging MPCA decisions (~ Wisconsin) (*positions on environment*)
- reassert power in water regulations (*positions on environment*)

10/31
per passed by
Kareem's
11/1

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- lobby for greater control of agricultural chemicals; urge "pre-cautionary principle" (*positions on environment*)
- find out the "body burden" of chemicals affecting residents of MN (*positions on environment*)
- have positions on citizen rights and right to know
- formulate and circulate environmental questions for candidate forums, legislative interviews

4. Priority for action

- **--better funding stream; industry paying fair share
- **--environmentalist on Citizens' Board; 1/3 business, 1/3 environmental advocates, 1/3 scientists with expertise in pollution control
- *--depoliticization of agency
- structural change—Exec Director not appt. by Gov.
- better mechanism—funding, more time—for citizen input
- action on water protection

5. Another agency study?

No: 4

Yes:

- Department of Agriculture: 9
- Department of Natural Resources: 6
- Department of Health: 4
- Department of Education: 2
- Department of Human Services: 2
- Department of Transportation: 2
- Environmental Quality Board: 1

Responses from:

ABC

Bemidji Area

Brainerd Lakes Area

Cass Lake-Walker-Grand Rapids

Crystal/New Hope/E. Plymouth

Duluth

Freeborn County (Albert Lea)

Golden Valley

Minneapolis Unit 1, Downtown Unit

Minnetonka-Eden Prairie-Hopkins

Northern Dakota County

Northfield and Cannon Falls

Park Rapids

Red Wing

Richfield

ROMAFH

St. Paul

South Tonka

Wayzata-Plymouth

West Metro



THE LEAGUE OF WOMEN VOTERS MINNESOTA

Updated: June 26, 199

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Program - Introduction

To the League of Women Voters, **Program** means those issues chosen by the members for study and action. At each level of the League--national, state or local--Program includes items adopted for current study, and carefully worded, study-based consensus positions which lead to action.

The **State Program** is selected by League of Women Voters of Minnesota (LWVMN) members in individual units through proposals to their local boards of directors, who send the proposals to the state Board. The state Board then formulates a recommended **Program** of old, new and/or amended items consisting of those most frequently mentioned. All items, whether recommended or not, may be discussed, amended and adopted or rejected at the biennial state Convention.

Following adoption of the **Program**, research committees are formed to prepare study information on new items. In small units and at large meetings, members weigh the pros and cons of issues to reach consensus on each study item. The state Board receives the consensus reports from the local Leagues, determines areas of agreement, and formulates position statements. Only after consensus is reached and a position is formed can League take action. The state Board also evaluates specific legislation and decides what action should be taken. There are two kinds of action:

1. developing public support for League positions;
2. supporting specific measures and policies which promote a League position or opposing those which threaten it.

The process works similarly for the Council of Metropolitan Area Leagues (CMAL), except that the **Program** items have regional significance and are chosen and studied by members in the metropolitan area.

Leagues at all levels may "concur" with a position of another

To: Rice County Board of Commissioners

For: Public Comment on proposed Feedlot ordinance changes

Date: December 18, 2007

I am Suzannah Ciernia, 41 Fareway Drive, Northfield and am representing the LWV at the request of its Board of Directors. This local league, with 100 members, is an affiliate of a national organization with 140,000 members, and we ascribe to a consensus process that encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

We believe that the process for revising the Rice Co Zoning ordinance and the Rice Co Feedlot ordinance has not been open and conducive to clear transmittal of information and we call for another public hearing on these important changes.

We would like to know where the language relating to required notification of township boards and township residents has gone? It appears that language pertaining to **notification of townships and township residents** related to applications for new or expanded feedlots **has been completely removed** from the new draft zoning ordinance. This language must be reinstated. (Quoting from the 1997 Feedlot Ordinance, Section 730.001 (c1) "Published and mailed notice of feedlot application shall be required for all feedlots of 300 animal units or more, conditional use permit, or variance.")

Second, the normal process of writing new drafts, wherein old removed language is shown by strike-throughs and added language is shown in italics, has not been followed. This can lead to a situation where **important language relevant to the discussion can disappear**. Therefore we witnessed confusion at last Tuesday's meeting where the commissioners seemed unaware that they had approved an increase in the number of allowable animal units within the Zoning ordinance. It seemed then that even the Commissioners did not realize that this important feedlot-related change was not in the Feedlot ordinance, but had been moved into the Zoning ordinance instead.

Third, information about changes to the definition of animal units and the **resulting actual increase** was not available early in the process. We believe that the first chart to actually compare the results of conforming county language to state language, and then also increasing maximum allowable animal units, was brought very informally by citizens on November 15th, and then was first discussed by the Planning Commission on November 29th. When combining these two numerical changes, the resulting actual increase in number of hogs is a significant 78%.

Further, at the public informational meetings on September 11 and 12, 2007, the public was told that the feedlot work group **did not recommend an increase in the feedlot size limit beyond 1500 animal units**.

A SUMMER OPPORTUNITY!!

Sign up NOW:

LWV AFFORDABLE HOUSING TOUR

WHEN: SATURDAY, JUNE 19 --Rain or Shine!

TIME: 9:00 AM to 1:00 PM

COST: \$12 - Send registration and check by June 14th
to LWV Office.

WHAT: A bus tour of a variety of affordable housings:
Simpson Shelter, Hope Community, Heritage Park,
newly constructed Habitat Houses, and Lydia Apts.

WHERE: Meet & park at Plymouth Congregational Church
1900 Nicollet Av. S.

WHO: For LWV members and their friends/spouses/etc.

WHAT ELSE?: Coffee and muffins served along the way!

.....
Tear off and return with your check to LWV Office:
81 South 9th St., Suite 335, Mpls, MN, 55402

Name: _____ **Phone #** _____

Guests: _____

Planned by the Minneapolis LWV Housing Committee - 2004

It is to be hoped that in this county, the citizen's right to know about important changes to ordinances will be protected. The League of Women Voters of Northfield calls for another public hearing with full disclosure about what the changes are, and why they are being proposed. The willingness to hold such a meeting would demonstrate an intent by the Rice County Commissioners and its Planning Commission to conduct Rice County business in an open and fair manner.

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Name: _____ **Phone #** _____

Guests: _____

Planned by the Minneapolis LWV Housing Committee - 2004

League of Women Voters Minnesota

550 Rice Street

St. Paul, Minnesota 55103

January 23, 2008

Office of the Secretary of State, Mark Ritchie
Attn: Bert Black
180 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, Minnesota 55155

Re: Comment on Proposed Amendments to Rules Governing Voter Registration and Absentee Voting, Minnesota Rules, Chapters 8200 and 8210

Dear Secretary of State Ritchie:

The League of Women Voters Minnesota (LWVMN) is writing to provide written comments on the Proposed Amendments to Rules Governing Voter Registration and Absentee Voting, Minnesota Rules, Chapters 8200 and 8210.

The League of Women Voters (LWV) believes that voting is a fundamental right of all citizens and that it is the bedrock of our democracy. Founded by activists who secured voting rights for women, LWV has always worked to promote the values and processes of representative government. Protecting and enhancing voting rights for all American citizens and ensuring opportunities for citizen participation in government have been, and continue to be, the number one priority of LWV.

With this in mind, we wish to support all of the proposed rule changes, for we believe that they represent practical solutions to documented problems in our election system. To identify a problem area with which LWVMN has direct experience, we strongly support the effort to clarify documents acceptable for same-day registration. We run a hotline during major election years, on Election Day and often two or three days prior to that. Aside from polling locations, the most frequently asked questions involve acceptable identification for same-day registration.

This being the case, we would particularly like to support the following:

- Clarifying that utility bills for any type of telephone, television and internet service may be used to prove a voter's residence for same-day registration
- Clarifying that itemized utility expenses on a rent statement qualify as a utility bill to prove a voter's residence for same-day registration.
- Establishing a clear and practical system for postsecondary institutions to provide polling places with lists of enrolled student who live off-campus, if the institution chooses to do so.

Increased accessibility to the electoral process is an integral part of ensuring both a representative electoral process and the right of every citizen to vote. The changes proposed will make the system more accessible and less intimidating for the first-time voter as well as easing the way for those with experience in our system, but who have moved since the last election.

LWVMN believes that the rule changes proposed by the Office of the Secretary of State will ease the election process for both election officials and voters. We strongly support them.

Thank you for the opportunity to comment on the proposed rule changes and for your consideration of our comments.

Sincerely,

Vivian Jenkins Nelsen
Co-President
League of Women Voters MN

Judy Stuthman
Co-President
League of Women Voters MN

cc. Judge Richard C. Luis, Administrative Law Judge

**League of Women Voters
Action Committee
November 16, 2007, 11:00-1:00
Minnesota Women's Building**

Members Present: Pat Davies, Allene Moesler, Lynn Gitelis, Kathie Cerra, Kathy Tomisch, Ruth Jones, Glenda Larson, Mary Tamborino, Marilyn Morem, Lorraine Fischer, Sally Sawyer, Geneva MacMillan, Kay Kessel, Kathleen Doran Norton, Gwen Myers and Laura Wang.

Minutes of the October 19, 2007 meeting were presented for review. Lorraine Fischer moved to approve the minutes as presented, Lynn Gitelis seconded the motion. The minutes were approved.

Gwen Myers reviewed volunteer hours and expense report forms, emphasizing the importance of this information both for accounting and grant-seeking purposes. She also mentioned that Pat Davies wrote an article for the most recent Voter on the Office of Legislative Auditor. It was mentioned that this office has grown in prominence with the 35W bridge investigation.

Gwen encouraged members to use Action Alerts to get the word out on what is going on with our issues. These can be targeted to specific geographic communities. The Legislature's bill status page on their website is a good source for information as are mailing lists for individual committees; many committees have an email notification list you can sign up for to receive meeting notices.

Let Gwen know if LWVMN needs to pay dues to any of the coalitions you work with.

Ideas for upcoming speakers were discussed. It was suggested to try and get Sen. Tarryl Clark or another legislator for the January meeting. Other suggestions included a speaker from Institute for Agriculture and Trade Policy regarding biofuels, someone from Mayo Clinic regarding health care reform and someone to talk about the Great Lakes Compact issue.

Laura Wang provided a report on an event she attended with Communications chairperson Peggy Kvam and Co-President Judy Stuthman with the Capitol Press Corps. The bridge is going to be the biggest issue that the press expects to cover this session, followed by health care and energy issues. It was suggested that the committee think of ways to interact with the press in the upcoming session. Discussion also took place about good sources of information on the legislature and Minnesota politics on the internet.

Updates

Education: Kay Kessel reported on an event with parents who led levy efforts in several school districts. Rep. Mindy Greiling (DFL-Roseville), Sen. Terri Bonoff (DFL-Minnetonka) and Education Commissioner Alice Seagren all agreed to work with PS Minnesota; discussion has focused on looking at what is working for funding. Pat Davies moved that LWVMN join PS Minnesota, Judy Stuthman seconded the motion. The motion passed.

Immigration: Judy reported on her recent trip to New Orleans where she learned about a plan to turn public schools over to private charter schools, who are picking who they will educate. The charter schools have many more resources than the recovery schools, however the two systems will be compared in four years to determine which had the better outcomes. She also reported on problems with the city of Duluth's website on citizenship requirements for voting. Sen. Joe Gimse (R-Willmar) has established a working group of Republican legislators to look at immigration.

Health Care: Discussion took place about looking beyond universal health care to find out what other reform proposals are out there along with discussion about problems with Medicare.

Transportation: Minnesota Environmental Partnership has adopted transportation as one of their issues. Discussion took place on MEP's umbrella issues. Allene Moesler talked about Right to Know legislation around pesticides. Sally Sawyer asked how transportation fits with LWVMN's positions. Gwen responded that the transportation position pulls from several other issue areas. Concern was expressed about signing on to something that diminishes greater Minnesota's needs. Kathleen Doran Norton added that mass transit does not do much for greater Minnesota communities. The Citizen's League is working on funding issues, but nobody is doing much about safety.

Environment: Gwen stated that the OHV coalition is working on a bill to increase penalties for OHV violations.

Agriculture/Pesticides: Allene will be following this issue. Gwen is looking at sulfide mining and a plan that involves sending forests to Europe. Stephanie Henriksen has reported problems with feed lots.

Firearms: Shoot First legislation has been promised a hearing in the upcoming session.

Election Law: Pat Davies talked about the need to deal with the governor's objections to last year's bill and the need to have it reintroduced. Nonpartisan election judges will also be introduced again.

CMAL: Sue Gentz from the city of Falcon Heights talked to the last CMAL meeting about emergency preparedness.

The next Action Committee meeting will be January 25 at 11:00 am.

Naime
treason 11-~~8~~⁷-07

- didn't we have g's we answered?
- big netz in 8r Paul -

"frankly if they would do it - it wd.
be excellent"

talk to Diane Power

(talk to
Diane)

some
commissions are
interested to do nothing"
NOT MACT!

MPTA desired to do something
prevent copy plus

we need to
reinvest
power in board

of people you're regulating -

principles of LWV.

at 9 in w/ a gen. statement
LWV what we expect
incl. SUNSHINE

2 new pres. in 8r. Paul more int. in
human factors than
structure of govt.

John Borden Exec Dir Phil Dist.

that regulation of feedlots has decreased -- a higher threshold of animal units before permits are required; feedlot regulation dependent upon operator reporting (delegated County officers)

that environmental protections against ethanol production may be weakening: the number of gallons of plant must produce for an EAW is required was recently raised from 50 million to 125 million gallons that the citizens board does not include a citizen advocate or an environmentalist along with the required representatives from labor and agriculture

Bottom line: concern at the MPCA is not doing its job

Remarks from a local league:

The most important findings were the loss of influence and authority of the citizens board, dilution of MPCA by conflicting agencies with conflicting interests, more involvement of MPCA in economy than in environmental affairs, a large number of different agencies was responsibility for water quality, the divergence from MPCA's original mission statement, the accountability of the staff -- large staffs, many masters to serve, a limited budget, that staff are overwhelmed with work especially with new ethanol business boom.

Their concerns:

to what extent the Commissioner controls the citizens advisory board; funding; how MPCA investigates new technology to ensure that it is environmentally friendly; Commissioner should not chair the citizen board;

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B. Responsibility for water

Study Committee: *Co-chairs:* Barbara Finley-Shea, LWV Austin; Mary Kivi, LWV Rochester. *Members:* Karen Harder, LWV Minneapolis; Stephanie Henriksen, LWV Northfield; Lisa Jore, LWV Arden Hills/Shoreview; Allene Moesler, LWV Northfield; Marilyn Morem, LWV Rochester; Diane Power, LWV St. Paul; Mary Steen, LWV Northfield, principal writer; Michelle Vigen, LWV Northfield; Ady Wickstrom, LWV Arden Hills/Shoreview. *Ex officio:* Helen Palmer, LWV Minneapolis, LWVMN President; Sally Sawyer, LWV Minneapolis, LWVMN Executive Director.

Readers: Karen Dingle, Juanita Peterson, Mike Robertson, Judy Rosenblatt, Kris Sigford, Miriam Simmons, Steven Taff

Helen

From: <ashleyc@unitelc.com>
To: <ashleyc@unitelc.com>
Sent: Wednesday, May 02, 2007 10:23 PM
Subject: Comment from LWVMN website

To: Helen Palmer

From: Carol Ashley

Email: ashleyc@unitelc.com

City/State: Park Rapids, MN

Page: <http://www.lwvmn.org/>

Message:

I appreciate very much the LWV-MN study on the MPCA. While I participated in our local league study through the questions in response to the study, I want to emphasize that I'd like to see the LWV do a similar study on the MDA.

It is my understanding that the MDA is not only very powerful in Minnesota but is extending its influence through many other state agencies.

This concerns me since I have been involved in addressing pesticide drift issues and have found that many people are getting very inadequate responses from the MDA.

Even though there was a legislative audit of the MDA in 2006, it did not address the concerns expressed by people getting pesticide drift.

I have personally been in contact with people who have had children born with birth defects from pesticide drift on mothers during pregnancy; with organic farmers who consistently get drift and lose thousands of dollars but get no help from the MDA; with a beekeeper who had a large loss of bees from pesticides; with a sheep farmer who lost sheep and was told by an MDA investigator that his sheep weren't worth much compared to a million dollar potato farm; and with people who suffer from multiple chemical sensitivity who have to be extremely watchful of when fields are being sprayed and often suffer the consequences from an unexpected spraying (myself included.)

If the League does such a study, I would want to make sure people throughout the state were informed about it. I would like to do the same with the MPCA study. I think it is so important.

Thank-you for all the work you have done and are doing for the League in Minnesota.

LWVMN, 550 Rice St., St. Paul, MN 55103

Examining a State Agency - Minnesota Pollution Control Agency
Feedback Form

Local LWV: Minnetonka-Eden Prairie-Hopkins

Name of person preparing: Beverly Montgomery

Contact Information: 952-931-0805 bevmontgomery@comcast.net

1. What were the most important aspects/findings of the study for your local LWV?

We spent a year studying environmental issues and heard Karen Harder speak in February, so the information was pertinent. We are concerned about the findings of this study, especially the structure of the PCA Board and its administration, as well as its inability to follow through when issues appear problematic. Another concern is that economic interest appears to outweigh citizen or environmental interest. Another concern is the lack of transparency when citizen petitions are not recorded in minutes. We are glad that some effort is made to reach out to watershed districts.

2. Would you like further investigation of some facet of the study?

Every week we read about violations of rules where the PCA has failed to bring companies into compliance or failed to investigate, censure or invoke penalties. We do not feel they are structured to do so, or have the guts to do so. They need a strong citizen board, headed by an impartial director, not a commissioner who is a political appointee.

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

Current LWV positions, such as Natural Resources, Representative Government, and Environmental Protection all have provisions that would seem to allow for further action of the LWV without more consensus. We'd like to see more research based action on the part of the agency. They need to have their feet held to the fire in terms of action they choose not to take.

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (some examples of areas for action; on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general.

- Work for changing the structure of the board and its administration.
- Work to include on the board some environmentalists.
- Work to enforce the rules already in place.
- Work to ensure greater transparency re: petitions to the board, ability to be heard by the board, and that minutes will show who made petition to be heard and why petitions to be heard are made and why refusal is enacted. Published reports should be made available to citizens.

- Work to investigate why penalties are not invoked.
- Work to ensure appropriate funding for the duties of the agency.
- Work to ensure that more investigators are monitoring or evaluating projects.
- Work to ensure that lines of authority are more clear.
- Work to ensure that standards are developed and maintained for projects.
- Work to ensure oversight and process is spelled out.

5. Would you like to see study of another state agency using this study as a template?
This study could provide enough content for further study/action.

6. If so, which agency (list first and second choices)? DNR MNDOT Dept. of Health

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Wbyzata - Plymouth

Name of person preparing Deborah Price

Contact information 763-476-1791 dl.price@comcast.net

1. What were the most important aspects/findings of the study for your local LWV?

*MPCA favored business over environment.
Method of Appointment of Citizens Board.*

2. Would you like further investigation of some facet of the study?

*Funding sources, Mission of MPCA is compromised by
the dilution of responsibilities among other agencies*

*Responsibilities of MPCA
Further info on how the Citizen Board is chosen.
Are they advisory or supervisory*

*etc Dept of Ag
+ Army Corps of
Engineers.*

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

*We need to restructure the agency and lobby for that.
Current position allows us to take action.*

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

All of them.

5. Would you like to see study of another state agency using this study as a template?

Dept of Ag. Yes

6. If so, which agency (list first and second choices)?

✓ Dept of Ag ties in nicely!

Please return to LWVMN office by May 1, 2007 or respond to info@lwvmn.org.

*Very interesting
& alarming study.*

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interesting

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Crystal / New Hope / E. Plymouth

Name of person preparing Gini Tickman + 17 of 37 members attending meeting

Contact information 763-424-2237 / 8741 Forestview Ln
Maple Grove, MN 55369

1. What were the most important aspects/findings of the study for your local LWV?

- The loss of influence and authority of MPCA Citizens Board.
- Dilution of MPCA by conflicting agencies with conflicting interests.
- more involvement of MPCA in economy than environmental affair.
- governor can divert funds from DNR
- number of different agencies with responsibility for water quality

2. Would you like further investigation of some facet of the study?

- How to deal with ethanol business boom.
- How MPCA regards this report? Will they receive it?
- What do legislators/senate committees think of report and what will they do with it?
- How to grow the ethanol industry with minimal environmental impact?
- The role of chairman of the board.

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

- Continue to pursue this study, particularly the emergence of ethanol in our state.
- Yes, we can act. Our positions are open-ended and broad so they cover these issues already; we probably don't need further consensus.

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

- need action on all items listed in this question.
- need adequate funding - funding is critical.
- take to legislature legislation to restructure Citizens Board and commissioner's role on the board.

5. Would you like to see study of another state agency using this study as a template?

- yes some say - agriculture, DNR and health.
- no others say - need to focus our efforts on what we have learned and want to learn about the MPCA.

6. If so, which agency (list first and second choices)?

- agriculture → way so powerful?
- Health (supr burp) DNR → environmental reasons -

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Good research/writing/and publishing! Lots of work!
Well done, as usual!

1. cont'd -

- MPCA organizational structure and political aspects.
- MPCA should return to their original mission statement
- amazed at number of employees - who are they all accountable to?
- Seems to be a problem with every part of the structure and how it is administered.
- So many masters to serve with a limited budget.
- Overwhelmed with work, especially with new ethanol business boom

2. cont'd

- To what extent the commissioner controls the citizen's advisory committee?
- Turning of agency.
- Monitoring and cleanup of M's lakes and waterways.
- Now MPCA investigates new technology to ensure it is environmentally friendly (such as ethanol or teflon).
- It should be a continuing study?!

3. cont'd -

- citizen Board should be restructured; commissioner should not be the chair.
- Return to the original charter - protecting Minnesota's air, land, and water resources.
- need an update on progress since this study.
- need a clearer position to permit us to take specific action.
- Don't need further positions or consensus but liked being made aware of what was going on.

4. cont'd

- all agree but need sponsors for bill to change structure and \$ for budget.

5. cont'd

- From this start, opens up our viewpoint and vantage pt. toward other involved agencies (DNR / Agriculture / Health).
- Do we have enough \$ and manpower for more?
- This study was interesting - how about Health Dept. and how they will handle Superbug?

6. cont'd

- | | |
|------------------------|---------------------|
| - Dept. of Agriculture | - Dept of Education |
| - Dept of Health | - DNR |

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Freeborn County

Name of person preparing Sophie Ehrhardt

Contact information (507) 377-8115

1. What were the most important aspects/findings of the study for your local LWV?

That it is not a requirement to have an environmentalist (or a scientist even) on the Citizens Board. It is surprising to us that the MPCA has to be so concerned with not unduly hampering business + with being "balanced". It is there to protect the environment. It is not supposed

2. Would you like further investigation of some facet of the study? to be an arm of the Chambers of Commerce!

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

We would like to see LWV educate the public and/or be a watchdog about the Citizens Board: who is appointed? what are the criteria? who are they beholden to?

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

1.) Requirement for an environmentalist to be on the board, ideally someone from the Land Stewardship Project to counteract the Agriculture lobby. 2) Make MPCA finding a priority: raise revenue from the general funds and also mandate keeping fees

5. Would you like to see study of another state agency using this study as a template? Yes. within the Department

6. If so, which agency (list first and second choices)? 1) Human Services Dept. 2) Agriculture Dept.

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV: LWV Red Wing

Name of person preparing: **Heidi Jones**

Contact information: **hkjones@charter.net** or **651-388-0389 (Heidi)**

1. What were the most important aspects/findings of the study for your local LWV?

- A shift in responsiveness from citizens' concerns to a friendlier business atmosphere which we saw as detrimental to the state's residents.
- Lack of consideration of the combined effects of a new impact on an area along with problems already in existence.
- Complexity of structural responsibilities, i.e. overlapping jurisdiction with several other agencies. Do they act as checks and balances on each other or are responsibilities clearly delineated? How does the citizen understand where to go or whom to talk to?

2. Would you like further investigation of some facet of the study?

- Is a political appointee (commissioner) really the best way to head this organization? It is difficult to formulate a long-term vision when the political climate may change every four years with the gubernatorial election.
- Under-funding – how to resolve?
- The citizen involvement piece seems difficult at best. How can MPCA improve on this?

- Regional issues need to be a particular focus of the MPCA, especially when multiple municipalities may be affected by the actions of one.

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

After reviewing LWVUS and LWVMN's positions, we believe they provide ample room for action and for setting more stringent standards.

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

- Changes are needed on how the citizen may insert themselves into the process.
- The 30-day comment period is too narrow a window for citizens to gather information given limited resources, time, and money.
- We really liked the mechanism in Wisconsin where the state will provide grant money for citizens to better engage a state agency when there may be a disagreement. It seems like a massive undertaking for citizens to inject themselves without financial backing, time for research and access to expertise.
- MPCA should be more proactive in the protection of human, animal, plant, water and food resources regarding environmental safety.
- Keep politics out of it.

5. Would you like to see study of another state agency using this study as a template?

Yes.

6. If so, which agency (list first and second choices)?

- 1) Look further into the Environmental Quality Board
- 2) Department of Agriculture

Feedback Form

Local LWV: Golden Valley

Name of person preparing: Marti Micks

Contact information: phone: 763-546-7930, email: marthaal60@msn.com

1. What were the most important aspects/findings of the study for your local LWV?

The organization of the MPCA, its imbalance and weighted structure (with no environmental representation), and the complexity of its interrelationships with various agencies were. In addition, the MPCA should go back to an internal staff structure based on each of the media: air, water, etc. to follow the structure of federal legislation. To reduce political instability, the structure should go back to a commissioner/executive director who would be a nonvoting member of the Citizens Board, with the chair elected by the Board. There should continue to be set terms of members of the board, rather than at the pleasure of the governor.

2. Would you like further investigation of some facet of the study?

We would like to learn more about the economic vs. environmental philosophies of the agencies.

We would like an ongoing critique of the organization of the MPCA and its relationship with other agencies.

We would like to see streamlined decision-making without losing necessary input.

We also want to know what has been the impact of merging the OEA (office of Environmental Assistance) with the PCA?

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

Current positions do not allow us to act on the structure of the MPCA. A specific area of concern is the structure of the MPCA, which does not have representation of an environmentalist. The board needs to be balanced.

Funding should be changed to include fees based on actual costs, as well as penalties on polluters, fees for permits and taxes. Polluters should pay the costs, instead of the public. There needs to be more study of the long-term detrimental health costs (which are not currently considered.)

There should be a central clearing house for monitoring data and information documentation storage. Public access to documents/data should be available online. The public needs to have access to expertise, with a streamlined system that provides verifiable documentation without all the paperwork in accessing this info. In addition, there should be sharing of information between the agencies whether formal or informal. It is important that the information be shared at the staff level – not just between agency commissioners.

In granting permits, it is important to use "Best Practices" for best location of such things as ethanol plants (i.e. not in valleys.) Environment is presently undervalued in relation to the economy.

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We would be interested to know the "body burden" of chemicals affecting residents in our state. This discussion is based on a Nov. 2006 National Geographic study of the impact of chemicals, drugs, etc. affecting our bodies.

4. There are some basic positions that the National and State LWV have which allow us to lobby for health issues, but they are too general or vague to be helpful in some of these environmental pollution situations.

5. Would you like to see study of another state agency using this study as a template?

No, we need to see good follow-up and keep working on the PCA.

6. Were there to be a good follow-up of the PCA, then the next agencies to look at are the Department of Health and its response when there are environmental concerns which have not been officially considered hazardous, such as PFC's in drinking water.

Other Comments: Many of the participants in our consensus felt that bias was evident in the Facts pamphlet. Specifically, and the most glaring example, was in the last paragraph of the study generally guiding us toward a forgone conclusion: "We conclude that we must promote changes that will enable MPCA to carry out its environmental mission." Discussion questions #18 and #26 were bad questions that couldn't be answered.

Now for the positive: We want to thank the committee for all their hard work in making this document possible. It is timely and provided the basis for a lively discussion of some very important issues. We want the state league to continue with a follow up of this issue and action to insure that there is environmental representation on the MPCA.

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Cass Lake - Walker - Grand Rapids

Name of person preparing Barbara Smith

Contact information _____

1. What were the most important aspects/findings of the study for your local LWV?

Our unit felt this is a wonderfully prepared study. Thanks to all those who put it together. At this time, we have no further suggestions.

2. Would you like further investigation of some facet of the study?

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

5. Would you like to see study of another state agency using this study as a template?

6. If so, which agency (list first and second choices)?

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Richfield - 2 unit meetings, combined answers

Name of person preparing Karen Jenkins

Contact information 612-869-6013 / kejenkins425@aol.com

1. What were the most important aspects/findings of the study for your local LWV?

- A. Reading the topic
- B. How Board appointments are made - limiting Governor's control
- C. Pressure of other agencies on MPCA
- D. How Citizens Board disperses manpower
- E. Lack of Transparency

2. Would you like further investigation of some facet of the study?

- A. Who the people are on the Board + how they got there, does the board listen to environmentalists
- B. Groundwater
- C. Hazardous Waste
- D. Landfills
- E. Public Education

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

There should be a mix of funding, some dedicated funding, all fees go to the agency, no rollback to general fund.

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

- A. Citizen Participation
- B. Transparency
- C. Make sure there is 1 or 2 slots for environmental appointments (MCEA)

5. Would you like to see study of another state agency using this study as a template?

yes

6. If so, which agency (list first and second choices)?

| | | | |
|----------|--------|------|--------------|
| Unit A/B | 1. MAC | Unit | 1. Education |
| | 2. DOT | B/E | 2. Health |

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Feedback Form

Local LWV _____ St. Paul _____

Name of person preparing _____ Diane Power _____

Contact information _____ dianepower@comcast.net or 651-222-1031 _____

1. What were the most important aspects/findings of the study for your local LWV?

Concern about information available to citizens. Are the public information requirements good enough to reach enough people? Should PCA be working through local groups to inform people?

Questions about the relationship between the commissioner and the board. Who should be chairing the board?

2. Would you like further investigation of some facet of the study?

Is funding adequate for enough technical staff or specialized consultants?

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

5. Would you like to see study of another state agency using this study as a template? **Yes,**

6. If so, which agency (list first and second choices)?

Agriculture and Natural Resources

Please return to LWVMN office by May 1, 2007 or email to info@lwvmn.org.

LWVMN
550 Rice Street
St. Paul, MN 55103

Phone: (651) 224-5445
Toll Free: (800) 290-9328

1. Study showed we (LWV members) are not alone in our concerns about the agency.
2. We are concerned about the relationship of the Citizens Board to ordinary citizens. How are Board members selected? What are their qualifications? We believe that those who set standards should not be the same people as the ones who investigate compliance.
3. Current positions are relevant, specifically LWVUS on Environmental Protection and Pollution Control, first paragraph, plus LWVMN on Natural Resources – Water.
4. We suggest a legislative requirement of criteria for appointment to the Citizens Board, e.g. 1/3 business representatives, 1/3 environmental advocates, 1/3 scientists with expertise in pollution control.
Additional funding for MPCA.
Funds to aid citizen groups in fact-finding, as in Wisconsin (p.23).

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Brainerd Lakes Area

Name of person preparing Jean C. Prickett

Contact information 218-927-2267

1. What were the most important aspects/findings of the study for your local LWV?

1. Decreased/inadequate funding in recent years - see copy enclosed of the MPCA Special Report on Downsizing. Previously significant monitoring & regulatory functions have been reduced or abandoned. OVER

2. Would you like further investigation of some facet of the study?

NO - citizens do not have confidence in current MPCA actions

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

NO

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

1. Better funding by legislature to reinstate previous
a.) monitoring and regulatory functions and
b.) Education programs for citizens, business - potential polluters - Best Management Practices OVER

5. Would you like to see study of another state agency using this study as a template?

yes

6. If so, which agency (list first and second choices)?

DNR (only name mentioned)

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Question

- # 1 —
2. The Board has no representative of the environmental protection community
 3. Excessive influence of the State Dept. of Agriculture and large Ag. Industry.
 4. occasional interference by legislators

- # 4 -
2. There should be a strong focus on protecting the states water - especially ground water
 3. Fees and penalties should be on a sliding scale - proportionate to size of project
 4. Emphasis should be on the health of human beings not the health of business & industry
 5. Change the composition of the board to include 1 or 2 environmentalists
 6. Rule changes (or better observation of existing rules) to make deliberations more transparent and open to the public
 7. More funding to local counties and municipalities to enforce existing laws

Question for panel

There is no funding available to DNR and Planning and Zoning to
Enforce our existing laws.

Facts: 1) Illegal dredging of our lakes in many places.

2) Chemical weed control is using chemicals, when eaten by sunfish,
and caught and eaten by humans... propose a serious health risk.

3) The Minnesota legislature is responsible for determining the safety,
and which chemicals are to be permitted.

4) Farmers require a special permit to use these chemicals, however
the same chemicals can be purchased in Nisswa... over the counter.

Questions: 1) What is the role of the Minnesota Pollution Control Agency as
It relates to the above?

*These questions were raised by members
at our discussion meeting*

enclose copy of this page.

SEE Attached

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9328~www.lwvmn.org

**Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form**

Local LWV _____

Name of person preparing _____

Contact information _____

1. What were the most important aspects/findings of the study for your local LWV?

2. Would you like further investigation of some facet of the study?

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

5. Would you like to see study of another state agency using this study as a template?

6. If so, which agency (list first and second choices)?

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BRIEF SUMMARY OF RESULTS OF THE
QUESTIONS AND DISCUSSION OF MPCA STUDY DONE BY
LWVMN:

.1. What were the most important aspects/findings of the study for our local league?

How politicized the agency has become. It seems to have lost sight of its original mission, and has been taken over by the people and organizations they regulate.

2. Would we like further investigation of some facet of the study?

We should focus and follow up on what we have and possibly look at a specific subject or project (ex. Ethanol?)

3. Is there any particular direction we'd like to recommend? If so, do current positions allow us to take action? Do we need further consensus?

We do not need further consensus. We need LWV Observer/Action presence at Citizen Board meetings and to lobby for changes proposed in current legislation addressing structure of the agency.

4. If we believe the LWV can act on the basis of current positions, what is our priority for legislative or administrative action? (some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)??

We believe that the commissioner//director should not be chair and voting member of the Citizen Board, that the seats there, and the voting membership should include representatives of environmental organizations as well as businesses to which the agency provides permits. And further believe that the agency should return to its original clear mission of protecting the environment and the health of the general population when examining requests for permits from any organization, business or group of citizens.

5. Would we like to see study of another state agency using this study as a template?

Not at this time!

(Summary of discussions at two unit meetings of ROMAFH, March 20
and 21, 2007.) Ann Berry, Program coordinator

1059 Woodhill Drive

Roswell MN 55113

651-484-4502

annberry@usfamily.net

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Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV BEMIDJI AREA

Name of person preparing Diana Labadie

Contact information DR. LOIS M. KRUGER 218-7513366

1. What were the most important aspects/findings of the study for your local LWV?

The study inspired our local league to take action on Lake Bemidji water quality - we are having a forum on Saturday April 21.07

2. Would you like further investigation of some facet of the study?

*a) MPCA is hampering about making the public aware of environmental issues - needs release near the opposite of the governor's office - too much control from St. Paul
b) how figures are arrived at for funding*

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

- ① *restriction of information flowing from governor's office to the public - more transparency*
- ② *more open communication*
- ③ *increased funding*

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

a) citizen board needs better representation of environmentalists rather than skewed with business people who only care about profit - the board needs to be empowered

5. Would you like to see study of another state agency using this study as a template?

Yes

6. If so, which agency (list first and second choices)?

- ① *DNR*
- ② *AGRICULTURE*

Please return to LWVMN office by May 1, 2007 or respond to info@lwvmn.org.

① cont'd - too much political involved with MPCA - permits are issued without adequate background study.

④ cont'd LWV members are qualified to choose people for the citizens board - clear definition of principles

**The first mandate is to ensure that our decision-making is guided
by consideration of the welfare and well being of the seventh
generation to come.**

THE BEMIDJI STATEMENT ON SEVENTH GENERATION GUARDIANSHIP

Indigenous Peoples have learned over thousands of years to live in harmony with the land and the waters. It is our intent to survive and thrive on this planet for this and many generations to come. This survival depends on a living web of relationships in our communities and lands, among humans, and others. The many Indigenous Peoples and cultures from throughout the world are threatened by the disruption of these relationships.

The exploitation and industrialization of the land and water have altered the relationships that have sustained our Indigenous communities. These changes have accelerated in recent years. We are now experiencing the consequences of these actions with increased cancer and asthma rates, suicides, and reproductive disorders in humans, as well as increased hardships of hunting and of whaling. Places that we hold to be sacred have been repeatedly disturbed and destroyed. In animals and in nature we see changing migratory patterns, diseased fish, climate change, extinction of species, and much more.

Government agencies and others in charge of protecting the relationships between our people, the land, air, and water have repeatedly broken treaties and promises. In doing so, they have failed in their duty to uphold the tribal and the public trust. The many changes in these relationships have been well documented, but science remains inadequate for fully understanding their origins and essence. This scientific uncertainty has been misused to carry out economic, cultural, and political exploitation of the land and resources. Failure to recognize the complexity of these relationships will further impair the future health of our people and function of the environment.

We value our culture, knowledge, and skills. They are valuable and irreplaceable assets to all of humanity, and help to safe guard the world. The health and well being of our grandchildren are worth more than all the wealth that can be taken from these lands.

By returning to the collective empowerment and decision making that is part of our history, we are able to envision a future that will restore and protect the inheritance of this, and future generations.

Therefore, we will designate Guardians for the Seventh Generation.

Who guards this web of life that nurtures and sustains us all?

Who watches out for the land, the sky, the fire, and the water?

Who watches out for our relatives that swim, fly, walk, or crawl?

Who watches out for the plants that are rooted in our Mother Earth?

Who watches out for the life-giving spirits that reside in the underworld?

Who tends the languages of the people and the land?

Who tends the children and the families?

Who tends the peacekeepers in our communities?

We tend the relationships.

We work to prevent harm.

We create the conditions for health and wholeness.

We teach the culture and we tell the stories.

We have the sacred right and obligation to protect the common wealth of our lands and the common health of our people and all our relations for this generation and seven generations to come. We are the Guardians for the Seventh Generation.

“As guardians of the wards over which they were appointed, the manitous [spirits] could withhold from hunters permission or opportunity to kill.”

--Basil Johnston, *The Manitous*

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EXAMINING A STATE AGENCY: MINNESOTA POLLUTION CONTROL AGENCY FEEDBACK FORM

Local LVW: Park Rapids Member at large unit

Name of person preparing: Florence B. Hedeon

703 First St West, Park Rapids, MN 56470

218-732-9226

hedeoncf@wcat.net

Date: April 24, 2007

1. What were the most important aspects/ findings of the study for your local LVW?

The MPCA's failure to ask for adequate funding from the legislature; fee based funding means issues addressed by the agency aren't necessarily priorities.

Governor appointment of a partisan Commissioner is a major concern. Corporate, industry, agriculture, labor interests dominate the Board. Citizen's right to comment on issues has been made very difficult. Environmental advocacy groups like the Minnesota Center for Environmental Advocacy (MCEA) have been nearly shut out of the process.

Decision-making is consumer driven rather than driven by concerns for the environment, the specific reason the MPCA was established in 1967. The shift of focus from being an advocate for the environment to being an advocate for the customer was particularly noticeable in 2005-06.

There is concern that the study appears to lack recognition of air quality issues in greater Minnesota even though there are more vehicular (including from air traffic) emissions, wide-spread uses of pesticide, and coal generation plants.

2. Would you like further investigation of some facet of the study?

Public information is not easily accessed. Openness to records, financial consideration, and public impact is lacking.

3. Is there any particular direction you'd like to recommend? If so, do current League positions allow us to take action? Do you think we need further consensus?

- In the League position on Natural Resources, under Agriculture, make a stronger statement regarding protections for people and the environment from agricultural chemicals. Urge the MPCA to establish the use of the "pre-cautionary" principal, to better protect the health and well-being of all entities potentially affected by environmental hazards.
- Monitor MPCA's actions with regard to protecting water quality.

- Address the issue of sharing information among so many different agencies which makes it difficult to address issues of water quality in a comprehensive manner.
 - Push for quicker response times for identifying and correcting impaired waterways.
4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action?

Lobby for reverting to an Executive Director for the MPCA rather than the present system where the Governor appoints the Commissioner who then presides over the Board. Expand membership of the Board to include more scientists and environmental advocates.

5. Would you like to see study of another state agency using this study as a template?

Yes.

6. If so, which agency (list first and second choices)?

Minnesota Department of Agriculture
Department of Human Services

- "Open up your heart" die LWV is
^{taking}
 are we getting soft-headed on
~~the~~ of Govt?

• structure
 "irregular"

work on state law

"let's take a look at this"

she was
9 yrs on the Cit. Bd.

people ought to be able to talk w/ C. Bd. members

Bd. shd be the watchdogs
 need to be empowered

we were instrumental in



Examining a State Agency: Minnesota Pollution Control Agency

League of Women Voters Minnesota
January 2007

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Do Minnesota state agencies' actions match their charters? Are they providing adequate protection and enforcement for Minnesota citizens according to their charters?

To answer these general questions, League of Women Voters Minnesota (LWVMN) proposes a further series of guiding questions to evaluate any state agency.

Fulfilling its Purpose

According to its charter, what is the agency responsible for regulating and monitoring (health, for example, or agriculture, environment, or education)? What is the current status of areas for which the agency is responsible?

How is the agency organized? How well is it structured to accomplish its purpose?

How does the agency allocate its money? Does it have adequate funding to carry out its mandate?

What do we learn from assessments made by knowledgeable outsiders, from legislative audit reports, from outcomes of court cases? How much confidence do citizens have in the agency?

Modeling Good Government

How are decisions made? Does the agency make decisions based on solid, objective evidence, independent of undue political influence?

Does the agency operate efficiently?

Does the agency apply regulations equitably?

Does the agency hold open meetings, clearly announced?

How transparent is the decision-making process?

Is the agency responsive to all stakeholders: governmental units, relevant nongovernmental organizations, business and industry, ordinary citizens? What is the mechanism for citizen input?

For this study LWVMN has focused attention on one agency, Minnesota Pollution Control Agency.

MINNESOTA POLLUTION CONTROL AGENCY

In 1967, three years before the federal government established the Environmental Protection Agency (EPA), the Minnesota Legislature created the Minnesota Pollution Control Agency (MPCA). In response to concerns over deteriorating environmental conditions throughout the state, MPCA was given the responsibility of protecting Minnesota's air, land, and water resources.

Or, as the legislative language of the establishing statute has it:

To meet the variety and complexity of problems relating to water, air and land pollution in the areas of the state affected thereby, and to achieve a reasonable degree of purity of water, air and land resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people of the state, it is in the public interest that there be established a Pollution Control Agency. A goal of the Pollution Control Agency is to reduce the amount of pollution that is emitted in the state.¹

At the time, MPCA was one of only two agencies of its kind, a model to which other states could refer.²

On its Web site, MPCA has more recently described its purpose as being "to protect Minnesota's environment through monitoring environmental quality and enforcing environmental regulations."³ In July 2005 MPCA and the Minnesota Office of Environmental Assistance were merged. Several months later, the agency introduced a shift from "monitoring and enforcing" language to "protecting and conserving" language in an updated mission statement: "Working with Minnesotans to protect, conserve and improve our environment and enhance our quality of life."⁴ This can be viewed either as a healthy recognition that citizens are responsible for protecting their own environment or as a diffusion of the regulatory responsibilities of an overtaxed agency.

MPCA rightly claims that Minnesota's "air, land, and water are now cleaner than they were 30 years ago in spite of growing population and rising industrialization."⁵ There was certainly room for improvement. Marion Watson, LWV St. Paul, recalls joining LWV's land and water use study in the 1950s, when "raw sewage was being dumped into the Mississippi River and people near Lake Minnetonka pumped septic tanks out onto the ice, the contents of which melted into the lake in the spring." There were no air quality standards, no asbestos rulings, no solid waste plan. "LWV lobbied very hard for the

creation of the Pollution Control Agency."⁶ Watson was appointed to the MPCA Citizens' Board in 1972 and served until 1980, part of the time as its chair.

Among MPCA's major achievements during that time, Watson counts the 1977 Mile Post 7 decision, a hard-fought battle with Reserve Mining Company that resulted in the Supreme Court's ordering Reserve to dispose of taconite tailings on land rather than dumping them into Lake Superior, where they had been contaminating Duluth's drinking water. MPCA's work to establish sewage treatment plants also clearly improved health for people downstream and transformed attitudes toward waterways: these were seen no longer as convenient dumps but rather as aesthetic and healthful natural resources. Finally, under MPCA, asbestos regulation went forward despite the opposition of unionized asbestos workers, who feared that their employers would be forced out of business.⁷

In December 2005, Commissioner Sheryl Corrigan* wrote an op-ed piece for the Minneapolis *Star Tribune* in which she listed more recent achievements of MPCA.

The Mississippi River is dramatically improved with renewed walleye fisheries, as a result of controls on discharges from pipes....The Twin Cities is one of only three major metropolitan areas in the country that meets all federal ambient air quality standards, and Minnesota is among only 11 states meeting those same stringent standards....MPCA has reported that mercury emissions from Minnesota sources have been reduced by 70 percent compared with 1990 levels.⁸

The picture is more mixed in MPCA's self-assessment, *Minnesota's Environment 2005: How Are We Doing?* It includes a scorecard for major areas of the agency's responsibility:

| | |
|--------------------------------|-------------------|
| Drinking water: | good |
| Cancer-causing air pollutants: | good |
| Key air pollutants: | fair/good |
| Water: | fair |
| Wetlands: | fair |
| Mercury: | fair |
| Solid waste: | fair |
| Climate change: | poor ⁹ |

*LWV interviewed Sheryl Corrigan in March 2006. She resigned from her position as MPCA commissioner in June 2006, and Brad Moore was named acting commissioner. In December 2006, Governor Pawlenty appointed him commissioner.

Among the environmental experts, legislators, and environmental advocates LWV interviewed, some are concerned that MPCA is not doing the right things to move more of these ratings to "Good." "The Citizens' Board has pretty much abdicated its oversight role." "They change and weaken standards and are not given enough money to enforce them." "They're not using the power they have." "The 'balance sheet as opposed to the legacy' is what is in force now." "They are not doing their job."¹⁰

FULFILLING ITS PURPOSE

A Key Function: Environmental Review

For many state projects, MPCA is the state agency charged with conducting environmental review, but it is not the only entity that conducts such reviews. In fact, the authority for any entity to do so derives from the federal National Environmental Policy Act of 1969 and the Minnesota Environmental Policy Act of 1973.

Responsibility for environmental review rests with the state Environmental Quality Board (EQB), an overarching policy board established in 1973 to oversee environmental review and policy in the state. (The MPCA Commissioner sits on this board, along with eight other commissioners or directors, among them the Commissioners of Agriculture, the Department of Natural Resources (DNR), and the Department of Health.)

The EQB adopts rules for the two principal tools for environmental review, Environmental Assessment Worksheet (EAW) and Environmental Impact Statement (EIS). It then selects a local governmental agency to carry out the process: a city, county, soil and water conservation district, or a state agency such as MPCA.

EQB describes the two levels of environmental review this way:

Environmental assessment worksheet (EAW):

A screening tool to determine whether a full environmental impact statement is needed. The worksheet is a six-page questionnaire about the project's environmental setting, the potential for environmental harm and plans to reduce the harm. About 150 worksheets are completed each year.

Environmental impact statement (EIS):

An in-depth analysis used for major development projects that will significantly change the environment. The statement covers social and economic influences, as well as environmental impact, and looks at

alternate ways to proceed with the project.¹¹

MPCA is the "responsible governmental unit" for any project that falls into one of the following categories: wastewater treatment plants and major sewer extensions; industrial projects such as paper mills, ethanol plants, hazardous-waste facilities; feedlots; solid waste facilities. Whether an EAW or EIS is mandatory depends on the size and location of the project. MPCA administers mandatory EAWs, for example, for feedlots over 1,000 animal units (AU), hazardous materials transfer or disposal sites, fuel conversion facilities (like ethanol), facilities that generate air pollutants over 100 tons per year (usually power plants), and municipal solid waste facilities that handle under 100,000 cubic yards per year. If some of these types of facilities are larger, an EIS will be mandatory, as it will be for a new petroleum refinery, incineration of waste containing PCBs, and new paper or pulp mills.

"MPCA is the 'responsible governmental unit' for any project that falls into one of the following categories: wastewater treatment plants and major sewer extensions; industrial projects such as paper mills, ethanol plants, hazardous-waste facilities; feedlots; solid waste facilities."

MPCA can also order an EAW on its own authority, or a proposer can volunteer to prepare one.¹² Any 25 citizens can petition EQB for an EAW on a particular project that has potential to harm the environment. (Exception: The 2003 legislature removed the right of citizens to petition for environmental review on feedlots under 1,000 AU.¹³) Only 25 signatures are required because, says the EQB, "the government agency's decision should be based on the potential for significant environmental impacts. It is not necessary to demonstrate widespread public concern about the project." Petitioners do, however, have to make the case, by providing evidence that the project in question has the potential for environmental harm.¹⁴

Once it has been determined that an EAW is required, the proposer fills out a 31-question form, including a description of the proposed project emphasizing anything that will "cause physical manipulation of the environment." (Here, too, feedlots are an exception: a recent revision of the questionnaire has cut the questions for feedlots to 12.)¹⁵

MPCA staff compile these data, hold a 30-day public

comment period, and write "Findings of Fact" that go to the commissioner. In straightforward cases, the commissioner will approve and the permitting process goes forward, but if there is any question or controversy, then the EAW goes for a decision to the Citizens' Board, an eight-person body appointed by the Governor to conduct hearings on environmental cases and to act on significant cases. Citizens' Board member Dr. Dan Foley told LWVMN that in making their decisions board members consider comments from the public, proposers' information, MPCA staff analysis, and their own sources.¹⁶ The Citizens' Board can issue a "negative declaration" of the need for the more extensive EIS, in which case the EAW is approved and the permitting process moves ahead. At this point the only recourse for those who oppose a facility is an appeal within 30 days to district or appeals court.¹⁷

Some think that MPCA goes to great lengths to avoid this eventuality. In the experience of David Preisler, executive director of Minnesota Pork Producers, "MPCA is very averse to legal problems, to getting sued, so that slows up the process. Usually the time [to process an EAW] is reasonable, but 6 to 12 months is too long for producers; it messes with their business plan, since they will have had to lock in an interest rate on a loan, concrete isn't available on a moment's notice, and dealers don't have things in stock. And the more controversy, the more time it takes."¹⁸

When the Citizens' Board does recommend an EIS (rarely), or when one is ordered by a court, or in instances of a mandated EIS, a one- to two-year process begins in which the EAW is a jumping off point for a "scoping document." This document becomes the "official blueprint" determining what will be considered in the EIS. 19 The "scoped issues are analyzed with economic and sociological impacts being considered in addition to environmental impacts."²⁰

The EIS is not a questionnaire like the EAW, but rather, according to the EQB *Guide to Environmental Review Rules*, a consideration of "the extent of...potential environmental impacts and how they may be avoided or minimized."²¹ One of its main purposes is to examine alternatives to the initial proposal: different sites, other technology, modifications in design or size, or not building at all. MPCA must "take a serious look at whether significant environmental impacts can be avoided or minimized by carrying out the project in another way."²²

At the end of the EIS process, MPCA (or, in some cases, the EQB) considers "adequacy": whether the EIS covers topics required by the scoping document, whether there

has been opportunity for public comment, and whether the EIS addresses all potentially significant issues and substantive public comments. Finally, cumulative impacts are supposed to be taken into account, with an analysis of the project's past, present, and "reasonably foreseeable future" environmental effects.²³

Estimates of the cost of an EIS range from \$100,000 to \$3 million, costs borne by the proposer; frequently, according to the EQB, a consulting firm is hired to complete the EIS. Given the time and money involved, it is not surprising that many proposers withdraw their request for a permit rather than undertake an EIS.

When MPCA is the responsible governmental agency for conducting the environmental review, it is the decision-maker throughout the process, from determining which issues should be studied to whether an EAW or an EIS will be done. The agency also makes decisions regarding the content of resulting permits. In other words, MPCA determines what safeguards should be put into place to prevent the environmental damage identified in the EAW or EIS.

Examining Areas of Environmental Protection: Air, Water, Waste, Cleanup, and Feedlots

Air

According to the federal EPA Green Book, as of March 2006 Minnesota had no areas designated as "nonattainment areas" for criteria pollutants (8-hour ozone, particulate matter-2.5, particulate matter-10, carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead). These pollutants have been below federal thresholds since 1992.²⁴

The American Lung Association's report, *State of the Air: 2006*, released in April 2006, calls the Great Lakes states (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin) one of the most seriously polluted regions in the nation. This poor rating, however, is due largely to the industrial areas around the Great Lakes; Minnesota, according to the report "has some of the cleanest air quality in the region." The Twin Cities-St. Cloud area is the largest city on the "cleanest" list with respect to short-term particle levels; Rochester also made that list. Duluth was listed as one of the 25 cleanest cities for particulate matter and for ozone; several Minnesota counties were rated among the cleanest counties in the nation for particulate matter and ozone. (It should be noted, however, that the data included only a subset of counties in the state.)²⁵

"Duluth was listed as one of the 25 cleanest cities for particulate matter and for ozone; several Minnesota counties were rated among the cleanest counties in the nation for particulate matter and ozone."

MPCA reports that a 2001 survey and continued monitoring show that over 70 toxic air pollutants measured in the Twin Cities and Duluth fall below most federal benchmarks. Benzene and formaldehyde are of most concern, and benzene is meeting federal standards at most measured locations.²⁶

In other respects air quality needs improvement. Formaldehyde levels have been above the federal threshold since 1995. Carbon dioxide emissions—largely from motor vehicles and energy plants—have increased 37 percent since 1985, contributing to global warming with its hotter weather, heavier rains, and more serious storms. Fine particles and ozone push the Air Quality Index into the unhealthy zone several days each year—as many as 13 days in the Twin Cities.²⁷ For six days in the winter of 2005 the southern part of the state suffered an unusual but significant air quality alert: a stalled weather system trapped fine particles (some wind-borne from out of state); for three of those days the Air Quality Index was in the red zone: "unhealthy for all."²⁸

MPCA fulfills its responsibility to control air pollution chiefly by requiring air emission permits for facilities that could potentially emit a regulated air pollutant above threshold levels. Through February 2006, 3,299 air emission permits had been issued.

Air Emission Permits through February 2006

| | |
|--|-------|
| Individual Federal and Individual State: | 398 |
| General (general manufacturing and non-metallic mineral processing): | 163 |
| Registration: | 2,730 |
| Capped: | 8 |
| Total: | 3,299 |

Registration permits, which have no individual adaptations to the general specifications and therefore require a simpler application form, account for the largest number of permits issued. To qualify for a Registration permit the actual (as opposed to potential) emissions at the facility

must be less than 50 percent of the federal threshold. Capped permits, new in 2004, are given to facilities that do require individual specifications, but are still "noncomplex," and whose emissions fall below 90 percent of the federal standards.²⁹

During the permit process an EAW and possibly an EIS are required if a new facility or a modification has potential air emissions of 100 tons per year or more. In addition, some types of projects make an EAW mandatory: electric generating facilities, for example, and petroleum refineries, paper or pulp processing mills, highway projects, and residential development.³¹

Federal permits must be renewed every five years. State permits require that the facility certify compliance with the conditions of the permit every year; some data must be reported semiannually, and any sudden emission that is a threat to health or the environment must be reported to MPCA as soon as possible. Permits include compliance testing and recording details, proposed by the permittee and approved by MPCA. The permittee is responsible for monitoring, data collection, and recording to show compliance; records must be kept and available to MPCA for five years. MPCA advises that it will make "periodic inspections."³² In the last 10 to 15 years MPCA has implemented a computer system for keeping track of reports from facility monitoring.³³

These measures are so far working effectively to hold air emissions in check and to keep Minnesota off the EPA list of "nonattainment areas." But permits work primarily with facilities that stay in one place. If air pollution in Minnesota rises above federal thresholds, it will most likely do so because of mobile sources—cars, trucks, heavy equipment—that emit nearly half the air pollutants in the state.³⁴

"We are and will continue to be a regulatory agency," commented Commissioner Sheryl Corrigan to LWVMN. "But we see that regulation alone will not allow us to meet current challenges, because these are related to nonpoint source pollution and regulations are not a very effective tool for these."³⁵

Partnerships are one tool MPCA is using to reduce such nonpoint source pollution. For example, in 2004 it helped the Twin Cities' Metro Transit Authority purchase ultra-low-sulfur diesel fuel (ULSD) for use in half its buses, thus reducing tailpipe emissions of smog-forming pollutants by an estimated 8.5 tons a year. Several years of MPCA work with petroleum marketers and city and state government officials resulted in legislation to require vapor recovery systems on tankers that fill underground storage tanks in all filling stations in the seven-county Metro Area. These systems will keep about 3,000 tons of

volatile organic compounds (VOC), precursors to ozone, out of the air each year.³⁶

The extent of MPCA's efforts to develop partnerships can be seen in a recent drive to install pollution-control equipment on school buses. In 2001 MPCA identified the growing risk that the Twin Cities would soon violate federal ozone and particulate matter standards—not only a health risk, but also an economic concern. (If designated a "non-attainment area" Minnesota could, according to a Minnesota Chamber of Commerce estimate, incur costs of from \$189 million to \$266 million per year.)³⁷ MPCA approached the Minnesota Environmental Initiative (MEI), a coalition of nonprofit organizations, industries, and agencies (including MPCA) formed to find solutions to environmental problems agreeable to all parties; MPCA asked for support from the business and environmental communities to find a way to reduce emissions from mobile sources, a major source of these pollutants. The resulting coalition, Clean Air Minnesota, was co-chaired by Minnesota Center for Environmental Advocacy (MCEA) and the Minnesota Chamber of Commerce; its founding partners included such diverse groups as the American Lung Association, 3M, the Bush Foundation, the City of Minneapolis, Xcel Energy, the University of Minnesota, and the Izaak Walton League. This coalition developed Project Green Fleet, which, with funding from Flint Hills Resources, Xcel Energy, Minnesota Power, and Rochester Public Utilities, installs the pollution-control equipment on school buses, and eventually will do so on transit and other diesel fleets.³⁸ As University of Minnesota professor Steven Taff noted, "Sometimes market-based approaches work just as well as (properly conducted) regulation—and are cheaper, to boot."³⁹

Water

Drinking water. Ground water. Wetlands. Stream water. Lake water. In Minnesota water is, of course, ubiquitous, and although it sometimes seems as if the agencies responsible for keeping our water clean are equally ubiquitous, MPCA plays a key role in maintaining water quality.

No fewer than nine state government agencies bear some responsibility for ground water, the source of drinking water for over 70 percent of Minnesotans.⁴⁰ The Minnesota Department of Health, for example, tests public supplies of drinking water, the quality of which rates "very high,"⁴¹ while MPCA is required by law to monitor the current condition of ground water.⁴² Public

water supplies are routinely tested by the Department of Health for nitrates and bacteria.

"No fewer than nine state agencies bear some responsibility for ground water, the source of drinking water for over 70 percent of Minnesotans."

MPCA reports "only a handful" of quickly corrected instances of unhealthful amounts of nitrates or bacteria in any public water supply since 1998.⁴³ About 25 percent of the private wells in the state, however, contain coliform bacteria.⁴⁴ Atrazine, a common pesticide used to control weeds and insects that has been found to cause sexual malformations in frogs and prostate cancer in humans, has been identified in over 80 percent of wells sampled by the state Department of Agriculture, the agency responsible for controlling agricultural pesticides and fertilizers.⁴⁵ And according to MPCA, "today, nitrate is the most widespread human-caused chemical in ground water."⁴⁶ Although a statewide survey indicated that only three percent of tested wells overall exceeded the health standard of 10 milligrams per liter for nitrates, that percentage was much higher in susceptible areas, particularly in sandy soils and those near sources of fertilizers, manure, and sewage.⁴⁷

Clearly it is important to monitor ground water, as MPCA did from 1992 to 2001. Then, due to budget cuts, the agency discontinued most monitoring except at individual remediation sites.⁴⁸ In 2004 MPCA, the Department of Health, and the Department of Agriculture established a cooperative ground water monitoring program that assigns most drinking water testing to the Department of Health and the Department of Agriculture.⁴⁹ Rep. Jean Wagenius, who has focused on environmental issues since being elected to the Minnesota House in 1985, sees evidence that currently the governor, who appoints the commissioner and Citizens' Board, does not think ground water is important, and that therefore MPCA does not ask the Legislature for money to monitor it more fully.⁵⁰

Perhaps more troubling, MPCA has relinquished its authority to certify whether state water quality standards are being met under the federal Clean Water Act Section 401. MPCA has responsibility for water quality of both wetlands and any bodies of water into which wetlands would drain. Prior to 2001, under Section 401, MPCA staff met with proposers of "dredge and fill" projects such as are found in road construction, commercial and residential developments, and harbor dredging. If these projects were likely to violate state water quality standards or degrade wetlands, MPCA could work with

the proposers to avoid or mitigate the damage, or could deny altogether the request to proceed with the project. It could also, in exceptional cases, use its discretion to grant a variance from the standards.⁵¹

In 2001 MPCA announced that staff would no longer be assigned to evaluate such applications in relation to water quality standards, and that therefore in most cases MPCA would waive the requirement for certification, an option allowed under the Clean Water Act. MPCA asserted, however, that such waivers "do not in any way relieve applicants of the obligation to meet water-quality standards."⁵² In practice this has meant that the Army Corps of Engineers certifies projects without addressing their impact on water quality.⁵³

The Sierra Club has documented examples of routine waivers since 2001. A taconite mine, for example, was allowed to discharge waste rock and ore from taconite mining into nearly 40 acres of wetlands that are tributaries to the St. Louis River. In another case the International Falls airport authority was given a waiver that allowed it to remove trees from 28 acres of forested woodland and fill over 12 acres of wetlands for a new runway system.⁵⁴

More serious is the condition of lakes and streams. The land of 10,000 lakes, according to an MPCA projection, could become the land of 10,000 impaired waters.⁵⁵ The Clean Water Act requires that impaired waters, or waters that fail to meet state water quality standards, must be identified and evaluated. This process is known as a Total Maximum Daily Load (TMDL) study. In essence, the state is analyzing each lake or river or river reach to determine how much of a pollutant that body of water can receive and still meet water quality standards. Then reasonable progress must be made in cleaning it up.

As of June 2006 MPCA had tested 10 percent of the state's 92,000 miles of rivers and streams, and 16 percent of its more than 12,000 lakes, and had found 47 percent of those tested—2,250 bodies of water—to be contaminated by one or more pollutants. Sixty-four percent of these bodies included mercury and other bioaccumulative pollutants.⁵⁶ (Traditionally, bacteria, nutrients, dissolved oxygen, sediment, biological diversity, and temperature have been of concern. Now, there are hundreds of synthetic organic compounds like pesticides, solvents, gasoline, new microbial and viral contaminants, pharmaceuticals, and hormones—"emerging contaminants" that also need to be measured or evaluated consistently.)⁵⁷

From the time a body of water is identified as impaired the state has 13 years to determine the sources of pollution, and decide on a plan of action. No new or increased discharges are permitted until it is restored.

To a degree greater than that for air pollution, significant water pollution—80 percent—comes from nonpoint sources: agricultural runoff from farm fields; urban runoff from roads, lawns, parking lots, and construction sites; septic systems; and feedlots.⁵⁸ These sources bring nitrogen, phosphorus, pesticides and sediment into the waters. Acid rain, mercury, and PCBs are borne by rain, snow, or wind. (MPCA estimates that 90 percent of mercury in Minnesota water comes via wind and rain from outside the state. About 90 percent of mercury emitted in Minnesota leaves the state.)⁵⁹ Commissioner Corrigan's comment applies here as well: regulations alone are insufficient to control nonpoint sources of pollution. Regulations could be more effective, however, if they were consistent between states and countries, and did not frequently exempt specific industries such as agriculture.

Partnerships are needed.⁶⁰ In one of the more successful partnership approaches to reducing water pollution, MPCA has since 1987 administered the Clean Water Partnership (CWP), which gives technical assistance, loans, and matching grants to help local governments identify and correct nonpoint sources of water pollution. Nitrates and phosphorus, sediment and erosion have been significantly reduced through over a thousand projects throughout the state.⁶¹ One such successful project was carried out in Cold Spring, a rural community of approximately 4,000 people in central Minnesota on the Sauk River. In the mid-1990s, Cold Spring residents became aware of high levels of nitrates in the ground water, their primary source of drinking water. Such contamination has been linked to "blue baby syndrome," in which the ability of blood to carry oxygen is impaired. The community and local businesses came together to form a partnership to address the problem, receiving a CWP grant from MPCA to implement their Wellhead

Protection Plan.⁶²

Overall water quality, however, remains a huge issue. "Minnesota needs to completely assess its lakes and streams over a ten-year timeframe," noted MPCA in a 2004 publication, *Minnesota's Water Quality Monitoring Strategy*, a ten-year plan prepared for EPA.⁶³ Using its own monitoring, plus data from other organizations, remote sensing, and citizen monitoring, MPCA aims, by 2014, to have assessed 33 percent of streams (up from 5 percent) and all lakes larger than 100 acres. The strategy projects that 4,000 lakes and 3,600 streams will have ongoing citizen monitoring, and 25 percent of depressional wetlands will have been assessed in that ten-year period.⁶⁴

Needless to say, this is an enormous—and enormously costly—project. To plan it, MPCA again worked with the Minnesota Environmental Initiative, contracting with them to facilitate the Impaired Waters Stakeholder Process from July 2003 to January 2005. This stakeholder group, known as the G-16, included 3M, CenterPoint Energy, Flint Hills Resources, Great River Energy, Medtronic, and Xcel Energy, in addition to many local, state, and federal agencies; farm group representatives, and the environmental organizations MCEA, Clean Water Action, and the Minnesota Lakes Association.⁵⁵ Their charge was to develop the whole impaired waters program: assessment, TMDL preparation and restoration, and funding sources for the program.

The G-16 produced draft legislation, called Clean Water Legacy, embodying their recommendations for full enforcement of existing regulations, full funding of water quality assessment, TMDL preparation and restoration for both point and nonpoint source pollution. The group recommended funding options, a plan for priority setting, and strategies for identifying and restoring impaired waters.⁵⁶ Current MPCA Commissioner Brad Moore credits the G-16 group with “unlocking the gridlock” that had prevented movement on funding for water quality in previous legislative sessions.⁵⁷

The report also endorsed the underlying philosophy currently expressed by MPCA in its new mission statement: Everyone—business, government, citizens—must be involved in protecting the environment, in this case restoring impaired waters. It concluded that MPCA should “encourage,” but not require, pollution prevention, and that “voluntary cleanup options that prove effective in meeting water quality goals should be preferred over new regulation.”⁵⁸

Cleanup

Because cleanup of Superfund sites is, in former Commissioner Corrigan’s words, “a mature program,” it is placed in the second tier of priorities at the agency. “We’re in a better position than our colleagues across the US: now, as new sites come on, old ones go off.”⁵⁹ Superfund programs, both federal and state, deal only with hazardous waste sites that constitute a threat to human or environmental health. New sites tend to include contaminants that have only recently been identified or for which standards have changed: methamphetamine (meth) labs, for example, or perfluorocarbons (PFCs) at the 3M Chemolite site in Cottage Grove. Since 1983, 231 sites in Minnesota have

been placed on Superfund lists; 82 such sites remained on the state list as of 2005, and 24 on the national one. The trend since 1992 has been steadily downward.⁶⁰

Other land sites to be cleaned up include “brownfields,” or areas contaminated with chemicals or petroleum from industry, and approximately 1,800 old dumps. MPCA has overseen nearly 3,000 voluntary cleanup projects since 1988; its Emergency Response Team also attends to emergencies such as landfill fires, pipeline breaks, and tanker truck accidents. Over 2,000 such reports were received by MPCA in 2005.

Minnesotans can check the status of possible or actual contaminated land in their area by using the “What’s in My Neighborhood?” interactive GIS-based map on the MPCA Web site.⁶¹

Reserve Mining—A Case Study

Residents of Minnesota for 25 years or more remember the Reserve Mining/Milepost 7 case that was in the courts and the news from 1972 to 1980. But the memory of Reserve lingers on, in new developments in 2006. MPCA was involved at the very beginning of this case, and again in the summer of 2006.

Reserve Mining began to process taconite at Silver Bay in 1955, under a (pre-MPCA) Minnesota permit allowing the company to discharge 260,000 gallons of tailings per minute. The iron ore in taconite is extracted by first smashing the taconite into dust, which is then put into water where large magnets separate the iron from the rest of the debris. The remaining particles, known as tailings, are then discarded, in Reserve Mining’s case into Lake Superior. By 1960, Reserve was allowed to discharge 502,000 gallons per minute.

Although the permit required that Reserve would not dump anything soluble in water, would not cause any discoloration of the water, and would not adversely affect the public water supply, within a year fishermen were complaining about a green discoloration of the lake, and about low fish catches.

A 1967 application for an extension of the permit led to a study that concluded the following:

1. Reserve discharged more sediment into Lake Superior in 12 days than all the lake’s U.S. tributaries discharged into it in an entire year.
2. Cummingtonite-grunerite, a mineral, was a reliable tracer of tailings in the lake.

3. A counter-clockwise current does exist in Lake Superior, strong enough to carry fine tailings across the lake.
4. Suspended tailings cause turbid green water.
5. Widely accepted water quality criteria for lead, copper, zinc, cadmium, iron, and phosphorus were exceeded in the area of discharge.
6. Populations of bottom-dwelling organisms were reduced at least 15 miles southwest of the plant.
7. Tailings effluent has been shown to affect infant rainbow trout.
8. Reserve could afford to dispose of its tailings on land. (The Bureau of Mines suggested Lax Lake, with a minimal increase in cost per ton.)⁶²

By 1971, when Grant Merritt was appointed executive director (commissioner) of MPCA, Reserve had continually stonewalled, denying any responsibility for pollution. The company then proposed the “Deep Pipe Plan,” in which it would discharge tailings under water, from where they would supposedly settle to the bottom. The company continued to reject the proposal that it dispose of tailings on land.

A year later, in January 1972, at the request of EPA Director William Ruckelshaus, the United States Justice department sued Reserve for violating the Federal Water Pollution Control Act, the Refuse Act of 1899, and the common law of nuisance. The case went to trial in United States District Court in Minneapolis on August 1, 1973. Judge Miles W. Lord presiding.

Testimony included studies that indicated that the microscopic asbestos fibers Reserve was discharging with the taconite tailings were a possible carcinogen.⁶³ A month later, Grant Merritt asked for a preliminary injunction that would halt Reserve’s production and stop the discharge. In the spring of 1974, Judge Lord asked his clerk, John Hills, to subpoena Reserve, and the court discovered Reserve engineering reports concluding that “total on-land disposal appears to be the only reasonable method” and rejecting its own deep pipe plan.⁶⁴ On April 20, 1974, Judge Lord found that Reserve’s discharges contained carcinogenic asbestos fibers. He ordered that discharges end immediately and he closed down the plant. There followed a long legal battle, in and out of various courts. Meanwhile, MPCA and the DNR considered Reserve’s request to dump the tailings on land at Lax Lake, now better known as “Milepost 7.” They required an EIS and held hearings across the state. In the summer of 1976 the DNR and MPCA denied Reserve’s request for a permit, arguing that Milepost 20 (farther inland, in the

Superior National Forest) was a much more appropriate location.

In the summer of 1977, the two agencies issued the building and operation permits with conditions. Reserve appealed. The Lake County District Court held that MPCA acted “arbitrarily and capriciously” by adding what the court deemed “not fair and reasonable” conditions. MPCA and DNR, et al., appealed to the Minnesota Supreme Court, which reversed the district court, and reinstated the permits (including changes MPCA added after the initial issuance in July 1977).⁶⁵

Reserve’s discharge into Lake Superior came to a complete halt on March 16, 1980. The company declared bankruptcy in the mid-1980s and Northshore Mining took over without any liability for Reserve’s operations.

In July 2006 the Duluth *News Tribune* reported that over 2,400 barrels of contaminated grease and other toxic materials had been found in a landfill on former Reserve property in Silver Bay. Waste from the leaking barrels has contaminated the groundwater below the dump but has not yet reached Lake Superior, one-third of a mile away.

Two million dollars were left by Reserve in a cleanup fund as part of the bankruptcy agreement, but it is expected to cost \$5 million to clean up. MPCA is using Superfund money for this purpose.⁶⁶

Waste

Roughly speaking, waste in the state can be divided into solid waste and hazardous waste. MPCA and Minnesota residents have been at the job of reducing the amount of municipal solid waste going into regulated landfills for over thirty years, primarily through recycling programs. Minnesota now recycles nearly 40 percent of solid waste produced in the state, one of the best rates of any state. Nevertheless, the amount of waste generated in the state has risen with the population, and landfill use has increased 158 percent since 1991.⁶⁷

Hazardous waste—generated by industries such as auto repair shops, clinics and hospitals, dry cleaners, and various manufacturers—includes not only asbestos and lead, but also used oil, aerosols, PCBs, mercury, and paint, among items on a long list. Management of such waste is regulated by both federal and state governments, but the EPA has authorized the state to operate its own regulatory program since 1985. In a 100-page compliance guide, MPCA lays out the steps, forms, and fees required to get a license to handle hazardous waste.⁶⁸

In 2001, however, MPCA announced that because funding for hazardous waste activities had been diminishing, it would be cutting eight staff from the program, and anticipated consequent delays in issuing permits as well as fewer training programs. It also would have to reduce its inspections of the approximately 25,000 "hazardous waste generators" in the state, its focus remaining on the larger operators.

"In 2001, however, MPCA announced that because funding for hazardous waste activities had been diminishing, it would be cutting eight staff from the program, and anticipated consequent delays in issuing permits as well as fewer training programs."

Hazardous waste facilities for treatment, storage, or disposal could, by 2006, expect to be inspected by MPCA or EPA every other year. Those generating at least 2,200 pounds of hazardous waste per month, "Large Quantity Generators," are inspected every five years, except for those in the seven-county metro area, which are inspected annually. MPCA inspects "Small Quantity Generators" in greater Minnesota every five years; in metro counties they are inspected approximately every three years. "Very Small Quantity Generators" are inspected only on the basis of complaints. A complaint will trigger an inspection of any size generator at either state or county level.⁷⁹

Feedlots

Feedlots affect fewer Minnesotans directly than do impaired waters; but for those breathing the air near them and for those concerned about leakage into groundwater and spills into waterways, feedlots loom large. There are 31,000 of them in Minnesota,⁸⁰ and they have made MPCA's list of "Hot Topics."⁸¹

MPCA has overall responsibility for regulating feedlots, and direct responsibility for the more than 800 large ones, Concentrated Animal Feeding Operations (CAFOs), which have over 1,000 Animal Units (AUs). In 57 of Minnesota's 87 counties the agency has delegated the responsibility for smaller feedlots (AFO's) to a county officer,⁸² but in counties without a delegated program, MPCA is directly responsible for the smaller feedlots as well. ⁸³ A Legislative Program Audit report in 1999, however, listed problems with delegation, primarily

that the county feedlot officers did not have adequate funds, and that quantity and quality of inspections varied considerably from county to county. It concluded that MPCA had conducted little oversight of county-delegated programs, and it recommended more training for county officers and more emphasis on their inspecting feedlots.⁸⁴

The delegated county strategy is preferred by feedlot operators themselves, according to David Preisler, executive director of Minnesota Pork Producers. "Pork producers have a decent relationship in most counties with the county feedlot officer, although it is definitely more difficult where you have 'ten acre ranchettes' and where zoning allows houses everywhere." He noted that "MPCA's engineering requirements for manure pits are second to none—these pits may last longer than the building above them."⁸⁵ But the state needs a better process for tracking manure, according to Bobby King of Land Stewardship Project. "On a small farm manure is a resource, but on a large one, it is waste." Each farm needs a manure management plan, but follow-up is also needed to see if the plan is being implemented, something that in King's view does not happen now.⁸⁶

The 1999 legislative auditor's report also criticized the backlog of permits, and the lack of follow-up when permits expired. Between 1999 and 2003 MPCA concentrated on National Pollutant Discharge Elimination System (NPDES) permits, federal permits for large facilities with the potential to pollute water; through a mix of general and individual permits, it succeeded in issuing permits to 90 percent of eligible feedlots. Of the nearly 1,000 feedlots operating in 2005 with NPDES permits, the vast majority fit under a general permit, a single permit for the whole category. Operators of such feedlots are required to file an application and a Nutrient Management Plan that will prevent discharges of pollutants, and to notify neighbors within a 5,000-foot radius.⁸⁷ There is no provision for citizen petitions or public comment.

In another move to streamline the permit process, MPCA implemented in 2000 the Open Lot Agreement, under which existing small feedlots (fewer than 300 AU) could sign up for the program by a 2002 deadline. These feedlot operators could make "interim corrective measures" by October 2005 and would have an additional five years to complete final corrective measures. Most if not all of these feedlots had been more or less unregulated, or regulations were unenforced, so this program was from the point of view of the environment an effective means of gaining cleanup of numerous smaller feedlots. For the farmer the advantage was a waiver of civil penalties for previous violations, protection from current complaints, a reduction in paperwork, and some financial help in implementing improvements.⁸⁸

In 2004 MPCA reported to the legislature that it had reassigned staff to increase inspections, going from 225 inspections in 2001 to 527 in the first nine months of 2002. In addition officers in delegated counties made over 1,500 inspections in 2003.⁸⁹

In this report MPCA described its intention to work with stakeholders to develop tools that would allow small feedlot operators to inspect their own facilities and report their compliance or lack of it. If such an operation were violating standards, the feedlot operator would propose a plan and a timeline for remedying the situation.⁹⁰

"...MPCA described its intention to work with stakeholders to develop tools that would allow small feedlot operators to inspect their own facilities and report their compliance or lack of it."

EAWs are required for new or expanding feedlots of 1,000 AU or over. These worksheets, filled out by the proposer of a project, until recently required data on about 30 questions, including such things as surface runoff, traffic, construction details, waste treatment, visual impacts, odors, noise, dust, erosion, and endangered species. Now these forms have been streamlined, reduced to a dozen questions. The intent is that an EAW, with its 30-day public comment period, will essentially screen the project for potential environmental problems; part of the process is negotiation, allowing MPCA to work with the feedlot operator to put mitigations in place. Sometimes, however, mitigations requested by citizens during the comment period do not make it into the permit language unless citizens raise the issues again during a subsequent 30-day comment period on the permit itself.

Although the legislative auditor gave MPCA good marks for monitoring water and air quality at large feedlots, some projects have raised questions and prompted organized citizen groups to petition MPCA to require the more rigorous and far-reaching EIS; ultimately, citizens have filed and won lawsuits in several well-publicized cases where MPCA has seemed to favor corporate farming over the environment.

One example: In his ruling that MPCA should have required an EIS for Reiland Dairy's application for a feedlot in the karst area of Fillmore County, Judge Robert Benson wrote that MPCA's decision not to order an EIS was "arbitrary and capricious" in that it did not consider the possibility of

uncontrolled and irreversible ground water contamination in the event of a collapse of the manure lagoon.⁹¹

Structure

*"The Citizens' Board is the agency."*⁹²—Marion Watson, chair of Citizens' Board, 1974–1978

*"The PCA is the Citizens' Board. The staff serves the board. The board has delegated decision-making authority to me as chair."*⁹³—Sheryl Corrigan, MPCA commissioner, 2002–2006

Alone among Minnesota government agencies, MPCA was established with a Citizens' Board as the key decision-making body. This board consists of nine members, one of whom is the commissioner, one of whom must represent labor and another, agriculture—all appointed by the governor to four-year staggered terms. (Some have questioned why the Citizens' Board does not also require a representative from an environmental organization.) Members may serve an unlimited number of terms.

In monthly public meetings, the board both sets policy and makes decisions on "certain other significant or controversial issues."⁹⁴ These could include feedlot permits, ethanol plant locations, power plant emissions, expansion of landfills, and the like. More routine, uncontested, non-controversial items are decided by the commissioner on the advice of staff.

Federal and state statutes determine some of the issues that come before the board. Any contested issue, any request for an administrative hearing must go to the board. The board decides whether to accept an EAW or to call for an EIS. The commissioner or any board member can bring an item to the board. Commissioner Corrigan pointed out that "it only takes one citizen to request an item to go to the Citizens' Board";⁹⁵ the commissioner may, however, deny the request.⁹⁶

The Citizens' Board has not always been structured like this. From its establishment in 1967 until 1997, MPCA had an executive director rather than a commissioner. The executive director sat on the Citizens' Board but, unlike the commissioner, did not chair the board and did not have a vote. The board elected the chair from among its members. University of Minnesota geology professor Calvin Alexander characterizes the Citizens' Board at that time: "In the '70s, you had the environmentalists as head of the agency and on the Citizens' Board."⁹⁷ During that period the executive director was Grant Merritt; as he describes it, the board was strong, making policy on all issues. Decisions were made in the open. Board members, who were paid \$35 per meeting, read

through a big stack of information. (These days board members' remuneration is \$55 per meeting, plus another \$55 for a day of preparation.⁹⁹) The executive director recommended, but did not vote. "Sometimes they would overrule me, which I found healthy."⁹⁹ Sometimes board members voted against the company they worked for.¹⁰⁰

Reporters showed up at meetings, knowing there would be issues and controversy and thus, stories.¹⁰⁰ In contrast, observes Martha Brand, executive director of MCEA, "Now the board's realm of influence is shallow; they are basically rubber-stamping staff recommendations. Board members used to be very knowledgeable about issues, and therefore questioned the staff more aggressively."¹⁰²

In some respects these changes reflect the number and complexity of issues MPCA currently deals with. MPCA-issued rules alone fill a 1,639-page book. MPCA staff currently number 750, down from a high of 800-plus in the late 1990s, and certainly up from the 35 staff with which the agency began in 1967.¹⁰¹ In the face of size and complexity, the Citizens' Board provides a way for the public to have a voice in decisions. Board members are accessible; testimony sent to the Citizens' Board becomes part of the official record if a case goes to court.¹⁰⁴ Any Minnesotan can walk into a Citizens' Board meeting, fill out a simple form, and speak before the board on an agenda item. Some believe the public would be better represented, however, if a citizens' advocate were appointed to make recommendations to put next to staff recommendations.¹⁰⁵

For much of its history, MPCA was organized along environmental lines: it had divisions of air, water, solid and hazardous waste. In the '90s it was restructured to become a "matrixed organization," with "divisions based on the folks we serve."¹⁰⁶ Thus, the current organizational chart lists these seven divisions: industrial, municipal, remediation, regional, environmental analysis and outcomes, prevention and assistance, and operational support. Of equal weight on the chart are legislative relations, strategic planning, and agricultural liaison.¹⁰⁷ Looking at changes in structure another way, MPCA has restructured to take a "multimedia" approach, recognizing that mercury in the air, for example, contributes to pollution in water, and that a given facility, say, a feedlot, needs to be monitored for both air and water pollution.¹⁰⁸

The agency has also become "customer focused," customers being, by and large, those seeking pollution permits.¹⁰⁹ This shift in direction was signaled in 2005-06 by a new strategic plan that, while it emphasizes conservation and prevention of pollution by getting all Minnesotans to take responsibility to protect the

environment, also aims to "integrate environmental, economic, and social sciences." It seems to follow from this that the interests of "stakeholders," who tend to be predominantly those with business interests, will have a strong voice in MPCA policy.¹¹⁰

Citizens' voices are most often heard at Citizens' Board meetings in relation to permits. Facilities that have the potential to emit or discharge pollutants over specified thresholds—feedlots, quarries, power plants, municipal wastewater treatment plants, to name a few categories—must apply to MPCA for a permit. This is, as Citizens' Board member Dr. Dan Foley has pointed out, in reality a permit to pollute.¹¹¹ But in the process MPCA can work with the applicant to determine ways to minimize or eliminate pollution. This process includes a 30-day public comment period, as well as opportunity for the public to be heard in letters and testimony before or during a Citizens' Board meeting.

Such comments are certainly considered; the board makes changes based on testimony from, for example, the MCEA, and other experts. On occasion an aggrieved citizen directly affected by a facility will get modifications made to a permit. But it can take an organized grassroots campaign and even a lawsuit to get a major change in a board decision.

Funding

It is natural to consider whether some of the inadequacies of MPCA result from too low a level of funding. Although Commissioner Corrigan was circumspect and noncommittal when asked this question directly, Dr. Dan Foley, member of the Citizens' Board since 1985, did say that funding is inadequate, especially for the increasingly complex situations facing the state.¹¹² Rep. Dennis Ozment believed that MPCA is significantly underfunded. "If it had more funds, it could put more into prevention rather than going from crisis to crisis."¹¹³ "From what we understand," commented Margaret Hodnik of Minnesota Power, "the permitting section is under-staffed, yet there is work overload."¹¹⁴

And most environmentalists statewide agree with Kris Sigford of MCEA that "MPCA is typically short of funds, though this varies by program. State funding for the environment is about 1 percent of the budget, the lowest in 30 years."¹¹⁵ Calvin Alexander, professor of geology at the University of Minnesota, put it bluntly: "MPCA is understaffed and underfunded; is not protecting the water, air, and land; and has abandoned ground water."¹¹⁶

Most of MPCA's \$270 million budget comes from dedicated funds: for FY 2006-07, 43 percent from the

environmental fund, and 20 percent from the remediation fund.¹¹⁷ Revenue for these dedicated funds is generated largely through taxes and fees, such as the solid waste tax; Gov. Tim Pawlenty's 2006-07 budget recommends that the current 50 percent of these revenues designated for the environmental fund be raised to 70 percent.

The agency currently gets 10 percent of its budget from the general fund, and just a little over 15 percent from the federal government.¹¹⁸ Funding via the general fund usually comes by means of MPCA requests to the legislature through the biennial budget process. General fund money supports MPCA work on water quality monitoring, TMDLs, feedlots, wastewater; it supports scientific and technical aspects of air, land, and water programs; and it supports administrative costs, including public information and the Citizens' Board.¹¹⁹

Although in actual dollars MPCA's budget shows a trend upward over time (except for 2004), when adjusted for inflation, that trend is slight. Looked at another way, the MPCA budget as a percentage of the state budget as a whole has remained at about 0.5 percent for the past four years. In FY 2006-07, the numbers for MPCA alone show about a 3 percent drop, but since MPCA was recently merged with the Office of Environmental Assistance, their combined budgets show an increase.¹²⁰ "Within those increases," reports MPCA financial manager Kathryn Sather, "are shifting legislative and MPCA priorities, loss of spending power due to inflation, and increased costs of environmental services."¹²¹

It is also the case that in some instances MPCA does not request funding that environmentalists believe it should. Sen. John Marty observed that for MPCA to say "we don't have the money" is a poor excuse when the agency has not asked for the money in the first place.¹²²

Increasingly, MPCA derives money from fees it is authorized to levy for discharging wastewater, for emitting pollutants into the air, for treating or storing hazardous waste; fees accompany some permits. Other fees are set by the legislature or by federal mandates. In 2001 all such fees generated about \$14 million, or about 5 percent of the agency's budget, unevenly distributed among MPCA programs.¹²³ Air quality fees, to take a significant example, far exceed those that can be charged for water or land pollution, a fact attributable to 1990 federal Clean Air Act amendments. Fees related to air quality in 2001 generated about \$9 million, compared with just under \$3 million for water fees and about \$2 million for hazardous waste.¹²⁴

"The MPCA budget as a percentage of the state budget, as a whole, has remained at about 0.5 percent for the past four years."

Due particularly to inflation, water quality and hazardous waste fees are not keeping up with costs; nevertheless, several MPCA requests for fee increases have been turned down by the legislature.¹²⁵ Even when collected, money from a given fee may not go to the program that generated it. In the spring of 2006, for example, the DNR found money from fees to use on ground water, but Governor Pawlenty directed it elsewhere.¹²⁶

Not surprisingly, virtually all of these fees relate to point source pollution, though it is becoming increasingly clear that nonpoint sources contribute as significantly to air and water pollution. In 2003, the legislature addressed this problem by authorizing MPCA to consolidate and redirect some funds.¹²⁷

Nevertheless, it appears to be as true today as it was in the 1991 Legislative Auditor's Report that "some of the agency's priorities have been driven by funding sources rather than by an assessment of health and environmental risks."¹²⁸ Such specific purposes for funds limit MPCA's flexibility in carrying out programs; moreover, there can be a gap between what is expected of the agency and the funding designated for it. Water quality programs are a case in point. In 2005 the cost of programs mandated by the legislature exceeded the funding (which comes mostly from the general fund) by \$9 million, about 16 percent of the total budget for water activities.¹²⁹ The 2006 legislature passed the Clean Water Legacy Act, but included only about one-third of the funding needed to clean up rivers, lakes, and streams.¹³⁰

Differences in philosophy about when and how much to charge in fees were unresolved at the time of the last full Legislative Program Audit in 1991. The auditors concluded that "Minnesota's general fee laws suggest that fees should be charged only for services that directly benefit fee payers, while PCA statutes authorize broader uses for fees. We think that charging polluters for the true cost of regulation, rather than shifting the burden to all taxpayers, is a reasonable and sound basis for state policy."¹³¹

The same issues were raised ten years later by MPCA's Working Group on Funding Options. Nearly 90 percent of citizens surveyed believe that "those who pollute should directly pay the cost to clean up and prevent pollution."¹³²

A group of stakeholders surveyed on the same question split: 82 percent of the non-agriculture group said polluters should pay, but only about half of respondents from the agriculture sector agreed.¹³¹ Because of the strong agriculture, Minnesota Chamber of Commerce, and other business and industry lobbies, MPCA appears to have been moving away from "polluter pays" and towards "public pays."

"Nearly 90 percent of citizens surveyed believe that 'those who pollute should directly pay the cost to clean up and prevent pollution.' A group of stakeholders surveyed on the same question split: 82 percent of the non-agriculture group said polluters should pay, but only about half of respondents from the agriculture sector agreed."

Oversight

Evaluation of the MPCA's finances and program falls under the jurisdiction of the state's legislative auditor, whose mission is to promote accountability, strengthen legislative oversight, support good management, and enhance program effectiveness.

In 1991, due to "concerns about the PCA's growth and effectiveness," the Legislative Audit Commission requested an audit of the agency. Among other recommendations, the resulting report encouraged the board to focus more on the agency's strategic issues rather than individual cases. The report also stated that "PCA's monitoring and enforcement efforts were not sufficient to ensure ongoing compliance with pollution regulations. The agency did too few inspections, collected too little information on pollution levels, and did not always take effective enforcement action against pollution violators."¹³⁴

The legislative auditor conducted a Program Evaluation Update in 1995 to determine whether the agency's strengthened administrative authority was having the desired effect of improved enforcement of environmental laws. Previously, environmental hazard penalties were levied by other state agencies like the Departments of Agriculture, Transportation, and Public Health, through voluntary payments or through negotiations. The 1995 report concluded the following:

Our review of PCA's use of administrative

penalty orders indicates that the agency has developed a procedure that promotes careful consideration of enforcement actions, including issuing administrative penalties. We also found that most violators who receive an administrative penalty order returned to compliance. We think that this enforcement tool, used with appropriate thoughtfulness and restraint, has increased the agency's ability to enforce environmental regulations.¹³⁵

A third evaluation of the agency was completed in January 2002 at the direction of the Legislative Audit Commission (comprised of an equal number of members from the House of Representatives and the Senate). The purpose was to study how the agency was funded and, in light of funding problems, to identify funding alternatives. This report noted that in the previous 20 years MPCA's funding had shifted from general state funding to a polluter-pay system. Moreover, Minnesota's water quality fee revenue failed to meet the cost of MPCA's water regulatory activities, while federal regulations would probably require increased monitoring. The report concluded that the legislature would need to "make decisions" on a general fund versus polluter-pay system for environmental protection in the state and on whether "funding sources should be closely linked to the purposes for which they will be used."¹³⁶

The 2002 report encouraged the legislature to "clarify state laws that define which categories of MPCA activities should be funded with fees" and to adjust the fee levels to comply with the laws. It also said that both MPCA and the legislature should balance fee revenue and appropriations to meet the needs of hazardous waste regulations. Finally, the report recommended that MPCA report to the 2003 legislature on plans to implement and finance TMDL requirements and that the agency strategize cost-effective ways to avoid violations of federal standards for ozone and particulate matter.

"The report concluded that the legislature would need to 'make decisions' on a general fund versus polluter-pay system for environmental protection in the state and on whether 'funding sources should be closely linked to the purposes for which they will be used.'"

In the past ten years, four financial audits of MPCA have been conducted. Issues regarding contracts, receipting procedures, and reconciling were cited in the June 2005 report. Greater detail can be found on the legislative auditor's Web site.

Legal Issues

As a government agency, MPCA works under a strict set of regulations from a variety of sources including federal and state legislation, national agencies (EPA, Department of Interior), other state agencies (EQB), case law and court decisions, and MPCA itself. MPCA is regularly involved in legal issues concerning not only these regulations, but also environmental review, enforcement questions, permit conditions, and jurisdictional disputes.

Most of these cases go to Minnesota appellate courts; a smaller number are heard in federal district and circuit courts. Court reviews most commonly arise when an outside party challenges MPCA's decision to issue a permit, forcing a re-examination of procedures and evidence. In Minnesota, this outside party is often MCEA, a nonprofit organization that focuses on legal action as a means of protecting the environment; it often brings MPCA under judicial review on water quality permits. MPCA also initiates legal action to enforce environmental regulations.¹³⁷

Certain precedents are frequently used as standards in court decisions. One important precedent going all the way back to a 1977 decision in the Reserve Mining case is that "the decision of an agency is presumed to be correct, and we ordinarily accord deference to an agency in its field of expertise."¹³⁸

In 2004 the legislature passed the Minnesota Administrative Procedure Act (MAPA), elaborating on the Reserve precedent:

"In a judicial review...the court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by substantial evidence in view of the entire record as submitted; or

(f) arbitrary or capricious."¹³⁹

Three cases relating to water illustrate MPCA involvement in court decisions.

In the first case, in 2004 MPCA issued a permit to the cities of Annandale and Maple Lake for a new, combined wastewater treatment facility to accommodate new development. But this facility would increase the amount of phosphorus discharged to the Crow River and downstream Lake Pepin, both already severely impaired by excess nutrients.

MCEA challenged the permit in the Minnesota Court of Appeals on the ground that federal regulations prohibit permits for new sources of particular pollutants running into already impaired waters.¹⁴⁰ MPCA argued that the increased pollution would be offset by reductions at another facility.

The Court of Appeals upheld the MCEA challenge, ruling that offsets were not allowable under the Clean Water Act and that MPCA erred in issuing the permit.¹⁴¹ MPCA has appealed the case to the Minnesota Supreme Court, where a decision is pending.

A different principle was at issue in a TMDL designed to clean up fecal coliform pollution in some 20 rivers in Southeastern Minnesota. MPCA developed a regional plan to clean up the rivers, calling for a uniform 65 percent reduction in fecal coliform loadings for each impaired river.¹⁴² Although EPA approved it, this plan was considered inadequate by MCEA, who challenged the approval in the United States District Court. MCEA argued that the proposed plan would not return the rivers to compliance with water quality standards, specifically those for fecal coliform, nor would it meet the requirements of the Clean Water Act. A federal district court ruling in June 2005 required MPCA to adjust its plan within 90 days; if it failed, EPA would take over authority for the plan.¹⁴³ The revised plan was approved by EPA in April 2006.¹⁴⁴

Some arguments that make perfect sense environmentally nevertheless do not prevail. When St. Cloud applied to renew its permit to discharge wastewater into the Mississippi, the question was whether the Coon Rapids Dam Pool, 50 miles downstream from St. Cloud, was protected as a "reservoir" under Minnesota's phosphorus rule; if so, it would require a stringent limit on phosphorus.

Ultimately the issue turned on MPCA's new definition of a pond or reservoir as one in which the water stays for a minimum of 14 days. MCEA appealed the case, saying

that the 14-day rule was "capricious and arbitrary." The appellate court ruled in 2005 that it was not, and allowed MPCA to issue the permit.¹⁴⁵ (St. Cloud remains the largest discharger of phosphorus to the Coon Rapids Pool, save the Metro plant, and the pool remains unsuitable for recreation and aquatic life due to severe algal blooms during low flow periods.)¹⁴⁶

It may be that court cases, per se, are an imperfect measure of MPCA's effectiveness in protecting the environment, because decisions are generally made on strict interpretations of law that may or may not dictate what is best for the environment. MPCA also must work with layers of laws and regulations that do not always match up perfectly, as is the case with Minnesota's new Animal Unit thresholds that conflict with federal numbers. Win or lose, court cases make MPCA's role very clear: the agency's primary purpose is to uphold and enforce the laws and regulations that protect the environment.

Environmental Justice

MPCA adopted an agency-wide policy on environmental justice in 1999, under Commissioner Karen Studders. It stated that the agency would, so far as it was able, ensure that minority and economically disadvantaged communities in Minnesota:

- * do not bear a disproportionate share of the involuntary risks and consequences of environmental pollution,
- * are not denied equal access to environmental benefits, and
- * have opportunities for meaningful participation in the development and implementation of Minnesota's environmental programs.

The most important way MPCA has begun to carry out this policy is through identifying and mapping areas of significant pollution as they relate to demographics in order that "this information is available to direct and target environmental justice activities."¹⁴⁷ Under a grant from the EPA's State and Tribal Environmental Justice Grant Program, MPCA developed a "community-based emissions mapping tool" for air toxics; now that project funding has ended, MPCA is switching to a different method of updating access to this information, the Environmental Data Access system.

A similar database—"What's in My Neighborhood?"—documents contamination of soil and water in the state. In a "Statewide Cumulative Risk Project," the agency is currently developing a GIS-based map that will show concentrations of pollutants throughout Minnesota. And it is cooperating with the University of Minnesota to

study "personal exposure of individuals to hazardous air pollutants" in the Twin Cities.¹⁴⁸

Mercury, lead, arsenic, toxic waste—these seem to be the most often mentioned environmental risks affecting low-income and immigrant people. Lea Foushee, Native American member of the Board of Directors of the North American Water Office, notes that the map of pollution sites in Minneapolis makes it clear that the areas of worst pollution are all in low-income areas: the Phillips neighborhood (indigenous, Somali, Latino) and North Minneapolis (African American), as well as the "arsenic triangle" in the Powderhorn neighborhood. "MPCA has never," said Foushee, "treated low-income people or the original caretakers of this land with equality and respect."¹⁴⁹

Foushee is also part of the Indigenous Women's Mercury Investigation, whose members have gone to all reservations to document the roles and value of fish in indigenous cultures. They have found that many Native Americans eat fish more often than the MPCA consumption advisories recommend, among them a family that ate fish every day and knew of five or six other families doing likewise. "The subject of fish is a really big deal generally," notes Foushee. "It involves treaty rights, tourists' fishing, lakes fished out or diminished. Money is involved, and Minnesota needs fish to draw fishermen and tourists."¹⁵⁰

Another kind of justice mentioned in LWVMN interviews relates to large "industrial" agriculture. University of Minnesota professor Calvin Alexander says that the push for economies of scale is "selling neighbors' environment for proposers' profit. The common good is exactly what we are talking about."¹⁵¹

EPA's Office of Environmental Justice states the goal this way: "Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies."¹⁵² It is not clear that MPCA is very far along the road to reaching this goal, but it is laying the groundwork.

"Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies."

MODELING GOOD GOVERNMENT

Decision-making

What goes into MPCA decisions? Over and over, Commissioner Corrigan inserted "data-driven" into her conversation about MPCA decisions: "We make decisions based on data." "Data is very important in setting new policy." "We bring the sides together in discussion based on data." "We focus on data."¹⁵³ John Holland, spokesman for Flint Hills Resources, confirmed that, at least from the perspective of industry, issuing permits is a more data-driven process now than it was in the past.¹⁵⁴ Another industry spokesperson, Margaret Hodnik of Minnesota Power, emphasizes that the analysis and deliberations leading to decisions "should be based on facts."¹⁵⁵

"Over and over, Commissioner Corrigan inserted 'data-driven' into her conversation about MPCA decisions: 'We make decisions based on data.'"

Even a cursory examination of the agency Web site reveals extensive technical information, data-laden appendices, and fact sheets. Clearly, data inform MPCA decisions, data provided not only by the 37 research scientists the agency employs,¹⁵⁶ but also by federal agencies that have money for research, by citizen monitors, and by those applying for permits.¹⁵⁷

Objecting to this emphasis, Polk County commissioner and wheat grower Warren Affelt said in an interview that MPCA seems to look only at scientific data and should "understand the economics and try and balance them together."¹⁵⁸ Others, however, think that the agency is bending too far in the direction of "the economics," or business interests, and falling down on its job of protecting the environment.

This impression was reinforced in 2005 by the well-publicized case of MPCA scientist Fardin Oliyai. A lead scientist on new environmental threats, Oliyai became concerned about the discovery of PFCs in blood samples from fish in the Mississippi River near the Cottage Grove 3M plant. She was pursuing additional research to identify the chemicals and their source when, she charged, agency managers reprimanded her and tried to block her work.¹⁵⁹ An appeal to Commissioner Corrigan, who formerly

worked for 3M, did not avail, and Oliyai filed a federal whistleblower lawsuit. The case was settled out of court; she dropped her suit, accepted a settlement of \$325,000, and resigned from the agency.¹⁶⁰

That MPCA has shifted its stance from an aggressive pro-environment attitude to one that tries to accommodate industry was noted frequently in LWVMN's interviews. Marion Watson, for example, observed that the current board is less responsive to citizens than it was when she served in the 1970s.¹⁶¹ Former Minnesota Rep. Darby Nelson emphasized that 20 years ago, when he served as chair of the House Environment Committee, Citizens' Board members "were deeply committed to environmental protection. Then MPCA was a regulatory agency with teeth. That meant there were people/businesses/farmers who didn't like what the agency did. Now recently the agency has backed away from this more aggressive tradition as we've had MPCA directors less committed to tough regulations and a bigger concern about 'getting along.'"¹⁶²

Kris Sigford of MCEA identified a trend from a more environmentally friendly Citizens' Board to one more attuned to industry. The commissioners appointed in recent years have tended to be close to industry; in the 1990s Commissioner Chuck Williams boomeranged from the mining industry in Northern Minnesota and back.¹⁶³ Karen Studders (1999–2002) came to MPCA from Minnegasco. Sheryl Corrigan (2002–06) came from 3M and after serving as commissioner was hired by Koch Industries, parent of Flint Hills Resources. Brad Moore, however, has spent most of his career at the DNR. University of Minnesota professor Calvin Alexander, noting that "history shows that within about a generation (20 years) a regulatory agency gets taken over by the industries being regulated," concluded that "the Citizens' Board is not a citizens' board—it is an industry board."¹⁶⁴

As commissioner, Sheryl Corrigan asserted that "if industry is not at the table we're shooting ourselves in the foot."¹⁶⁵ Industry, in fact, is well represented in "stakeholder" groups, groups that are consulted in the process of developing much current MPCA policy. Of the 53 members of Clean Air Minnesota, a coalition working toward voluntary action to reduce pollution, about 30 are businesses or industries; only five are identifiable environmental groups.¹⁶⁶ In 2005, MPCA surveyed a different group of 74 stakeholders regarding setting priorities for water programs; of these, six represented environmental organizations. It may have been one of the environmentalists in this survey whose recorded comment reads: "The profligate use of general permits and lack

of enforcement compounds the problem [of impaired waters]. The result is laxity with industrial, municipal, and corporate polluters coupled with an enormous request for significant public funding to clean it up."¹⁶⁷

From an industry perspective, however, environmental groups or citizens or both sometimes seem to have too much power in MPCA decision-making. A Minnesota Power spokesperson observed that "it sometimes seems that third parties (parties other than the MPCA and the permittee), with minimal scientific basis for their input, have an inordinate influence on the process."¹⁶⁸

Former Citizens' Board member Marion Watson connects the focus on stakeholders in industry with a current political atmosphere that stresses maximizing profit, with the result that decisions tend to be pro-business.¹⁶⁹ Commissioner Corrigan defends this work with industrial stakeholders: "It is important that we recognize that we don't drive the bus. We work with local groups." She argues that "it is not reasonable to make regulations without talking to the people being regulated. They are often willing to do more if we build a relationship."¹⁷⁰ Taking this approach leads to a focus on voluntary efforts, on what industry is willing to do on its own. A case in point is Project Green Fleet, which is successfully reducing pollution from vehicle exhaust. Flint Hills Resources has partially funded the retrofitting of school buses to use the less-polluting ultra-low-sulfur diesel fuel developed by Flint Hills.

Given all of the competing pressures on MPCA, building relationships is no doubt a good idea; better policy can be made in a cooperative, non-adversarial atmosphere. But citizens expect that these relationships will be maintained with environmental advocates as well. Unfortunately, this is not always the case. In a well-publicized example of shutting out environmental advocacy groups, MPCA consulted industry representatives alone during development of a state plan to reduce mercury emissions, refusing requests for meetings by environmentalists.

Case Study: Mercury Reduction

Many Minnesotans have been confronted with Do Not Eat Fish notices posted on the shores of over 1,000 Minnesota lakes. These warn mainly about concentrations in fish of mercury that falls from the air into lakes and streams and accumulates in the bodies of fish. It can damage the brain and nervous system of those who eat the contaminated fish. MPCA estimates that 10 percent of the total mercury deposited in Minnesota actually originates in Minnesota; of this, over half comes from coal and other energy sources; another 20 percent is generated by taconite processing.¹⁷¹

In the fall of 2004, MPCA was developing a draft plan to control mercury emissions in the state, a plan that included specific targets for reduction of emissions beginning in 2015. The agency then met with industry representatives alone for several weeks, at the end of which time mercury reduction targets, among other things, had disappeared from the plan.

Mike Robertson, Minnesota Chamber of Commerce environmental consultant, described how the Chamber had initially (in 1999) approached the issue of mercury reduction. "The Chamber and I sat down and said, 'This is going to be huge.' So we started a dialogue with MPCA."¹⁷² In 2004, however, the story was different. From August through December, MPCA, despite repeated requests, was shut out of meetings with MPCA on the mercury TMDL draft that was developed in October and presented to the Minnesota Chamber of Commerce the same month.¹⁷³ Advocacy for the environment, therefore, was deliberately blocked as the policy was being developed.

It took a Data Practices Act request by MCEA to bring forward a number of internal MPCA e-mails that revealed that deadlines, enforcement, mandatory reductions, and the information supporting them had been removed from the draft plan. The Minneapolis *Star Tribune* reported that "...officials began weakening the plan almost immediately after meeting with utility, mining and other industry leaders at the Minnesota Chamber of Commerce on October 26."¹⁷⁴ When the environmental groups requested copies of documents presented at the industry stakeholder meetings, they received documents that had been revised by leaving out many of the provisions that had been discussed.¹⁷⁵

During a meeting of the Senate Environment and Natural Resources Committee in December, Commissioner Corrigan was asked to explain these actions. "We are required as an agency to meet with our Chamber of Commerce and any other representatives of our business community before we do any sweeping policy or administrative actions that would affect those very entities," she said. Sen. John Marty pointed out that this state law refers to all stakeholders, not just those of the business community.¹⁷⁶

This whole episode gave MPCA a black eye, and actually may have contributed to the resignation of Commissioner Corrigan in June 2006. As the *Star Tribune* editorialized, "For the MPCA to put forth a control plan without compliance schedules is bound to raise questions about its commitment. To do so immediately after hearing industry concerns raises doubts about its integrity."¹⁷⁷

These actions, once they became public, may have contributed to a strengthening of mercury regulations. The State Legislature passed, and the governor signed, the Minnesota Mercury Emissions Reduction Act of 2006, which represents a compromise agreement. Under this agreement, reductions of mercury emissions will focus on the six largest coal-fired generating units in Minnesota; by 2015 these plants will account for a reduction of over 70 percent in emissions from power plants.¹⁷⁸

LWVMN interviews suggest that quite a number of Minnesotans believe that MPCA is subject to political influence. In the words of Willmar City Council member Atty. Ronald H. Schneider, the Citizens' Board is "often ineffective, due to political pressure, which compromises the work of the MPCA."¹⁷⁹ John Persell, environmental policy officer for the Leech Lake Band of Ojibwe, says, "Politics is what it is all about. Whoever is in power, that's how things will go."¹⁸⁰ Although other sources of influence are mentioned—including the legislature, other government agencies, regulated industries, and citizens—in general, observers see the pressure as coming from the governor's office.

It is natural to expect that Citizens' Board members will be sensitive to the governor's views, since they, along with the commissioner, are appointed by the governor. True, there is no direct dialogue between the Citizens' Board and the governor's staff; Commissioner Moore says, "I don't get a call from the governor and others to decide things a certain way." Nevertheless, a commissioner is, as Citizens' Board member Dr. Dan Foley observed, a direct arm of the governor; there is always subtle pressure.¹⁸¹ Such pressure is felt most directly by those at the top of the agency, the commissioner and assistant commissioners. This tends to trickle down to lower levels, however, and it is possible, as Land Stewardship Project program officer Bobby King suggests, that good staff members have left the agency because the commissioners have been too susceptible to political pressure and have not been courageous about defending the environment.¹⁸² Then, too, elected officials and their programs come and go. MPCA regional planner Jeff Schneider thinks that to function for the good of the public, MPCA needs political stability.¹⁸³

Calvin Alexander, an expert on karst geology who has given professional testimony at Citizens' Board hearings many times, believes that although there are some "very

good, very concerned people at the MPCA," the Citizens' Board "has been very, very carefully stacked against environmentalists."¹⁸⁴ As of September 2006, board members included one person with a master's degree in environmental health science and one Nature Conservancy policy director. The new commissioner, Brad Moore, has a public policy degree from the Humphrey Institute of the University of Minnesota and was assistant commissioner of the DNR before coming to MPCA in August 2006. The others represent a cross-section of Minnesotans but have no visible environmental expertise. They may, however, have considerable "objective expertise," in the view of Mitch Davis, who dealt with the board in a lengthy process of getting a permit for a large dairy operation. In his experience, board members make a lot of effort to be informed.¹⁸⁵

"There are some 'very good, very concerned people at the MPCA.'"

Political pressure can and does come from other directions, as the case of another large dairy operation indicates. In February 2000 the MPCA completed an EAW for Reiland Farms, a large-scale, industrial dairy farm operation, proposed for an environmentally sensitive karst area in southeast Minnesota. The proposal included a 7.3 million-gallon manure lagoon in an area with limestone bedrock, many areas with exposed bedrock, numerous springs, sinkholes, disappearing streams, and caves. Karst land such as this allows for rapid movement of surface water to ground water sources, which are thus easily contaminated.

After reviewing the EAW, the Minnesota Department of Health (MDH) submitted a nine-page letter to MPCA, stating that the agency believed that an EIS was required for this project and listing its specific concerns with the EAW and with the proposal.¹⁸⁶ A week later a group of legislators called a meeting on this letter, gathering together five legislators, the commissioner of the DNR, the commissioner of the Department of Agriculture, the deputy commissioner of MPCA, and several staff members from MPCA and MDH. Following this meeting, MDH wrote a brief letter to MPCA withdrawing the agency's request for an EIS to be done on this project, while writing, "We do, however, still have concerns about the potential for catastrophic failure of waste storage facilities of not only the Reiland Farm, but of other waste storage facilities in the karst regions of southeastern Minnesota."¹⁸⁷

Why the change? According to e-mail obtained through a Data Practices Act request, at the meeting MDH was criticized for "interfering with the PCA and the Reilands in getting this feedlot expansion going." The same e-mail reported that the hostility level toward DNR and MDH was "HIGH," but "a virtual lovefest for Dept. of Ag and PCA." It concluded that "their primary goal seemed to be to threaten us into submission so that we do not do our job (protecting public health and groundwater.)" 188

There is other evidence that the Department of Agriculture wields considerable influence in environmental matters. In 2004, Tyrone Hayes, a biologist at the University of California Berkeley, was invited to be a keynote speaker at an MPCA conference. On learning that he intended to speak on the relationship between atrazine and frog deformities, MPCA staff first asked him to remove the words "atrazine" and "pesticide" from the title of his talk. When he refused to do so, Commissioner Corrigan uninvited him, later saying, "...I just didn't think it was keynote material." Hayes said his removal was "an act of censorship." During these negotiations, MPCA staff e-mails to Hayes suggested that "other agencies" had concerns about a talk on atrazine. 189

The agriculture industry maintains a strong presence at the legislature, where rural legislators are influenced by agriculture business interests, and in turn, influence the budget for MPCA. 190 Such pressures can also translate into regulation or its absence. For example, even though agricultural runoff contributes more phosphorus than other nonpoint sources, laws and rules largely exempt from regulation both overland flows and direct discharges. A new basin-wide phosphorus permit negotiated by MPCA says only that agricultural practices will be "encouraged" to reduce phosphorus loading through the use of particular management practices. 191

In earlier years, according to Mike Robertson, former employee at MPCA, there was considerable conflict between the Department of Agriculture and MPCA. MPCA was viewed as "such an aggressive regulator that farmers didn't want them to regulate pesticides and other farm chemicals." So, although MPCA set the standards, the testing and regulation of pesticides were assigned to the Department of Agriculture; Superfund sites related to agriculture also went to the Agriculture Department. 192

"The agriculture industry maintains a strong presence at the legislature, where rural legislators are influenced by agriculture business interests, and in turn, influence the budget for MPCA."

Craig Johnson, a former MPCA employee, describes the current situation as "a war between the Department of Agriculture and the MPCA," and believes that MPCA has been intimidated by the Department of Agriculture so that it fails to sufficiently regulate feedlots. 193

Robertson thinks there is less tension and more cooperation now. Whether this is good or bad may depend on one's perspective. Sen. John Marty considers it a matter of "very great concern" that there is a tight relationship between MPCA and agriculture interests such as the Minnesota Pork Producers. He sees MPCA and the Department of Agriculture working hand in hand. 194

Efficiency

Citizens and industries alike see efficiency in government as a good, and one of the primary measures of efficiency of MPCA is the speed with which it issues permits. But MPCA is a large, rule-bound agency, and the process is not always quick. Forrest Peterson, of the Willmar office of MPCA, finds that the bureaucracy necessary to account for spending public money impedes the real work of the agency. "There's too much focus on permits, paperwork, process. We need to increase our field presence: more front line staff working with public and regulated parties." 195 Sen. Michael Jungbauer (R-East Bethel), who designs wastewater treatment systems professionally and also serves on the Senate Environment and Natural Resources Committee, has said that MPCA spends too much money documenting pollution and not enough eliminating it. 196 And while acknowledging that regulation is necessary, Margaret Hodnik of Minnesota Power notes that complex rules and overlapping regulations sometimes result in a "belt and suspenders" strategy, a cautious approach that does not always yield commensurate benefit. 197

Both John Hoffland, of Flint Hills Resources, and Mike Robertson, Minnesota Chamber of Commerce consultant, praised the increased speed of permitting following the internal analysis of agency structure and procedures by means of the Six Sigma process under Commissioner Sheryl Corrigan. For example, spurred by the 1999

Legislative Audit of the feedlot program, MPCA has actively pursued improvement in permitting of feedlots, with significant results: Before 2000, the agency was meeting permit processing deadlines as laid out by Minnesota statutes 49 percent of the time. By 2004, 92 percent of permits were issued on deadline. 198 (LWVMN: Are they looking at permits carefully? Robertson: That's their goal.) 199 This reduction in processing time may also stem from a more aggressive use of general permits covering multiple facilities and from delegating more permitting authority to counties.

"Speed of permitting is likely to be more satisfying to applicants than to guardians of the environment who fear that 'fast' equals 'superficial.'"

Speed of permitting is likely to be more satisfying to applicants than to guardians of the environment who fear that "fast" equals "superficial." While industry, the governor, the legislature, and MPCA itself may measure its success by how many permits it issues how fast, others, like Rep. Jean Wagenius, would apply different measures: "My measure is how much benzene, for example, is in the air." 200

Enforcement

MPCA has the authority to assess Administrative Penalty Orders (APOs) for violations of state or federal environmental laws like discharging untreated or inadequately treated wastewater into rivers and lakes, or failing to report an accidental discharge or emission. Some portion of this penalty can be forgivable; that is, the penalty is assessed, but part is forgiven if the violator does what is needed to come into compliance with the relevant law. In 2001–2005, the 330 APOs levied averaged between \$4,000 and \$5,700, with a maximum allowed of \$10,000.

In situations where the violation warrants a penalty greater than \$10,000, a second type of penalty can be levied, a Stipulation agreement (Stip), or negotiated settlement. These average between \$20,000 and \$40,000. In addition a Supplemental Environmental Project (SEP) may be agreed upon; this is a bit like an "in kind" contribution, in that a violator can choose to undertake an environmentally beneficial project not required by law as part of the settlement of a violation. 201

Before 1991, MPCA had authority to issue APOs for hazardous waste violations only; after that, the legislature authorized the agency to issue penalties for air, water, and solid waste violations as well. Between 2000 and 2006, air and water quality violations were most common: between 22 and 37 violations per year for each. Hazardous waste violations were slightly lower, followed by stormwater, tank, and solid waste. A 1995 legislative auditor's report indicates that 90 percent of violations were corrected, half within a month. 202 A later report showed that in general, the state experienced a rise in APOs, from 31 in 1991 to a high of 193 in 1994, and an average of 109 each year between 1995 and 1998. 203

Largest Environmental Penalties Issued in Minnesota through 2006 204

| | | |
|-----------|--|---------------|
| 1. 1998 | Koch Petroleum Group (now Flint Hills Resources) | \$6.9 million |
| 2. 1996 | Darling International | 4.0 million |
| 3. 2001 | Marathon Ashland Petroleum | 2.5 million |
| 4. & 5. | Marvin Windows | 2.0 million |
| 1990 | Koch Petroleum Group | 2.0 million |
| 6. & 7. | Reserve Mining | 1.0 million |
| 1977 | 3M | 1.0 million |
| 1989 | Pottlatch Corporation | 725,000 |
| 8. 2005 | Koch Petroleum Group | 600,000 |
| 9. 1989 | USG Interiors, Cloquet | 569,941 |
| 10. 2005: | | |

Communication

What do Minnesotans want to know about their environment? When the air quality index goes over 100? They can sign up for MPCA's air quality alert listserv. What rules MPCA has issued so far this year? Residents can add their names to the MPCA mailing list to receive such notices. What hazardous waste contaminated sites are in a given area? Click on "What's in My Neighborhood?" on the MPCA Web site.

When and where is the Citizens' Board meeting, and what is on the agenda? What plants will thrive in an area that floods periodically? What rivers and streams feed the St. Croix River? Who has been issued an air permit? How is global warming affecting Minnesota? Why is MPCA no longer doing research on deformed frogs? What is MPCA doing about arsenic in the Powderhorn area of Minneapolis? These questions are all answered on the MPCA Web site.

Also on the Web site are forms for feedlot permits, a link for making a citizen complaint, instruction for cleaning up an area contaminated by a meth lab, creature-of-the-month coloring sheets for kids, the phone number for the air quality complaint hotline, a poster on disposal

options for common automotive wastes, and well over 100 fact sheets.

In all, the site index outlines nearly 300 links to various kinds of information, permit forms, and data collections, all of it readily obtained by those with a computer and Internet access. MPCA does not limit its educational efforts to its Web site: it offers workshops on subjects ranging from environmentally preferable purchasing to technical information on TMDLs and storm water. The agency also publishes *Minnesota Environment* magazine (online and in paper) for the general public, and *Environmental Bulletin* for the scientific community. Information can be requested by mail and by telephone. It all adds up to a serious effort to inform the public on a host of environmental issues.

Transparency

On occasion, however, it can be difficult to get information. Some MPCA deliberations are less than transparent. Early in 2006 Waste Management applied for a continuation of a demonstration project permit to apply non-toxic liquids to segments of the Spruce Ridge Landfill near Glencoe for the purpose of capturing methane as an energy source. (This liquid may be leachate collected from the landfill, runoff, expired or spoiled beverages, and the like.) Additional liquids facilitate the decomposition of organic wastes, which increases the rate at which the resulting methane is produced. Notice of demonstration projects goes only to residents living within a one-mile radius of the plant; there is no public hearing associated with this approval, nor clear indication that the process to be used complies with local ordinances. Certain environmental concerns do not appear to have been answered, such as how ammonia, a by-product, will be collected. It is not clear why the permit should allow an open collection process when in other states closed processes capture all of the methane produced, rather than the approximately 75 percent of the open process.²⁰⁵

Senator Marty notes that MPCA has a "duty of candor." But sometimes, as with the mercury meetings, it takes considerable effort and even recourse to legal measures to find out who and what are informing decisions. Senator Marty sees organizations such as the MCEA having to use the Data Practices Act more and more frequently.²⁰⁶

Responsiveness to Citizens

Communication should be a two-way street, and Citizens' Board hearings constitute the widest avenue for public opinion. Whether citizens' voices are sufficiently loud

that MPCA can hear them above the noise of industry, however, remains an open question. If a case for a permit is at all controversial, it will come before the Citizens' Board after public notice and a 30-day public comment period. During this time, citizens can submit written testimony to the Citizens' Board; they can also come to the meeting and present oral testimony. In many cases such testimony can be a reality check, allowing the members of the board to hear the voices of those who will be directly affected by the decision. A likely outcome is that the permit may be delayed while mitigating requirements are considered and added.

But it generally takes a significant organized effort to, for example, get the board to mandate an EAW if it is not required by statute. It takes even more effort to persuade the board to require the more exhaustive and costly EIS. The Heartland tire-burning plant proposed for Preston in 2003 illustrates the situation. In that case MPCA reviewed the EAW and issued a permit. Three well-organized citizens' groups conducted an informational campaign and appealed the decision in court. It took three court actions over two years before the Citizens' Board voted six to one to require an EIS. A week later Heartland withdrew its request for a permit.²⁰⁷

In addition to sheer numbers, tireless work, and persistence, those opposing the tire-burning plant benefited from expert testimony by a group of doctors from Mayo Clinic and Olmsted Medical Center, who "really made an impact with their testimony about the potential dangers from air pollution."²⁰⁸ MPCA had not changed its mind on an air permit in ten years.²⁰⁹

"But it generally takes a significant organized effort to, for example, get the board to mandate an EAW if it is not required by statute. It takes even more effort to persuade the board to require the more exhaustive and costly EIS."

This level of citizens' action can be expensive, not only in time and energy, but also in money. The group that organized opposition to Heartland collected enough money in donations to hire lawyers, but they also had legal help from Midwest Environmental Advocates in Wisconsin, the Minnesota chapter of the Sierra Club, and the Clean Water Action Alliance of Minnesota.²¹⁰

Case Study: Heartland Energy and Recycling

In 2002 Heartland Energy and Recycling proposed to build what was to be the nation's largest tire-burning plant—processing an estimated 10 million tires a year—in Preston, a small town in the rolling hills of southeastern Minnesota. Heartland completed an EAW, which was approved by the Citizens' Board despite its brevity relative to EAWs for other less extensive projects and its failure to address critical issues, including concern for the health of families in the area. The plant would have been located about one mile from residences, a day care center, an elementary school, a playground, a nursing home, trout streams, and a public golf course.²¹¹

Burning tires emit many toxic elements: particulate matter, hazardous air pollutants, mercury, and heavy metals. Particulate matter is associated with heart disease, dysrhythmias, heart failure, and cardiac arrest; dioxin is recognized by the EPA as one of the most potent man-made carcinogens. Winds could carry these pollutants from Preston to other neighboring communities such as Lanesboro, Fountain, Chatfield, Stewartville, and Rochester.²¹²

Moreover, the Heartland plant would have been adjacent to an ethanol plant, one of 12 included in a lawsuit against MPCA for allowing non-compliance with the Clean Air Act. The cumulative impact of the two facilities to Minnesota air and water was not considered by MPCA.²¹³

Three citizens' groups formed to stop this plant, motivated by the significant threat to their environment and way of life. Brian Schomisch, for example, had invested \$200,000 in land for an organic farm downwind from the proposed plant. Pollution from the plant would cause crops to lose organic certification. Veterinarian Bryan VonGorp resumed activism he thought he had left behind in the 1960s, determined to fight for a healthy environment not only for his daughter, but for everyone else.²¹⁴

Fran Sauer, organizer of Southeastern Minnesotans for Environmental Protection (SEMEP), outlined the citizens' groups' procedures for the LWVMN convention in Rochester in June 2005. They determined early on that they would deal only in facts, not in anecdotes. The three groups divided responsibilities and therefore were able to solicit support from neighboring communities (including those in Iowa and Wisconsin). Despite having their phone lines possibly tapped and definitely cut, they stayed connected, using cell phones and e-mail.²¹⁵

In July 2003, MPCA approved the air permit for Heartland, ignoring the public's desire for a case hearing and requests to order an EIS, and allowing the facility to begin construction despite the controversy and the

initiation of a lawsuit by SEMEP.²¹⁶ The air permit had no limits on mercury and dioxin emissions.²¹⁷

That winter SEMEP returned to court, arguing that the environmental review process and the EAW were incomplete and that the decision by the MPCA Citizens' Board was founded on incomplete information and process. In February 2004 the judge ruled that there were "...a number of substantive questions not addressed..." and ordered the case back to MPCA for further review.²¹⁸

During this public comment period, MPCA received over 700 comment letters, plus a petition with more than 4,500 signatures opposing the plant. MPCA staff answered each comment in writing, all published on the MPCA Web site.²¹⁹

In January 2005 the MPCA Citizens' Board voted 6 to 1 to order an EIS for the project, Commissioner Sheryl Corrigan dissenting—the first time the Citizens' Board had reversed a decision of MPCA staff.

On March 1, 2005, MPCA approved the Positive Declaration on the need for an EIS. A week later, Heartland Energy and Recycling officially informed MPCA of its intention to abandon the project.

In another case, in which Northern Plains Dairy wanted to site a large operation near St. Peter, residents banded together to oppose that location. Because Gustavus Adolphus College was downwind from the proposed site, the college joined the active opposition. The citizens' group raised \$30,000, and Gustavus contributed at least \$100,000 to the legal effort, an investment Dr. Clair McRostie, emeritus professor of Gustavus, terms "crucial." Also influential was the testimony of the DNR, which was able to veto both of the first two site proposals because they would have put potentially damaging runoff into creeks that feed into Seven Mile Creek.²²⁰

Residents of Minnesota receive no public help in disputing decisions made by state agencies. Although in some states the attorney general would represent the public, here the attorney general represents both citizens and agencies. Unlike Wisconsin, where a citizens' group can get state grant money to do fact-finding, Minnesota leaves its citizens' groups to find other means of support.²²¹

Minnesota does benefit from a nonprofit organization that keeps a close eye on MPCA decisions: MCEA, "the legal and scientific voice protecting and defending Minnesota's environment."²²² One observer notes that MCEA could be MPCA's most valuable counterweight, a sort of "loyal opposition," enabling the agency to resist pressure from industry and warning of legal issues that the agency can

correct and, in so doing, avoid litigation.²²¹ Citizens' Board member Dr. Dan Foley describes MCEA as a "very effective group—they do their homework and their information is pertinent. The board pays attention."²²⁴

Complexity: Ethanol Plants

Ethanol production is growing so fast in Minnesota—and the environmental issues surrounding it are so multi-layered—that MPCA has created an "ethanol team" to handle ethanol plants. The state's 16 ethanol facilities are projected to produce 550 million gallons in 2006, a tremendous increase over the 11 million gallons produced 25 years ago.²²⁵ At the beginning of 2007, in addition to these existing facilities, five new ones were under construction, three more were proposed, and seven were in the development stage.²²⁶ By 2008, MPCA estimates that Minnesota could be producing 1.6 billion gallons a year.²²⁷ Such an estimate may be optimistic, but politicians and others believe that ethanol can be an important part of the solution to our dependence on foreign oil. City residents praise the reduction in toxic emissions from vehicles.²²⁸ Some farmers and citizens of small towns view ethanol plants as the way to improve corn prices and increase jobs that will revitalize rural areas.

These attractions, plus the economic returns to investors, are putting pressure on MPCA and the DNR to issue permits at a rapid rate. But caution is warranted: corn ethanol plants can be hard on the environment in a number of ways. Agricultural chemicals—nitrogen, phosphorus, and pesticides—associated with growing corn are one problem. For this reason, there is increased interest in cellulosic ethanol from prairie grasses or other low input biomass grown on agriculturally marginal land.²²⁹

Ethanol plants also use large volumes of water for processing the grain—currently to produce one gallon of corn ethanol takes from four to almost five gallons of water—something not all sites have in abundance. Wastewater from the plants is contaminated with VOCs and excessive chloride. There is a move to burn coal in this process rather than cleaner natural gas because of the increase in natural gas prices.

Environmentalists are concerned about pressure for rapid permitting. In the words of Janette Brimmer, legal director of MCEA, "It's kind of a runaway train. We need to know what the problems are, and not just trade one problem for another."²³⁰

Ethanol plants need a variety of permits, for both air emissions and water discharges—hence the "ethanol team" approach taken by MPCA. An EAW is required for

all new plants that produce up to 125 million gallons per year and for existing plants that increase their output by five million gallons or more per year. An EIS is required for new plants or expansions that produce more than 125 million gallons per year.²³¹ (In anticipation of the trend toward larger, investor-owned plants the Minnesota legislature in 2004 raised the bar for a mandatory EIS from 50 million gallons per year to its current level.)

Some water permits come from MPCA, others from the DNR and even the Army Corps of Engineers. The DNR issues water appropriation permits, which regulate the use of surface and ground water; the proposer must demonstrate that there is an adequate and sustainable water supply. MPCA grants wastewater discharge permits; these include a federal NPDES and/or a State Disposal System (SDS) permit for the disposal of processing water, as well as stormwater, during both construction and operation. In addition, if the proposed plant is near public waters or wetlands, there may be more regulations that involve the DNR and the Army Corps of Engineers. And that's just for water.

All ethanol plants, even the smallest that produce only 10 million gallons per year, require an air emissions permit from MPCA. Generally speaking, the emissions of concern are nitrogen oxides (NO_x), carbon monoxide (CO), and VOCs.²³² Ethanol plants come under the same state and federal emission limits as exist for grain fermentation, drying distillers' grain, and loading of grain into trucks or train cars.²³³

Because emitted toxins are mixed with water droplets, it is difficult to measure them; it is possible that they have been "underquantified."²³⁴ In 2002, 12 plants were cited for violations of the Clean Air Act, the emissions involved being NO_x, CO, and VOCs. Consent decrees between the plants and EPA, MPCA, and the United States Department of Justice required each facility to pay a monetary penalty and to install best available technology to control these particular air emissions.²³⁵

It also takes some care to determine the volume of water in an aquifer. Granite Falls Community Energy ethanol plant opened with a temporary permit from the DNR, but ran short of water after one year of operation. Wanting to expand, operators applied to MPCA for a permit to use surface water piped from the Minnesota River.²³⁶ During a challenging EAW process, they withdrew their application in September 2006.²³⁷

Proposers of plants complain that the environmental review process and permitting process take far too long, thus costing them revenue and, perhaps even the plant, if it moves to a "friendlier" state. MPCA's ethanol team is part of the agency's effort to improve the efficiency

of the environmental review and permitting process for ethanol plants. To improve communications and dissemination of information, the team has established an ethanol page on MPCA's Web site and will handle both MPCA water and air permits for ethanol plants.

Although the Citizens' Board continues to vote against the need for an EIS on any of the ethanol plant proposals coming before them, some members are indicating their concerns with the industry. As Commissioner Moore said in a December talk, ethanol will likely be a topic of discussion at the state legislature in 2007.²³⁸ MPCA's ethanol team faces a significant challenge in trying to balance environmental concerns and economic development urgencies. Whether a satisfactory balance can be achieved remains to be seen.

Ethanol thus illustrates the complexities facing a regulatory agency whose mission is to protect the state's natural resources without unduly hindering economic development. Further challenges come from the wide range of stakeholders, from the difficulty of measuring pollution from nonpoint sources, from overlapping jurisdictions, and from gaps in funding.



In short, this description of MPCA's job from a legislative audit in 1991 still sounds familiar:

PCA has a difficult mission. It is expected to protect the environment, while at the same time avoiding unduly burdensome regulations. It is an agency that serves many "masters": the U.S. Environmental Protection Agency (EPA), the Governor, the Legislature, the PCA Board, and the citizens of the state. It regulates some pollutants for which there is little information on health and environmental risks. To a large extent, PCA's practices are dictated by federal rather than state regulations. ...In short, PCA operates in an environment with many constraints, little consensus, and very high stakes.²³⁹

Clearly, the context for environmental protection has not changed significantly in the past 15 years. In the interests of both good government and the environment, we conclude that we must promote changes that will enable MPCA to carry out its environmental protection mission.

INTERVIEWS

Conducted by the Committee

Calvin Alexander, recognized expert in karst geology, professor of geology and geophysics at the University of Minnesota

Beth Aschinger, MPCA financial staff

Ginny Black, environmental economic development officer, MPCA; formerly worked for Office of Environmental Assistance

Martha Brand, executive director, Minnesota Center for Environmental Advocacy

Sheryl Corrigan, MPCA commissioner (resigned June 2006)

Dr. Dan Foley, member of MPCA Citizens Board since 1985; chair before the legislature changed the structure; now the governor-appointed commissioner chairs the Board.

Lea Foushee, Indigenous Women's Mercury Investigation, North American Water Office

Judith Helgen, retired MPCA research scientist who studied deformed frogs

John Hoffland and Becky Kenow, public relations officers for Flint Hills Resources (formerly Koch Petroleum Group)

Craig Johnson, intergovernmental relations, League of Minnesota Cities, former MPCA employee

Bobby King, policy program organizer, Land Stewardship Project

Sen. John Marty, chair of Senate Environment and Natural Resources Committee

Grant Merritt, former executive director, MPCA

Rep. Dennis Ozment, chair of House Environment and Natural Resources Finance Committee

David Preisler, executive director of Minnesota Pork Producers Association

Mike Robertson, environmental consultant, Minnesota Chamber of Commerce

Kathryn Sather, MPCA financial staff

Kris Sigford, water quality program director, Minnesota Center for Environmental Advocacy

Steven Taff, associate professor and extension economist, specialist in environmental policy, University of Minnesota

Rep. Jean Wagenius, House Environment and Natural Resources Finance Committee

Marion Watson, LWV St. Paul, former chair of the MPCA Citizens' Board

Conducted by Local Leagues

Warren Affeldt, county commissioner, Polk County, board member of the Natural Resource & Environment Committee of the Association of Minnesota Counties, former president of Minnesota Wheat Growers

Mitch Davis, managing partner, Northern Plains Dairy, St. Peter

Margaret Hodnik, director of regulatory and public affairs, Minnesota Power, Duluth

Harriet Mason, LWV St. Peter

Dr. Clair McRostie, emeritus professor of economics, Gustavus Adolphus College

Darby Nelson, former Minnesota State Representative, chair of House Environment Committee

John Persell, Leech Lake Band of Ojibwe, environmental policy

Forrest Peterson, public information officer, MPCA Willmar office

Jeff Schneider, MPCA regional planner for solid waste, SE District (formerly with Office of Environmental Assistance)

Ronald H. Schneider, former county attorney, Willmar

Willie Root, Goodhue County Public Works Department, environmental technician: solid waste

Tina Rosenstein, Nicollet County environmental services director

Appendix A. State Agencies

State agencies, part of the executive branch of government, are listed below. Over 150 state boards, councils, commissions, committees, ombudsmen offices, and task forces are part of the executive branch. For a complete listing see Quick Links online at <http://www.state.mn.us/portal/mn.jsp?home.do?agency=NorthStar>.

Administration Department. This department provides services to government agencies; information for vendors who wish to do business with the state; information on data practices, public auctions, State Register, Minnesota Bookstore and more.

Agriculture Department. This department works toward a diverse agricultural industry that is profitable and environmentally sound, protects the public health and safety regarding food and agricultural products, and ensures orderly commerce in agriculture and food products.

Commerce Department. This department is the chief regulator for the banking, energy, insurance, real estate, residential construction, securities, telecommunications industries and also operates Minnesota's Unclaimed Property.

Corrections Department. The department regulates and operates ten correctional facilities including eight for adults and two for juveniles.

Department of Education. The Minnesota Department of Education, formerly Children, Families & Learning, works to help communities to measurably improve the well-being of children through programs that focus on education, community services, prevention, and the preparation of young people for the world of work.

Employee Relations Department. This department represents the State of Minnesota as its central human resource office, serving state workers and the departments, agencies and offices within the Executive Branch.

Employment and Economic Development Department. The Minnesota Department of Economic Security (DES) and the Department of Trade and Economic Development (DTED) have merged to support the economic success of individuals, businesses and communities by improving opportunities for growth.

Finance Department. This department is responsible for managing all financial affairs of the state. Some of the services provided are economic and budget analysis, budget process management, accounting and payroll systems, vendor payments, and cash and debt management.

Health Department. This department operates programs for disease prevention and control, health promotion, family and community health, environmental health, health care policy, and regulation of health care providers and facilities.

Housing Finance Agency, Minnesota. This agency offers five primary services: development and redevelopment, supportive housing, homeownership loan programs, preservation of federally-assisted housing, and resident and organizational support.

Human Rights Department. The primary functions of this department are resolution of charges of illegal discrimination; public education aimed at eliminating and preventing discrimination; and promotion of employment opportunities for women, minorities and persons with disabilities.

Human Services Department. Human Services offers programs for health care, child support, food support, general assistance, nursing home care, seniors, people who are deaf, people who have developmental disabilities, foster care, child protection, and adult and children's mental health services.

Labor and Industry Department. Services include workers' compensation, labor standards, and apprenticeships; code administration, inspection services and licensing of boilers, high-pressure-piping and boats-for-hire; investigating complaints and incidents.

Military Affairs Department. Also known as the Minnesota National Guard, this department provides, at the direction of the governor, support to local law enforcement agencies during natural disasters and other emergencies.

Natural Resources Department. This department manages the state's natural resources, including hunting, fishing, state forests and parks, lakes, rivers and streams, boating and water safety, trails, snowmobiling, skiing, education, enforcement, wildlife management, lands and minerals.

Pollution Control Agency. This agency is responsible for administering environmental permitting, compliance/enforcement, remediation and outreach programs to help Minnesota protect its environment.

Public Safety Department. This department includes the Bureau of Criminal Apprehension, Liquor Control, Alcohol and Gambling Enforcement, Crime Victim Services, Driver & Vehicle Services, Emergency Management, State Fire Marshal, Pipeline Safety, State Highway Patrol, Capitol Security and Traffic Safety.

Revenue Department. The revenue department manages the state's revenue system. The department administers 28 different taxes; interprets and enforces the tax laws; provides taxpayers both individuals and businesses with forms; processes tax returns/payments; and audits books.

Transportation Department. This department provides a balanced transportation system. Responsible areas include aeronautics, highways, or canals, ports, public transit, railroads and pipelines.

Veteran's Affairs Department. This agency serves the veterans of Minnesota and their dependents and survivors in securing all benefits and services afforded by state and federal law.

Appendix B. Who Is Responsible for Water?

Environmental issues often engage more than one agency at more than one level of government. Regulation of pollutants in water, for example, may involve agencies from townships to the US Army Corps of Engineers. To illustrate, here is a list of agencies that have something to say about water.

Local

Counties
Watershed Districts
Watershed Management Organizations
Cities

Federal

US Army Corps of Engineers

(wetlands dredge and fill permits)

US Environmental Protection Agency

(Clean Water Act, oversight of state agencies delegated to administer federal environmental programs)

State

Minnesota Pollution Control Agency

Minnesota Department of Natural Resources

Minnesota Department of Agriculture

(ground water monitoring for pesticides;
pesticide use control)

Minnesota Department of Health

(monitoring and protection of public water supplies)

Minnesota Board of Water and Soil Resources

(oversight of local government administration of Wetlands Conservation Act; approval of local government Water Plans, Wetlands Plans and Watershed Management Plans)

Local authorities include ordinances and rules that are consistent with state and federal regulations but are specific for local needs. Some programs require certification at the state level to ensure consistency. Local authorities are also responsible for developing land use plans, water plans, wetland plans, etc., that guide and protect the natural resources in the area. Many of these plans must be approved by a state agency.

Notes

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⁵ MPCA, "What is the Minnesota Pollution Control Agency?" Online at <www.pca.state.mn.us/about/whatis.html>, last accessed 20 October 2006.

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⁷ Marion Watson. Interview, 19 July 2005.

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⁹ St. Paul, Minnesota: MPCA. December 2005. Online at <www.pca.state.mn.us/publications/reports/mne-2005.pdf>, last accessed 17 December 2006.

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¹⁵ MPCA, "How to Prepare an Environmental Assessment Worksheet for the MPCA." Online at <www.pca.state.mn.us/publications/p-ear1-02.pdf>, last accessed 11 June 2006.

¹⁶ Dr. Dan Foley, MPCA Citizens' Board. Interview, 25 April 2006.

¹⁷ MEQB, "ABC's of the Environmental Review Process." Online at <www.eqb.state.mn.us/documents/EnvironmentalReviewProcess.1.06.pdf>, last accessed 21 October 2006.

¹⁸ David Preisler, executive director, Minnesota Pork Producers. Interview, 18 July 2006.

¹⁹ MEQB, *Guide to Minnesota Environmental Review Rules*, "Environmental Impact Statements," p. 12. Online at <www.mnplan.state.mn.us/pdf/rulguid3.pdf>, last accessed 22 October 2006.

²⁰ MEQB, "ABC's of the Environmental Review Process." Online at <www.eqb.state.mn.us/documents/EnvironmentalReviewProcess.1.06.pdf>, last accessed 22 October 2006.

²¹ MEQB, *Guide to Minnesota Environmental Review Rules*, "Environmental Impact Statements," p. 9. Online at <www.mnplan.state.mn.us/pdf/rulguid3.pdf>, last accessed 22 October 2006.

²² MEQB, "Environmental Impact Statements," *Guide to Minnesota Environmental Review Rules*, p. 13. Online at <www.mnplan.state.mn.us/pdf/rulguid3.pdf>, last accessed 22 October 2006.

²³ MEQB, "Environmental Impact Statements," *Guide to Minnesota Environmental Review Rules*, p. 13. Online at <http://www.mnplan.state.mn.us/pdf/rulguid3.pdf>, last accessed 22 October 2006.

²⁴ Online at <www.epa.gov/oar/oaqps/greenbk/anc3.html>, March 2006, last accessed 15 December 2006.

²⁵ Online at <lungaction.org/reports/sota06_analyses4.html#region5>, last accessed 21 June 2006.

²⁶ *Minnesota's Environment 2005*, p. 10. St. Paul, Minnesota: MPCA, December 2005. Online at <www.pca.state.mn.us/publications/reports/mne-2005.pdf>, last accessed 17 December 2006.

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²⁹ Online at <www.pca.state.mn.us/air/permits/aboutairpermits.html>, last accessed 28 June 2006.

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³¹ MPCA Air Quality Permit Guide: Defining Your Facility, Appendix 4-A. Online at <www.pca.state.mn.us/air/pubs/index.html#permit%20guide>, last accessed 28 June 2006.

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³³ John Hoffland, communications officer, Flint Hills Resources. Interview, 27 June 2006.

³⁴ MEI. Online at <www.mn-ei.org/air/index.html>, last accessed 4 July 2006.

³⁵ Sheryl Corrigan, MPCA commissioner. Interview, 21 March 2006.

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²³⁰ Dennis Lein, "A Thirsty Fuel," *St. Paul Pioneer Press*, 25 June 2006. Online at <www.mncenter.org/minnesota_center_for_envi/2006/06/pioneer_press_a.html>, last accessed 5 November 2006.

²³¹ MPCA, "Planning and Constructing an Ethanol Plant in Minnesota: A Guidance Document." Online at <www.pca.state.mn.us/programs/ethanol.html#guidance>, last accessed 1 November 2006.

²³² Jason Hill *et al.*, "Environmental, Economic, and Energetic Costs and Benefits of Biodiesel and Ethanol Biofuels," *PNAS*, Proceedings of the National Academy of Sciences, vol. 103, no. 30, July 25, 2006.

²³³ MPCA, "Planning and Constructing an Ethanol Plant in Minnesota: A Guidance Document." Online at <www.pca.state.mn.us/programs/ethanol.html#guidance>, last accessed 1 November 2006.

²³⁴ Daniel Brady and Gregory C. Pratt, "Volatile Organic Compound Emissions from Dry Mill Ethanol Production," *Environmental Bulletin*, MPCA, August 2006, p. 4. Online at <www.pca.state.mn.us/publications/environmentalbulletin/tdr-eb06-08.pdf>, last accessed 5 November 2006.

²³⁵ Daniel Brady and Gregory C. Pratt, "Volatile Organic Compound Emissions from Dry Mill Ethanol Production," *Environmental Bulletin*, MPCA, August 2006. Online at <www.pca.state.mn.us/publications/environmentalbulletin/tdr-eb06-08.pdf>, last accessed 5 November 2006.

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²³⁷ Granite Falls Notification to withdraw EAW, Online at <www.pca.state.mn.us/news/ewi/granitefalls-withdrawalletter.pdf>, last accessed 5 November 2006.

²³⁸ Brad Moore, "Minnesota's Clean Water Legacy Act: Partnering to Clean Up Minnesota's Waters," presentation at St. Olaf College, 5 December 2006.

²³⁹ Office of the Legislative Auditor, Program Report Summary: Pollution Control Agency, 1991. Online at <www.auditor.leg.state.mn.us/pd/1991/pe9101.htm>, last accessed 5 November 2006.

Glossary

AFO—Animal Feeding Operation. A lot or facility, not a pasture, where animals are confined and fed for 45 days or more out of a year.

APO—Administrative Penalty Order. Specifies fines and schedule of actions violator must follow; maximum penalty, \$10,000.

AU—Animal Unit. Unit of measure used to compare differences in the production of animal manure for a feedlot. Example: 1 mature cow under 1,000 lbs.=1 AU; 1 mature cow over 1,000 lbs.=1.4 AU; one duck = .01 AU. Federal values differ from state values in some cases; for example in Minnesota one swine is .3 AU, but federal regulations make one swine equivalent to .4 AU.

CAFO—Concentrated Animal Feeding Operation. CAFOs are farming operations with at least 1,000 animal units—equal to 700 mature dairy cows, 2,500 pigs or 55,000 turkeys—and that generate at least 6.5 million gallons of manure a year plus other wastes.

EAW—Environmental Assessment Worksheet, lower level environmental review questionnaire.

EIS—Environmental Impact Statement, in-depth environmental review for major projects.

EPA—US Environmental Protection Agency.

EQB—Environmental Quality Board, state rule-making body for environmental reviews (see Rule), coming into compliance and possibly for payment of fine.

MCEA—Minnesota Center for Environmental Advocacy, a nonprofit organization that uses legal action and legislative lobbying to advocate for the environment.

MEI—Minnesota Environmental Initiative, a coalition of government, industry, and nonprofit partners that seek solutions to environmental problems.

Nonpoint source—A source of pollution that is not from a specific identifiable source; in the case of water, it could be runoff; in the case of air, it could be wind-borne.

NPDES—National Pollutant Discharge Elimination System. Part of the Clean Water Act, NPDES is a federal permit program for industrial and municipal facilities discharging pollutants into surface waters.

PCBs—Polychlorinated Biphenyls. Toxic manmade chemicals, banned since 1977.

PFCs—Perfluorochemicals or perfluorinated chemicals. Toxic to animals; possible carcinogens.

Point source—Pollution coming from specific locations such as drainage pipes and smokestacks.

Rule—A standard or policy adopted by an agency to make it possible for the agency to carry out a law; the legislature gives the agency this authority, and a specific adoption process must be followed. Rules have the force of law.

SEP—Supplemental Environmental Project. An environmentally beneficial project a violator agrees to undertake in addition to or in lieu of a fine.

SDS—State Disposal System. State permit for discharge of wastewater into surface waters.

Stip—Stipulation Agreement. A negotiated settlement for serious violations: the penalty is greater than \$10,000; actions to correct problem may take longer than 30 days and include a schedule for coming into compliance and possibly for payment of fine.

TMDL—Total Maximum Daily Load. The total amount of a specific pollutant a body of water can receive and still meet water quality standards. As provided by the federal Clean Water Act, each TMDL study develops a plan for reducing pollutant discharges.

VOC—Volatile organic compounds (for example, benzene), precursors to ozone in the air.

Examining a State Agency: Minnesota Pollution Control Agency

Prepared and Published by:



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**Examining a State Agency:
Minnesota Pollution Control Agency**

Campaign-disclosure bill gains

● A bill that would require disclosure of last-minute campaign contributions passed the Senate; the House and the governor are expected to give their support, as well.

By DANE SMITH
rdsmith@startribune.com

A proposal to require quicker disclosure of large political contributions during the final two weeks before an election was approved on a bipartisan voice vote in the state Senate Monday.

DFLers did so after the 2006 elections. A two-week blackout in disclosure laws allows individual contributions to be made to independent committees in unlimited amounts without being reported before Election Day.

In 2004, DFL House Minority Leader Matt Entenza and his

“Donors contribute large amounts late because they don’t want disclosure,” said Larry Jacobs, director of the Center for the Study of Politics and Governance at the University of Minnesota’s Humphrey Institute. “The one area in campaign finance reform where there’s a lot of bipartisan consensus is disclosure. Voters ought to know what’s being spent and when, in real time, and [disclosure] ought to be expanded.”

2-6-09



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huge area - OEA - state fair

"Living Green 365"

emergency response - we didn't cover - &
they're ~~all~~

collective agreement

cannot 1st stick next -

follow gov's recs

ethanol + mining initiative

MPCT
column -
listening lunches

TYPO
p. 13

2/24/2010

Met 3 Sat 1-3:30 Did groups
AG

educational document

def'n of stakeholders

orig stat in the public interest

Reiland doing ag.
Aragine + Tynne Hays
Heartland - cit's got
an EIS approved
over MPCA
orig. opp.

much concern

Cit. Bd. oversight &
weaken standards *

lack of \$ for enforcement
"not doing their job"
role of AG

cit's got \$
help in WI
p. 23

* eg cit. cannot petition for env. review on feedlots under
1000 A.U. - This ~~was~~ helped by the legis took
away MPCA's resp. here. It cannot order an EIS
in this case. (p. 3)

** Also, they've reduced from 31gs to 12gs for proposed
feedlot EISs (p. 3)

PESTICIDE REGS !!

Little control over non-point sources: cars

"encourage"
"volunteer"
not

work overload, understaffing

.5% of state budget for past 4 yrs -

regulate

Bottom
line:

Not keeping up + less responsive to citizens -
a general complaint -
Cit. Bd. a direct arm of the governor -

----- Original Message -----

From: "Mary Steen" <msteen@stolaf.edu>

To: "Helen Palmer" <helenpalmer@comcast.net>

Sent: Tuesday, March 13, 2007 9:41 AM

Subject: Notes from meeting with Commissioner Moore

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> Brad Moore and Communications Director Ralph Heussner

>

> 3/12/07

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> describing who he'd like on Citizens' Board (CB)

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> industries. We made point that maybe it's not good for our
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> noted Ventura's admin. on p. 2 at bottom--lots of time spent on this,
> to little avail in terms of changing the statutes

>

> --We asked who represents citizens. answer: long list of nonprofits

2.11 Neither house during a session of the legislature shall
 2.12 adjourn for more than three days (Sundays excepted) nor to any
 2.13 other place than that in which the two houses shall be assembled
 2.14 without the consent of the other house.

2.15 article VI, section 7, will read:

2.16 Sec. 7. (a) Judges shall be appointed by the governor with
 2.17 the advice and consent of the senate. A judge may not take
 2.18 office until the appointment is confirmed by the senate. A
 2.19 judge who is reappointed may continue to serve while the
 2.20 appointment is pending before the senate.

2.21 (b) A judge is considered to be confirmed by the senate if
 2.22 the senate fails to confirm or reject the appointment as
 2.23 provided in this section.

2.24 (c) If the governor's appointment is made during a regular
 2.25 session or less than 60 days prior to regular session of the
 2.26 legislature, the senate may confirm or reject the appointment
 2.27 during that session or postpone action to the next regular
 2.28 session of the legislature, unless the governor convenes a
 2.29 special session as provided in paragraph (e).

2.30 (d) If the governor's appointment is made at least 60 days
 2.31 prior to the regular session of the legislature, the appointment
 2.32 must be confirmed or rejected at the next regular session of the
 2.33 legislature beginning after the appointment, unless the governor
 2.34 convenes a special session as provided in paragraph (e).

2.35 (e) If the governor convenes a special session of the
 2.36 senate for the purpose of confirming or rejecting an
 3.1 appointment, the appointment must be confirmed or rejected
 3.2 during that special session.

3.3 (f) The term of office of ~~all~~ judges shall be ~~six~~ eight
 3.4 years from the first Monday in January of the year of their
 3.5 confirmation and until their successors are qualified. ~~They~~
 3.6 ~~shall be elected by the voters from the area which they are to~~
 3.7 ~~serve in the manner provided by law.~~

3.8 and article VI, section 8, will read:

3.9 Sec. 8. Whenever there is a vacancy in the office of judge
 3.10 the governor shall appoint in the manner provided by law a
 3.11 qualified person to fill the vacancy ~~until a successor is~~
 3.12 ~~elected and qualified. The successor shall be elected for a six~~
 3.13 ~~year term at the next general election occurring more than one~~
 3.14 ~~year after the appointment with the advice and consent of the~~
 3.15 ~~senate.~~

3.16 Sec. 2. [SCHEDULE AND QUESTION.]

3.17 The amendment shall be submitted to the people at the 2004
 3.18 general election. If the amendment is adopted, the judges
 3.19 elected or appointed before January 1, 2005, may complete the
 3.20 terms provided by article VI before its amendment, or serve
 3.21 until January 1, 2007, whichever period is longer. Their
 3.22 successors shall be appointed as provided by article VI, as
 3.23 amended. The question submitted shall be:

3.24 "Shall the Minnesota Constitution be amended to provide
 3.25 that judges be appointed by the governor with the advice and
 3.26 consent of the senate?

3.27 Yes

3.28 No"

3.29 ARTICLE 2

3.30 CONFORMING STATUTORY AMENDMENTS

3.31 Section 1. Minnesota Statutes 2002, section 2.722,
 3.32 subdivision 4, is amended to read:

3.33 Subd. 4. [DETERMINATION OF A JUDICIAL VACANCY.] (a) When a
 3.34 judge of the district court dies, resigns, retires, or is

- > and citizens' associations; noted MCEA and LSP as particularly
- > noticeable and effective.
- >
- > --We had to stress that there's a need to solicit views of citizens
- > on policy, not just in response to particular permit--that they
- > should be consulted on same basis as mercury producers or ethanol
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- > --on Grant Merritt's bill to change structure of MPCA: we are long-
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- > "compliance" more than "enforcement" and we should have had more on
- > enforcement/compliance; wished that we had emphasized the education
- > arm of PCA--particularly the merger of OEA (?) with PCA; thought we
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- >
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KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

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S.F. No. 2095, as introduced - 83rd Legislative Session (2003-2004) Posted on Feb 16, 2004

- 1.1 A bill for an act
- 1.2 relating to judges; proposing an amendment to the
- 1.3 Minnesota Constitution, article IV, section 12;
- 1.4 article VI, sections 7 and 8; providing for
- 1.5 appointment and reappointment of judges by the
- 1.6 governor with advice and consent of the senate;
- 1.7 providing for recommendations regarding appointments
- 1.8 by a senate commission; providing for recommendations
- 1.9 regarding reappointments by the merit selection
- 1.10 commission; amending Minnesota Statutes 2002, sections
- 1.11 2.722, subdivision 4; 10A.01, subdivision 10; 204B.06,
- 1.12 subdivision 4; 204B.11, as amended; 204D.02,
- 1.13 subdivision 1; 204D.11, subdivision 5; 480.01, by
- 1.14 adding a subdivision; 480A.02, subdivisions 3, 5, by
- 1.15 adding a subdivision; 480B.01, subdivisions 1, 11, by
- 1.16 adding a subdivision; proposing coding for new law in
- 1.17 Minnesota Statutes, chapter 480B; repealing Minnesota
- 1.18 Statutes 2002, sections 204B.06, subdivision 6;
- 1.19 204B.34, subdivision 3; 204B.36, subdivisions 4, 5;
- 1.20 204D.11, subdivision 6; 480A.02, subdivisions 2, 4.
- 1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.22 ARTICLE 1
- 1.23 CONSTITUTIONAL AMENDMENT
- 1.24 Section 1. [CONSTITUTIONAL AMENDMENT.]
- 1.25 The following amendment to the Minnesota Constitution,
- 1.26 article IV, section 12, and article VI, sections 7 and 8, is
- 1.27 proposed to the people.
- 1.28 If the amendment is adopted, article IV, section 12, will
- 1.29 read:
- 1.30 Sec. 12. The legislature shall meet at the seat of
- 1.31 government in regular session in each biennium at the times
- 1.32 prescribed by law for not exceeding a total of 120 legislative
- 1.33 days. The legislature shall not meet in regular session, nor in
- 2.1 any adjournment thereof, after the first Monday following the
- 2.2 third Saturday in May of any year. After meeting at a time
- 2.3 prescribed by law, the legislature may adjourn to another time.
- 2.4 "Legislative day" shall be defined by law. A special session of
- 2.5 the legislature may be called by the governor on extraordinary
- 2.6 occasions. A special session applicable only to the senate may
- 2.7 be called by the governor for the sole purpose of confirming or
- 2.8 rejecting a judicial appointment when a vacancy exists in the
- 2.9 office or will exist before the time that the senate is required
- 2.10 by law to confirm or reject the appointment.

Helen

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4

7.11 instrument must be sent by the filing officer via registered
7.12 mail no later than immediately upon the closing of the filing
7.13 deadline with return receipt requested. The candidate will have
7.14 five days from the time the filing officer receives proof of
7.15 receipt to issue a check or other instrument for which
7.16 sufficient funds are available. The candidate issuing the
7.17 worthless instrument is liable for a service charge pursuant to
7.18 section 604.113. If adequate payment is not made, the name of
7.19 the candidate must not appear on any official ballot and the
7.20 candidate is liable for all costs incurred by election officials
7.21 in removing the name from the ballot.

7.22 Subd. 2. [PETITION IN PLACE OF FILING FEE.] At the time of
7.23 filing an affidavit of candidacy, a candidate may present a
7.24 petition in place of the filing fee. The petition may be signed
7.25 by any individual eligible to vote for the candidate. A
7.26 nominating petition filed pursuant to section 204B.07 or
7.27 204B.13, subdivision 4, is effective as a petition in place of a
7.28 filing fee if the nominating petition includes a prominent
7.29 statement informing the signers of the petition that it will be
7.30 used for that purpose.

7.31 The number of signatures on a petition in place of a filing
7.32 fee shall be as follows:

7.33 (a) for a state office voted on statewide, or for president
7.34 of the United States, or United States senator, 2,000;

7.35 (b) for a congressional office, 1,000;

7.36 (c) for a county or legislative office, ~~or for the office~~
8.1 ~~of district judge~~, 500; and

8.2 (d) for any other office which requires a filing fee as
8.3 prescribed by law, municipal charter, or ordinance, the lesser
8.4 of 500 signatures or five percent of the total number of votes
8.5 cast in the municipality, ward, or other election district at
8.6 the preceding general election at which that office was on the
8.7 ballot.

8.8 An official with whom petitions are filed shall make sample
8.9 forms for petitions in place of filing fees available upon
8.10 request.

8.11 Sec. 5. Minnesota Statutes 2002, section 204D.02,
8.12 subdivision 1, is amended to read:

8.13 Subdivision 1. [OFFICERS.] All elective state and county
8.14 officers, ~~justices of the Supreme Court, judges of the Court of~~
8.15 ~~Appeals and district court~~, state senators and state
8.16 representatives, and senators and representatives in Congress
8.17 shall be elected at the state general election held in the year
8.18 before their terms of office expire. Presidential electors
8.19 shall be chosen at the state general election held in the year
8.20 before the expiration of a term of a president of the United
8.21 States.

8.22 Sec. 6. Minnesota Statutes 2002, section 204D.11,
8.23 subdivision 5, is amended to read:

8.24 Subd. 5. [BALLOT HEADINGS.] The white, pink and special
8.25 federal white ballot shall be headed with the words "State
8.26 General Election Ballot." The canary ballot shall be headed
8.27 with the words "County ~~and Judicial Nonpartisan~~ General Election
8.28 Ballot."

8.29 Sec. 7. Minnesota Statutes 2002, section 480.01, is
8.30 amended by adding a subdivision to read:

8.31 Subd. 3. [NOTICE OF INTENT TO SEEK REAPPOINTMENT.] At
8.32 least 120 days before expiration of a justice's term, the
8.33 justice must notify the governor if the justice intends to seek
8.34 reappointment to the office. If a justice fails to timely

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5.23 Subd. 4. [PARTICULAR OFFICES.] Candidates who seek
5.24 nomination for the following offices shall state the following
5.25 additional information on the affidavit:
5.26 (a) for United States senator, that the candidate will be
5.27 30 years of age or older and a citizen of the United States for
5.28 not less than nine years on the next January 3 or, in the case
5.29 of an election to fill a vacancy, within 21 days after the
5.30 special election;
5.31 (b) for United States representative, that the candidate
5.32 will be 25 years of age or older and a citizen of the United
5.33 States for not less than seven years on the next January 3 or,
5.34 in the case of an election to fill a vacancy, within 21 days
5.35 after the special election;
5.36 (c) for governor or lieutenant governor, that on the first
6.1 Monday of the next January the candidate will be 25 years of age
6.2 or older and, on the day of the state general election, a
6.3 resident of Minnesota for not less than one year;
6.4 (d) ~~for Supreme Court justice, Court of Appeals judge, or~~
6.5 ~~district court judge, that the candidate is learned in the law;~~
6.6 ~~(e)~~ for county, municipal, school district, or special
6.7 district office, that the candidate meets any other
6.8 qualifications for that office prescribed by law; and
6.9 ~~(f)~~ (e) for senator or representative in the legislature,
6.10 that on the day of the general or special election to fill the
6.11 office the candidate will have resided not less than one year in
6.12 the state and not less than six months in the legislative
6.13 district from which the candidate seeks election.
6.14 Sec. 4. Minnesota Statutes 2002, section 204B.11, as
6.15 amended by Laws 2003, chapter 112, article 2, section 3, is
6.16 amended to read:
6.17 204B.11 [CANDIDATES; FILING FEES; PETITION IN PLACE OF
6.18 FILING FEE.]
6.19 Subdivision 1. [AMOUNT; DISHONORED CHECKS; CONSEQUENCES.]
6.20 Except as provided by subdivision 2, a filing fee shall be paid
6.21 by each candidate who files an affidavit of candidacy. The fee
6.22 shall be paid at the time the affidavit is filed. The amount of
6.23 the filing fee shall vary with the office sought as follows:
6.24 (a) for the office of governor, lieutenant governor,
6.25 attorney general, state auditor, secretary of state, or
6.26 representative in Congress, ~~judge of the Supreme Court, judge of~~
6.27 ~~the Court of Appeals, or judge of the district court,~~ \$300;
6.28 (b) for the office of senator in Congress, \$400;
6.29 (c) for office of senator or representative in the
6.30 legislature, \$100;
6.31 (d) for a county office, \$50; and
6.32 (e) for the office of soil and water conservation district
6.33 supervisor, \$20.
6.34 For the office of presidential elector, and for those
6.35 offices for which no compensation is provided, no filing fee is
6.36 required.
7.1 The filing fees received by the county auditor shall
7.2 immediately be paid to the county treasurer. The filing fees
7.3 received by the secretary of state shall immediately be paid to
7.4 the commissioner of finance.
7.5 When an affidavit of candidacy has been filed with the
7.6 appropriate filing officer and the requisite filing fee has been
7.7 paid, the filing fee shall not be refunded. If a candidate's
7.8 filing fee is paid with a check, draft, or similar negotiable
7.9 instrument for which sufficient funds are not available or that
7.10 is dishonored, notice to the candidate of the worthless

Helen

From: "Helen Palmer" <helenpalmer@comcast.net>
To: "Mary Steen" <msteen@stolaf.edu>
Sent: Tuesday, March 13, 2007 3:06 PM
Subject: Re: Notes from meeting with Commissioner Moore

Mary: This is really helpful. THANK YOU. I am aware that you had no time for this, but that you made time. Bravo! Especially appreciated your hard-hitting questions at the meeting.

Here are some additions, some of which are a bit redundant:

--Board mtgs. are now webcast and archived

--Board is now front and center: "I plan to see the board really active."
 Suggests we call him in August for an update on this. Repeated later that we should "watch" them;

--On the Board Moore votes last. He is not going to break the law by corraling votes ahead of time;

--Is tight with MCEA, Janette Brimmer; gets along well with Hugoson

--Paige Winebarger (sp?) now on the board--I think I know her from the Nature Conservancy;

--they plan to have "Listening Lunches" all over, will do it for a year, and then have an "environmental summit" with speakers, webcasting

--Moore makes himself readily available;

--"Our job is to protect the environment" said Moore

--Would like to co-sponsor something with the League

--They're launching a project "Living Green 365"

--Had a huge citizen-friendly event at the state fair last year

--believe in the carrot first and the stick second when it comes to compliance

--they're putting forward an ethanol and mining initiative; yes, water is the issue

Helen

3.35 removed from office, the Supreme Court, in consultation with
3.36 judges and attorneys in the affected district, shall determine
4.1 within 90 days of receiving notice of a vacancy from the
4.2 governor whether the vacant office is necessary for effective
4.3 judicial administration or is necessary for adequate access to
4.4 the courts. In determining whether the position is necessary
4.5 for adequate access to the courts, the Supreme Court shall
4.6 consider whether abolition or transfer of the position would
4.7 result in a county having no chambered judge. The Supreme Court
4.8 may continue the position, may order the position abolished, or
4.9 may transfer the position to a judicial district where need for
4.10 additional judges exists, ~~designating the position as either a~~
4.11 ~~county, county/municipal or district court judgeship.~~ The
4.12 Supreme Court shall certify any vacancy to the governor, who
4.13 shall fill it in the manner provided by law.

4.14 (b) At least 120 days, but not more than 180 days, before
4.15 expiration of the judge's term, a judge of district court shall
4.16 notify the governor if the judge intends to seek reappointment
4.17 to the office. If a judge of district court fails to
4.18 timely file an affidavit of candidacy and filing fee or petition
4.19 in lieu of a fee, the official with whom the affidavits of
4.20 candidacy are required to be filed notify the governor of intent
4.21 to seek reappointment, the governor shall notify the Supreme
4.22 Court that the incumbent judge is not seeking
4.23 reelection reappointment and the position may be abolished or
4.24 transferred under this paragraph. Within five ten days of
4.25 receipt of the notice, the Supreme Court shall determine whether
4.26 the judicial position is necessary for effective judicial
4.27 administration or adequate access to the courts and notify the
4.28 official responsible for certifying the election
4.29 results governor of its determination. In determining whether
4.30 the position is necessary for adequate access to the courts, the
4.31 Supreme Court shall consider whether abolition or transfer of
4.32 the position would result in a county having no chambered
4.33 judge. The Supreme Court may continue the position, may order
4.34 the position abolished, or may transfer the position to a
4.35 judicial district where the need for additional judgeships
4.36 exists. If the position is abolished or transferred, the
5.1 election may not be held. If the position is transferred, the
5.2 court shall also notify the governor of the transfer. Upon
5.3 continuation or transfer, the position is vacant and the
5.4 governor shall fill it in the manner provided by law. An order
5.5 abolishing or transferring a position is effective the first
5.6 Monday in the next January.

5.7 Sec. 2. Minnesota Statutes 2002, section 10A.01,
5.8 subdivision 10, is amended to read:

5.9 Subd. 10. [CANDIDATE.] "Candidate" means an individual who
5.10 seeks nomination or election as a state constitutional
5.11 officer, ~~or legislator, or judge.~~ An individual is deemed to
5.12 seek nomination or election if the individual has taken the
5.13 action necessary under the law of this state to qualify for
5.14 nomination or election, has received contributions or made
5.15 expenditures in excess of \$100, or has given implicit or
5.16 explicit consent for any other person to receive contributions
5.17 or make expenditures in excess of \$100, for the purpose of
5.18 bringing about the individual's nomination or election. A
5.19 candidate remains a candidate until the candidate's principal
5.20 campaign committee is dissolved as provided in section 10A.24.

5.21 Sec. 3. Minnesota Statutes 2002, section 204B.06,
5.22 subdivision 4, is amended to read:

Point
out error

Con

Examining a State Agency: Minnesota Pollution Control Agency LWVMNEF Study 2005 - 2007

Talking points

Explain the mission of the League of Women Voters. A good government organization: decision-making, efficiency, fairness, transparency, responsiveness to all stakeholders with special regard for citizen input. How are decisions made? Does the agency operate efficiently?

LWVMN's concern for **good government** focused, in this case, on state agencies. We studied MPCA as an example of what questions might be asked of any state agency.

>We are concerned in general with whether the **actions of an agency fulfill its charter**.

>In particular, we looked at **organizational structure, funding, decision-making, and responsiveness to citizens**.

Committee members and local leagues volunteers interviewed MPCA commissioners, Citizens' Board members and MPCA staff, both current and former; academics; legislators; representatives of industries regulated by the agency; and environmentalists. They studied MPCA's and others' publications (many online), court decisions, and media accounts.

LWV lobbied hard for the creation of MPCA, which was accomplished in 1967 (three years before the establishment of the EPA). A LWVMN member from St. Paul, **Marion Watson**, was an early member of the Citizens' Board (1972-1980) and served as its Chair. We have strong positions on the environment and our members pay close attention to MPCA. Note that the enabling language talks about "achieving a reasonable degree of purity of water, air and land resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people of the state..." "it is in the public interest that there be established a pollution control agency."

We found a number of **strengths** in the agency.

>Almost alone among state agencies, MPCA has a **Citizens' Board**, providing a way for the public to be heard in open meetings.

>It has an **impressive web site** containing everything from forms for feedlot permits to coloring sheets for kids.

>Certainly our **land, air and water are better protected than they were** when MPCA was established and raw sewage flowed directly into the Mississippi and people near Lake Minnetonka pumped septic tanks out onto the ice, the contents of which melted into the lake in the spring.

>Its mission includes **reducing the amount of pollution** emitted in the state, and "**working with citizens** to protect, conserve and improve" our environment. [Is this a strength?]

MPCA is paying attention now to issues of environmental justice (the areas ^{if} worst pollution are all in low income areas; large "industrial" agriculture sometimes sells a neighbor's environment for proposer's profits) *3M + water probs* *proximity to* *Reddy*

But MPCA also has **weaknesses and deficiencies**.

>**Relation to business**. Understandably and commendably supportive of a healthy business climate, MPCA is more responsive to the profit-oriented needs of business

no distilling.
no pigeonholing



7M5N2Q

EXPRESS BOARDING PASS**Guest: MR DEAN PALMER****Stateroom: 717 Category: FF**

You have successfully completed the on-line registration process. Please note that although your check-in will now be expedited, a brief check-in process is still required. Your credit card will be recorded for on-board charges, your photo will be taken for security purposes and you will be given your cabin key. Please do the following:

1. BRING ALL 3 PAGES OF THIS PRINT OUT WITH YOU TO CHECK-IN
2. SIGN THIS FORM
3. BRING THE APPROPRIATE IDENTIFICATION (SEE BELOW)
4. BRING YOUR TRAVEL DOCUMENTS THAT INCLUDE YOUR CRUISE AND CRUISE TOUR CONTRACT
5. BRING THE CREDIT CARD THAT YOU WISH TO REGISTER FOR ON-BOARD CHARGES

By signing below, you are accepting the terms and conditions of the HAL cruise contract as printed in your documents and have agreed to the terms of the HAL Privacy Policy as specified on the website. You also are accepting the terms of the Shipboard Account Policy as specified on the website for your on-board credit card charges.

SIGNATURE: _____

APPROPRIATE IDENTIFICATION:

Important: Guests arriving at embarkation without proper documentation may not join the voyage and will not be entitled to a refund.

Very important! Please read the following information regarding changes to passport requirements. These changes impact US Citizens and non-US Citizens. For more information, please see the U.S. State Department website for passport information. *Expired passports are not acceptable.*

HOLLAND AMERICA LINE GUESTS ARE URGED TO CARRY A VALID PASSPORT.

October 2006 The Western Hemisphere Travel Initiative (WHTI), once implemented, will require all travelers to or from a foreign country (including the Caribbean, Bermuda, Panama, Mexico and Canada) to be in possession of a valid passport or other secure, accepted document to enter or re-enter the United States. In addition, although passports are currently not yet required for some cruises, we strongly recommend that you carry one while traveling. The unforeseen possibility of a medical disembarkation or early cruise termination may require that you have a valid passport to enable you to continue travel.

Tom M - back on Tues the 20th -

and agri-business than to the needs of ordinary citizens for clean air and water. It tends to define "stakeholders" primarily as business and agri-business, as those who need permits (to pollute). "Customer-focused."

Example: 3/16 members of Impaired Water Initiative group that worked for Clean Water Legacy Act are from environmental nonprofits. The rest represented business, agriculture, and government. <http://www.mn-ei.org/policy/policyworkgroup.html> [G-16 members] the report concluded that MPCA should "encourage," but not require pollution prevention, and that "voluntary cleanup options that prove effective in meeting water quality goals should be preferred over new regulation." (p.8)

>**Department of Agriculture.** MPCA is not able or willing to counter the Department of Agriculture.

>MPCA does not regulate **agricultural chemicals** (Dept. of Agriculture is responsible for such regulation). "About 25% of the private wells in the state contain coliform bacteria. Atrazine, a common pesticide used to control weeds and insects that has been found to cause sexual malformations in frogs and prostate cancer in humans, has been identified in over 80% of wells sampled by the state Department of Agriculture..." (page 6)

➤ MPCA has overall responsibility for regulating feedlots, and direct responsibility for the more than 800 large ones, concentrated animal feeding operations, which have over 1000 animal units. Regulation of feedlots has decreased, with more voluntary compliance, operator reporting (delegated county officers), and a **higher threshold of Animal Units** before permits are required. EAWs

➤ >There are **warning signs** that environmental protections against **ethanol production** may be similarly weakening. The number of gallons a plant must produce before an Environmental Worksheet is required was recently raised from 50 million to 125 million gallons.

MPCA is required by law to monitor the current condition of groundwater as it did from 1992 to 2001. Then, due to budget cuts the agency discontinued most monitoring except at individual remediation sites." P.6 routine waivers are issued.

>**Funding** is not holding its own against the need. The general consensus is that it is underfunded.

>The MPCA budget has **remained at 0.5% of the state budget** for the past four years

>The Clean Water Legacy Act was passed by the last legislature, but only allocated **1/3 of the funding needed** to clean up rivers, lakes and streams.

>MPCA emphasizes **voluntary actions rather than** more labor-intensive and costly **regulation**. The public would be better served by a more aggressive defense of the environment.

In 2001 MPCA announced that because funding for hazardous waste activities had been diminishing it would be cutting eight staff from the program...(p. 10)

Public confidence is not high. The agency almost never requires an EIS unless mandated by law. It is not as independent as it should be. It is customer-oriented; "customers" are those seeking permits, not citizens seeking environmental protection.

Note: No fewer than nine state govt agencies bear some responsibility for groundwater

There was a bill introduced in 2005 to modify the structure of the MPCA: removes the Commissioner from serving as member and serving as chair of the agency. It directs the Commissioner to carry out the policies established by the agency and to direct the staff, appointments and contracts subject to the approval of the agency.

The citizens' board consists of nine members, one of whom is the Commissioner, one of whom must represent labor and another, agriculture -- all appointed by the governor to four year staggered terms. Why is there not a representative from environmental organization? Or a citizen advocate? Until 1997 MPCA had an Executive Director rather than a Commissioner. The Executive Director sat on the citizens board but did not chair the board and did not have a vote. The board elected a chair from among its members. Now the Commissioner sits on the board, chairs the commission and votes. Decisions were made in the open and reporters showed up at meetings knowing there would be issues and controversy. Now the board often rubberstamps staff recommendations

"MPCA has relinquished its authority to certify whether state water quality standards are being met under the federal Clean Water Act Section 401."

NB:

Senator Ellen Anderson (DFL) chairs the Senate environment, energy and natural resources budget division committee. Ranking minority member is Senator Dennis R. Fredrickson (R). Note: Steve Dille and Pat Pariseau are members of this committee.

Sen. Chaudhary (DFL) chairs the Senate environment and natural resources committee, and Pat Pariseau is the ranking minority member. Note: Ellen Anderson and Scott Dibble and Steve Dille are members of this committee.

Rep. Kent Eken (DFL) chairs the House environment and natural resources committee, and lead GOP is Tom Hackbarth (R)

Representative Jean Wagenius (DFL) chairs the House environment and natural resources finance division committee, and lead GOP is Dennis Osment (R)



World Wildlife Fund
1250 24th St. NW
Washington, DC 20037-1193 USA

www.worldwildlife.org

November 8, 2006

Mrs. Helen B. Palmer
2405 Sheridan Ave S
Minneapolis, MN 55405-2341

Dear Mrs. Palmer,

On behalf of everyone at World Wildlife Fund, I want to express our tremendous and continuing thanks for your extraordinary generosity and for the passionate commitment you continue to show. To thank you, it is my pleasure to send you a copy of the 2007 WWF calendar, dedicated to *"Saving the Future of Nature."*

What better opportunity to think about the future of nature than as we turn the pages of the new calendar? Each month represents our chance to make vital progress toward saving some of the world's most endangered places and the species that live there. As you know, protecting habitats is not something that happens in a few months' time. It requires a long-term vision and a sustained approach.

That is why WWF is leading a series of new initiatives to help transform the way natural resources like land and water are used. Our approach is to convene the world's largest growers, buyers and producers of agricultural commodities and consumer products and educate them on the benefit of reducing their environmental impact by improving their business practices. Who draws large corporations and governments to the table? World Wildlife Fund — we are the only organization I know of that is present at every major eco-roundtable. Sugar. Cotton. Soy. Palm Oil. Bananas. And over half a dozen more.

A recent example of this new initiative took place with the world's largest purchasers of sugar, where WWF laid the foundation to require that their growers transform their agricultural practices to dramatically reduce the amount of land and water used to grow sugar. Another example is our work with the Cotton industry. Cotton uses more insecticides per acre than any other commodity. We are helping growers and textile producers implement practices that will cut insecticide toxicity by up to 50%, reducing the amount of insecticides that seep into the soil and water by millions of gallons.

Needless to say, WWF remains a leader in many other traditional forms of conservation. Land conservation. Species protection. Helping give local governments and indigenous peoples the support they need to fight poaching on wildlife preserves. But as we look ahead — and what better opportunity than with the 2007 WWF calendar — at the innovative conservation initiatives I'm writing to you about today, you will make a big difference in saving the future of nature.

Only WWF can implement the kind of local to global conservation approaches that will help preserve vulnerable animal habitats throughout the world. We are very grateful to have your generous support to help us achieve our goal: By 2015 WWF will conserve 19 of the world's most important natural places and significantly change market forces to protect the future of nature.

Gratefully,

Jason Clay, Ph.D.
Vice President and Managing Director, Agriculture

P.S. Enjoy your 2007 WWF calendar. I hope it reminds you of the vital role WWF is playing to protect the future of nature and how your support makes these efforts possible.

Talking points for Study [Comments and questions in square brackets.]

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>Its mission includes **reducing the amount of pollution** emitted in the state, and "**working with citizens** to protect, conserve and improve" our environment.[Is this a strength?]

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Helen

From: "Mason and Gwen Myers" <salmyers@ix.netcom.com>
To: "Juanita Peterson" <jkpete@comcast.net>
Cc: "Sally Sawyer" <ssawyer@lwwmn.org>; "Helen Palmer" <helenpalmer@comcast.net>
Sent: Wednesday, January 31, 2007 7:10 PM
Subject: Re: we need a repub rep

These are the Senate and House committees that deal w/ the Environment. You may want the Ag committees as well. The Republican you want from the Senate environment committees is Sen. Dennis Frederickson. You will want someone on the study committee to contact folks, explain the study and direct them to the website, however, since I am not familiar w/ the study. Gwen

**Senate Environment, Energy and Natural
Resources Budget Division**

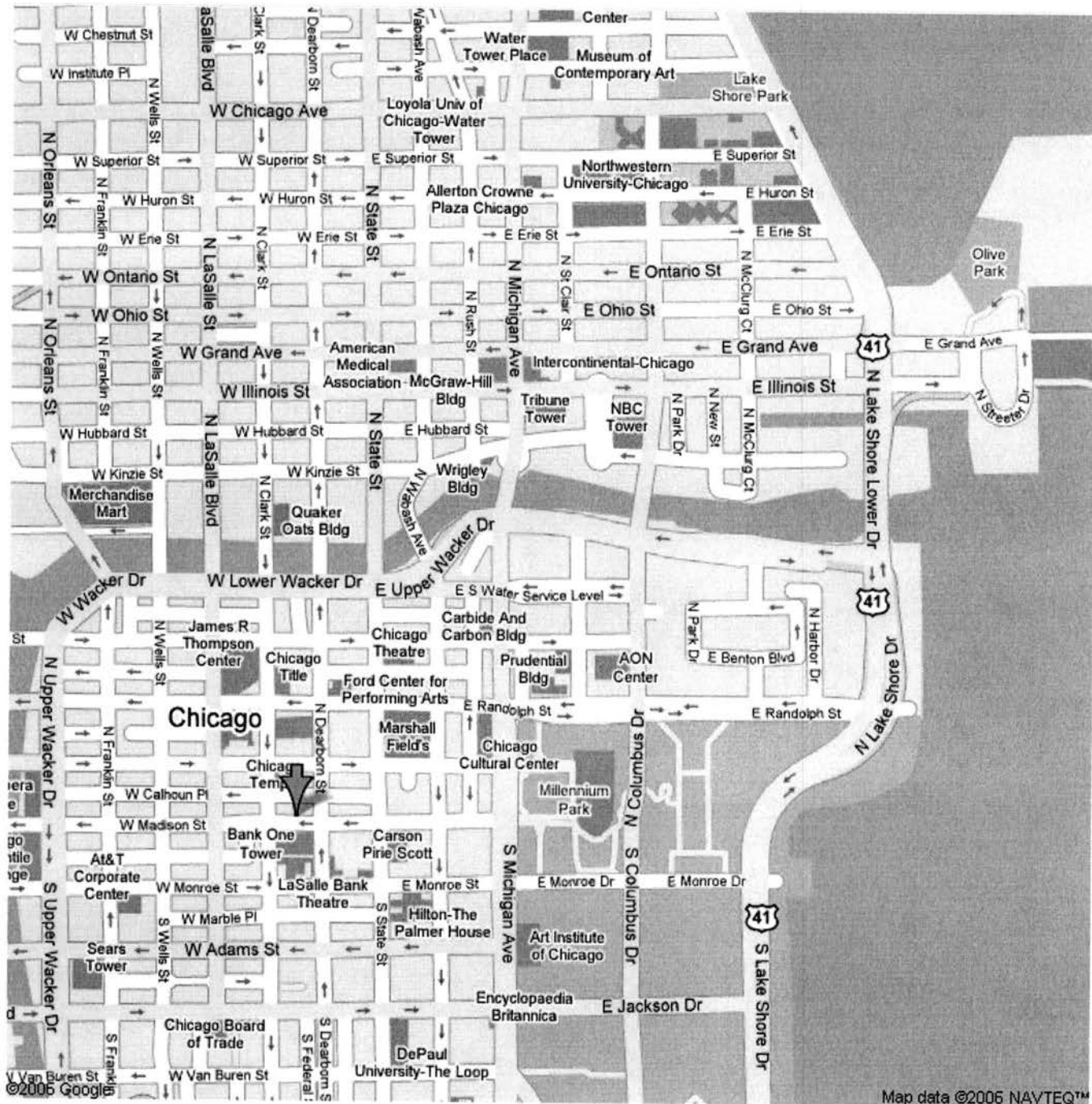
Chair Ellen R. Anderson DFL
Vice Chair: Tom Saxhaug DFL
Ranking
Minority Dennis R. Frederickson R
Member:
Member: Thomas M. Bakk DFL
Satveer S. Chaudhary DFL
Steve Dille R
David W. Hann R
Gary W. Kubly DFL
Pat Pariseau R
Sandy Rummel DFL
Patricia Torres Ray DFL
Jim Vickerman DFL

**Senate
Environment and Natural Resources Committee**

Chair: Satveer S. Chaudhary DFL
Vice Chair: Dan Skogen DFL
Ranking
Minority Pat Pariseau R
Member:
Member: Ellen R. Anderson DFL
D. Scott Dibble DFL
Steve Dille R
Dennis R. Frederickson R
Bill G. Ingebrigtsen R
Gen Olson R
Tom Saxhaug DFL



Address **70 W Madison St**
Chicago, IL 60602



Kathy Sheran DFL

Katie Sieben DFL

LeRoy A. Stumpf DFL

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House Environment and N. Resources

| | | |
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| Vice Chair: Rick Hansen (DFL) | 296-6828 | rep.rick.hansen@house.mn |
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| Kathy Brynaert (DFL) | 296-3248 | rep.kathy.brynaert@house.mn |
| Tony Cornish (R) | 296-4240 | rep.tony.cornish@house.mn |
| David Dill (DFL) | 296-2190 | rep.david.dill@house.mn |
| Paul Gardner (DFL) | 296-2907 | rep.paul.gardner@house.mn |
| Joe Hoppe (R) | 296-5066 | rep.joe.hoppe@house.mn |
| Carlos Mariani (DFL) | 296-9714 | rep.carlos.mariani@house.mn |
| Denny McNamara (R) | 296-3135 | rep.denny.mcnamara@house.mn |
| Frank Moe (DFL) | 296-5516 | rep.frank.moe@house.mn |
| Dave Olin (DFL) | 296-9635 | rep.dave.olin@house.mn |
| Dennis Ozment (R) | 296-4306 | rep.dennis.ozment@house.mn |
| Brita Sailer (DFL) | 296-4265 | rep.brita.sailer@house.mn |
| Bev Scalze (DFL) | 296-7153 | rep.bev.scalze@house.mn |
| Cy Thao (DFL) | 296-5158 | rep.cy.thao@house.mn |
| Kathy Tingelstad (R) | 296-5369 | rep.kathy.tingelstad@house.mn |
| Jean Wagenius (DFL) | 296-4200 | rep.jean.wagenius@house.mn |

House Environment and Natural Resources

Finance Division

| | | |
|------------------------------------|----------|--|
| Chair: Jean Wagenius (DFL) | 296-4200 | rep.jean.wagenius@house.mn |
| Vice Chair: Al Doty (DFL) | 296-4247 | rep.al.doty@house.mn |
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| Tom Anzelc (DFL) | 296-4936 | rep.tom.anzelc@house.mn |
| Karen Clark (DFL) | 296-0294 | rep.karen.clark@house.mn |
| David Dill (DFL) | 296-2190 | rep.david.dill@house.mn |
| Kent Eken (DFL) | 296-9918 | rep.kent.eken@house.mn |
| Paul Gardner (DFL) | 296-2907 | rep.paul.gardner@house.mn |
| Bob Gunther (R) | 296-3240 | rep.bob.gunther@house.mn |
| Tom Hackbarth (R) | 296-2439 | rep.tom.hackbarth@house.mn |
| Rick Hansen (DFL) | 296-6828 | rep.rick.hansen@house.mn |
| Joe Hoppe (R) | 296-5066 | rep.joe.hoppe@house.mn |
| Kate Knuth (DFL) | 296-0141 | rep.kate.knuth@house.mn |
| Doug Magnus (R) | 296-5505 | rep.doug.magnus@house.mn |
| Denny McNamara (R) | 296-3135 | rep.denny.mcnamara@house.mn |
| Frank Moe (DFL) | 296-5516 | rep.frank.moe@house.mn |
| Aaron Peterson (DFL) | 296-4228 | rep.aaron.peterson@house.mn |

- Offer funding to anyone meeting specified criteria, such as a certain grade point average.
- Make participation in the plan entirely voluntary.
- For each year that a participant receives this funding, require the participant to repay some percentage (say 1 percent for undergraduate, 3 percent for medical school) of the participant's future earnings forever to the funding source.

After several years, the plan might largely become self-financing. Obviously, there are lots of details to work out. Still, the concept is simple and would ensure that everyone would have a chance to obtain a college degree.

Those earning more after graduation would subsidize those who go into lower-paying positions such as teaching. Since it is a voluntary plan, participants should have no legitimate complaint about the forever provision.

_ Keith A. Peterson, Edina.

CARTOON

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Additional remarks, presentation to Senator Anderson's committee, March 9, 2007, regarding the MPCA study

The league's role in the founding of the MPCA in 1967
we favor the citizens board, and allowing the public to be heard and open meetings
we note the enabling language: "achieving a reasonable degree of purity of water, air and land resources of the state consistent with maximum enjoyment and use thereof in furtherance of the welfare of the people of the state..." and "it is in the public interest that there be established a pollution control agency."

Concerns:

That the MPCA is more responsive to the profit oriented needs of business and agribusiness than to the needs of ordinary citizens for clean air and water; it is customer oriented, customer is being those seeking permits-- not citizens seeking environmental protection
that the MPCA tends to define stakeholders primarily as business and agribusiness

with the current structure of the citizens board, and the role of the MPCA Commissioner (sits on and chairs the board, votes);

that the citizens board does not include a citizen advocate or an environmentalist along with the required representatives from labor and agriculture

(that funding is inadequate, lack of money for enforcement, the budget having remained at .5% of the state budget for the past four years; the clean water Legacy act was passed by the last legislature but only allocated one third of the funding needed to clean up rivers lakes and streams; pp 12-14

with the dependence on voluntary compliance, and encouragement rather than regulation an example being feedlots with dependence upon operator reporting (delegated County officers)

that MPCA does not regulate agricultural chemicals

that regulation of feedlots has decreased -- a higher threshold of animal units before permits are required; feedlot regulation dependent upon operator reporting (delegated County officers)

that environmental protections against ethanol production may be weakening: the number of gallons of plant must produce for an EAW is required was recently raised from 50 million to 125 million gallons

Bottom line: concern at the MPCA is not doing its job

Remarks from a local league:

The most important findings were the loss of influence and authority of the citizens board, dilution of MPCA by conflicting agencies with conflicting interests, more involvement of MPCA in economy than in environmental affairs, a large number of different agencies was responsibility for water quality, the divergence from MPCA's original mission statement, the accountability of the staff -- large staffs, many masters to serve, a limited budget, that staff are overwhelmed with work especially with new ethanol business boom.

Their concerns:

to what extent the Commissioner controls the citizens advisory board; funding; how MPCA investigates new technology to ensure that it is environmentally friendly; Commissioner should not chair the citizen board;

**Presentation to the House Environment and Natural
Resources Committee**

by

**Helen Palmer, President, League of Women Voters of Minnesota
March 22, 2007**

Chairman Eken and members of the committee:

Thank you very much for allowing me to speak today. Let me say at the outset that the League of Women Voters as yet has no position on this bill, House file number 294. The matter that this bill addresses—the structure of the MPCA—is, however, of concern to the League of Women Voters. We have in fact recently published a study of the MPCA that, among other things, deals with this issue.

Our publication is entitled *Examining a State Agency: Minnesota Pollution Control Agency*, and is the result of a two-year study by League of Women Voters members. Like all of our studies it is intended to educate our members and the public on an issue of importance to the state. We hope it may be useful to you as you consider this bill.

Why did we undertake a study of the MPCA? As a good government organization we were interested in examining state agencies in order to determine whether they were providing adequate protection and enforcement for Minnesota citizens according to their charters. Members decided to look at the MPCA as an example of such agencies. We looked at the agency's charter, at its responsibilities, and how it is organized; we wanted to know the current status of areas for which the agency is responsible. We looked at how the agency allocates its money and asked if it has adequate funding to carry out its mandate. We questioned how decisions are made, if the agency operates efficiently, if it applies regulations equitably, if it holds open meetings that are clearly announced and if there is a mechanism for citizen input; we wanted to determine how transparent the decision making process is. We wanted to know if the agency is responsive to all stakeholders: governmental units, relevant nongovernmental organizations, business and industry, citizens.

We conducted 33 interviews, including ones with former Commissioner Corrigan; members of the Minnesota Senate and House of Representatives; members of the MPCA Citizens' Board (current and former) and staff; representatives from industry, agriculture, the Chamber of Commerce; environmentalists; economists; scientists. We studied MPCA's and others' publications, court decisions, and media accounts.

Clearly, the MPCA is a complex agency dealing with complex issues. We hope through this study to shed some light on this complexity, and to encourage public discussion around the state on the important issues it raises for all Minnesotans. The reason we have no position on this particular bill at the moment is that our members across Minnesota are currently reading the document and holding meetings and discussions on the subject. We will determine as we go forward the advocacy role we will play.

In the meantime I am happy to offer each of you a copy of the study and invite you to read it. You will find that we address the role of the Citizens' Board and the role of the Commissioner. We look at the MPCA's original structure and operating procedure that date from 1967, and we examine the changes that have taken place since that time. We discuss the implications of these changes—regarding decision-making authority, responsiveness to citizens, openness, relation to stakeholders, the role of political influence.

The League study of the MPCA is, by the way, also available on our website: www.lwvmn.org. Thank you very much for your time and attention today.

Note: The League of Women Voters is a nonpartisan, political, volunteer organization founded in 1920 when women achieved the right to vote. The League is the original grassroots citizen network, directed by the consensus of its members. Our mission is to encourage active and informed participation in government and we work to influence public policy through advocacy.

Marion E. Watson, 2140 West Hoyt Avenue, St. Paul, MN 55108

March 23, 1995

Alice Hausman
Minnesota State House of Representatives
State Capitol
St. Paul, MN 55101

Dear Representative Hausman:

I wish to comment on the elimination or disempowerment of the Minnesota Pollution Control Agency (MPCA) Board. I was on the Board for 9 years from 1972 through 1980 where I served as Chairwoman, Vice-Chairwoman, Chair of the Legislative Committee and Chair of the Mining Committee. I presided, among other things, over the hearings on Reserve Mining Company. I came out of the Minnesota League of Women Voters where I was legislative chair. The League had an interest in the creation of the MPCA in 1967, and I observed the agency for five years prior to my appointment.

The MPCA was designed by Gordon Rosenmeier, a lifelong conservative with an interest in the structure of government. Willard Munger was among its sponsors. Rosenmeier later represented the St. Regis Paper Company before the MPCA. Everyone knew at that time that advisory committees are set up to accomplish nothing. Interested citizens can let off steam and recommendations can be ignored. Witness the Minnesota Task Force on Nuclear Safety which followed the accident at Three Mile Island.

Rosenmeier charged the Agency with establishing regulations through the hearing process. We classified the waterways of the state, establishing water standards. This was followed by air quality and solid waste standards (including feed lot regulation), standards for hazardous waste, an auto recycling and reclamation program, and asbestos regulation. In each case, hearings attended by Board members were held permitting testimony by industry and citizens, and regulations were adopted in an open process. Even in such cases as the regulation of asbestos, now commonly held to be dangerous,

Part II Activities and Operational Information (Continued)

- 8 What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken. If none, indicate "N/A."

N/A

- 9 Will the organization be the beneficiary of tax-exempt bond financing within the next 2 years? ☐ Yes ☒ No

- 10a Will any of the organization's facilities or operations be managed by another organization or individual under a contractual agreement? ☒ Yes ☐ No
- b Is the organization a party to any leases? ☐ Yes ☒ No
- If either of these questions is answered "Yes," attach a copy of the contracts and explain the relationship between the applicant and the other parties.

need information re: relationship w/ NPS

- 11 Is the organization a membership organization? ☒ Yes ☐ No
- If "Yes," complete the following:

- a Describe the organization's membership requirements and attach a schedule of membership fees and dues.

dues to LWVSP

- b Describe the organization's present and proposed efforts to attract members and attach a copy of any descriptive literature or promotional material used for this purpose.

attach brochure/handout

- c What benefits do (or will) the members receive in exchange for their payment of dues?

Newsletter, ability to vote on decisions made by the organization, special mailings/emails, opportunity to serve on committees and decide issues to address.

- 12a If the organization provides benefits, services, or products, are the recipients required, or will they be required, to pay for them? ☐ N/A ☒ Yes ☐ No
- If "Yes," explain how the charges are determined and attach a copy of the current fee schedule.

Fees will be charged only to cover costs of production, distribution

- b Does or will the organization limit its benefits, services, or products to specific individuals or classes of individuals? ☐ N/A ☐ Yes ☒ No
- If "Yes," explain how the recipients or beneficiaries are or will be selected.

- 13 Does or will the organization attempt to influence legislation? ☒ Yes ☐ No
- If "Yes," explain. Also, give an estimate of the percentage of the organization's time and funds that it devotes or plans to devote to this activity.

The organization currently has no plans for this activity. In the future it may engage in some lobbying within allowable limits.

- 14 Does or will the organization intervene in any way in political campaigns, including the publication or distribution of statements? ☐ Yes ☒ No
- If "Yes," explain fully.

there was heavy lobbying against regulation by industries and labor unions. Under every regulation variances could be granted if circumstances warranted. Thus flexibility and reasonableness was ensured. All of these matters were openly considered and voted on by the Agency Board.

Why is this desirable?

- It prevents cozy relationships between companies and professional agency staff. When a staff member works with a polluter for a long period of time, they get to know one another and the staff becomes overly sympathetic with the polluter. Further, if the staff member gets tough, the company can put such pressure on the Agency head that the staff member loses her/his job. The Board diffuses that pressure.
- Large companies can buy cities or counties by the jobs they offer or the tax revenue they promise. Cases in point are the NSP Sherco plant where county officials looked forward to a several hundred percent increase in revenues and testified they were sure NSP wouldn't do anything to hurt them. Silver Bay was another example where an entire town was beholden to Reserve Mining Company. Their jobs were on the line. No one would say they were fearful of asbestiform fibers in their water supply. Decisions in these cases must be elevated to a more than local level. Staffs alone in a closed process cannot resist local pressures.

Dept of Health Allen King gave

- Staff by themselves are fearful of or have no mechanism for granting variances even when that is warranted. An example before us was the city of Kenneth whose landfill next to the town met all requirements but was in the adjacent county and therefore not included in that county's waste plan. A costly relocation was not required through the variance procedure.
- The Board can facilitate the setting of priorities for the dispersal of federal funds to various communities, and based on legitimate circumstances can alter those priorities. An open process prevents whimsical decisions by staff.

Part III Technical Requirements

- 1 - Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed? ☒ Yes ☐ No
If you answer "Yes," do not answer questions on lines 2 through 6 below.

- 2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 7.

Exceptions—You are not required to file an exemption application within 15 months if the organization:

- ☐ a Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church. See **Specific Instructions**, Line 2a, on page 4;
- ☐ b Is not a private foundation and normally has gross receipts of not more than \$5,000 in each tax year; or
- ☐ c Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

- 3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed? ☐ Yes ☐ No

If "Yes," your organization qualifies under Regulation section 301.9100-2, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 6.

If "No," answer question 4.

- 4 If you answer "No" to question 3, does the organization wish to request an extension of time to apply under the "reasonable action and good faith" and the "no prejudice to the interest of the government" requirements of Regulation's section 301.9100-3? ☐ Yes ☐ No

If "Yes," give the reasons for not filing this application within the 27-month period described in question 3. See **Specific Instructions**, Part III, Line 4, before completing this item. Do not answer questions 5 and 6.

If "No," answer questions 5 and 6.

- 5 If you answer "No" to question 4, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed? . . . ☐ Yes ☐ No

- 6 If you answer "Yes" to question 5 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here ☐ and attach a completed page 1 of Form 1024 to this application.

Every staff finds working with a voting board (as opposed to an advisory one) onerous because the board cannot simply be ignored. Tensions can develop. One Executive Director simply dragged her heels so Board members could not get copies of our own regulations. But these tensions are a healthy sign of a dynamic process. It is difficult for staff to prepare the rationale for actions and to present them publicly. I maintain that is a wonderful exercise for the staff, greatly improving their own thinking.

When the MPCA was created, one corporation head complained that decisions had been taken out of the corporate board room where they belonged and into the streets. There are dozens of anecdotes to illustrate that is just where they belong - out in the sunshine where decisions can be observed and the citizenry can participate and be informed. It is ridiculous to think of the saving in staff time as an economy measure. Getting rid of the Board altogether puts Agency operation in the shadows. Making it advisory saves no time but makes it ineffective.

Sincerely,

Marion Watson

Part III Technical Requirements (Continued)

7 Is the organization a private foundation?

☐ Yes (Answer question 8.)

☒ No (Answer question 9 and proceed as instructed.)

8 If you answer "Yes" to question 7, does the organization claim to be a private operating foundation?

☐ Yes (Complete Schedule E.)

☐ No

After answering question 8 on this line, go to line 14 on page 7.

9 If you answer "No" to question 7, indicate the public charity classification the organization is requesting by checking the box below that most appropriately applies:

THE ORGANIZATION IS NOT A PRIVATE FOUNDATION BECAUSE IT QUALIFIES:

- | | | |
|---------------------------------------|--|--|
| a <input type="checkbox"/> | As a church or a convention or association of churches (CHURCHES MUST COMPLETE SCHEDULE A.) | Sections 509(a)(1) and 170(b)(1)(A)(i) |
| b <input type="checkbox"/> | As a school (MUST COMPLETE SCHEDULE B.) | Sections 509(a)(1) and 170(b)(1)(A)(ii) |
| c <input type="checkbox"/> | As a hospital or a cooperative hospital service organization, or a medical research organization operated in conjunction with a hospital (These organizations, except for hospital service organizations, MUST COMPLETE SCHEDULE C.) | Sections 509(a)(1) and 170(b)(1)(A)(iii) |
| d <input type="checkbox"/> | As a governmental unit described in section 170(c)(1). | Sections 509(a)(1) and 170(b)(1)(A)(v) |
| e <input type="checkbox"/> | As being operated solely for the benefit of, or in connection with, one or more of the organizations described in a through d, g, h, or i (MUST COMPLETE SCHEDULE D.) | Section 509(a)(3) |
| f <input type="checkbox"/> | As being organized and operated exclusively for testing for public safety. | Section 509(a)(4) |
| g <input type="checkbox"/> | As being operated for the benefit of a college or university that is owned or operated by a governmental unit. | Sections 509(a)(1) and 170(b)(1)(A)(iv) |
| h <input checked="" type="checkbox"/> | As receiving a substantial part of its support in the form of contributions from publicly supported organizations, from a governmental unit, or from the general public. | Sections 509(a)(1) and 170(b)(1)(A)(vi) |
| i <input type="checkbox"/> | As normally receiving not more than one-third of its support from gross investment income and more than one-third of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions (subject to certain exceptions). | Section 509(a)(2) |
| j <input type="checkbox"/> | The organization is a publicly supported organization but is not sure whether it meets the public support test of h or i. The organization would like the IRS to decide the proper classification. | Sections 509(a)(1) and 170(b)(1)(A)(vi) or Section 509(a)(2) |

If you checked one of the boxes a through f in question 9, go to question

14. If you checked box g in question 9, go to questions 11 and 12.

If you checked box h, i, or j, in question 9, go to question 10.



Minnesota House of Representatives

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KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

Authors and Status

List versions

H.F. No. 294, as introduced - 85th Legislative Session (2007-2008) Posted on Jan 22, 2007

1.1

A bill for an act

1.2

1.3

1.4

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1.6

relating to state government; modifying the structure of the Pollution Control Agency; amending Minnesota Statutes 2006, sections 116.02, subdivisions 1, 4; 116.03, subdivisions 1, 2; repealing Minnesota Statutes 2006, section 116.02, subdivisions 6, 7, 8, 9, 10.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7

Section 1. Minnesota Statutes 2006, section 116.02, subdivision 1, is amended to read:

1.8

1.9

1.10

1.11

1.12

Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota Pollution Control Agency, is hereby created. The agency shall consist of ~~the commissioner~~ and eight nine members appointed by the governor, by and with the advice and consent of the senate. One of such members shall be a person knowledgeable in the field of agriculture and one shall be representative of organized labor.

1.13

Sec. 2. Minnesota Statutes 2006, section 116.02, subdivision 4, is amended to read:

1.14

1.15

1.16

Subd. 4. **Chair.** ~~The commissioner shall serve as chair of the agency.~~ The agency shall elect such the chair and other officers as it deems necessary. The commissioner may not serve as a member of the agency.

1.17

Sec. 3. Minnesota Statutes 2006, section 116.03, subdivision 1, is amended to read:

1.18

1.19

1.20

1.21

1.22

Subdivision 1. **Office.** (a) The office of commissioner of the Pollution Control Agency is created and is under the supervision and control of the commissioner, who is appointed by the governor under the provisions of section 15.06.

(b) The commissioner must carry out the policies established by the agency and direct the staff.

2.1

2.2

2.3

2.4

2.5

~~(b)~~ (c) The commissioner may appoint a deputy commissioner and assistant commissioners who shall be in the unclassified service, but shall be subject to the approval of the agency.

~~(e)~~ (d) The commissioner ~~shall~~ may make all decisions on behalf of the agency that are not required to be made by the agency under section 116.02.

2.6

Sec. 4. Minnesota Statutes 2006, section 116.03, subdivision 2, is amended to read:

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2.11

Subd. 2. **Organization of office.** The commissioner shall organize the agency and employ such assistants and other officers, employees and agents as the commissioner may deem necessary to discharge the functions of the commissioner's office, define the duties of such officers, employees and agents, and delegate to them any of the commissioner's powers, duties, and responsibilities, subject to the commissioner's control and under such

author: J. Mullery; add'l author: Sandra Peters

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Committee chair Eken

Rem 5 SOB from T/th

Ozment, Wagman, Hackbath invited

Victoria Benson@house.ma

Examining a State Agency: Minnesota Pollution Control Agency December 2006

by a new strategic plan that, while it emphasizes conservation and prevention of pollution by getting all Minnesotans to take responsibility to protect the environment, also aims to "integrate environmental, economic, and social sciences." It seems to follow from this that the interests of "stakeholders," who tend to be predominantly those with business interests, will have a strong voice in MPCA policy.¹¹⁰

Citizens' voices are most often heard at Citizens' Board meetings in relation to permits. Facilities that have the potential to emit or discharge pollutants over specified thresholds—feedlots, quarries, power plants, municipal wastewater treatment plants, to name a few categories—must apply to MPCA for a permit. This is, as Citizens' Board member Dr. Dan Foley has pointed out, in reality a permit to pollute.¹¹¹ But in the process MPCA can work with the applicant to determine ways to minimize or eliminate pollution. This process includes a 30-day public comment period, as well as opportunity for the public to be heard in letters and testimony before or during a Citizens' Board meeting.

Such comments are certainly considered; the board makes changes based on testimony from, for example, the MCEA, and other experts. On occasion an aggrieved citizen directly affected by a facility will get modifications made to a permit. But it can take an organized grassroots campaign and even a lawsuit to get a major change in a board decision.

Funding

It is natural to consider whether some of the inadequacies of MPCA result from too low a level of funding. Although Commissioner Corrigan was circumspect and noncommittal when asked this question directly, Dr. Dan Foley, member of the Citizens' Board since 1985, did say that funding is inadequate, especially for the increasingly complex situations facing the state.¹¹² Rep. Dennis Ozment believes that MPCA is significantly underfunded. "If it had more funds, it could put more into prevention rather than going from crisis to crisis."¹¹³ "From what we understand," commented Margaret Hodnik of Minnesota Power, "the permitting section is understaffed, yet there is work overload."¹¹⁴ And most environmentalists statewide agree with Kris Sigford of MCEA that "MPCA is typically short of funds, though this varies by program. State funding for the environment is about 1 percent of the budget, the lowest in 30 years."¹¹⁵ Calvin Alexander, professor of geology at the University of Minnesota, put it bluntly: "MPCA is understaffed and underfunded; is not protecting the water, air, and land; and has abandoned ground water."¹¹⁶

Most of MPCA's \$270 million budget comes from dedicated funds: for FY 2006–07, 43 percent from the environmental fund, and 20 percent from the remediation fund.¹¹⁷ Revenue for these dedicated funds is generated largely through taxes and fees, such as the solid waste tax; Gov. Tim Pawlenty's 2006–07 budget recommends that the current 50 percent of these revenues designated for the environmental fund be raised to 70 percent.

The agency currently gets 10 percent of its budget from the general fund, and just a little over 15 percent from the federal government.¹¹⁸ Funding via the general fund usually comes by means of MPCA requests to the legislature through the biennial budget process. General fund money supports MPCA work on water quality monitoring, TMDLs, feedlots, wastewater; it supports scientific and technical aspects of air, land, and water programs; and it supports administrative costs, including public information and the Citizens' Board.¹¹⁹

Although in actual dollars MPCA's budget shows a trend upward over time (except for 2004), when adjusted for inflation, that trend is slight. Looked at another way, the MPCA budget as a percentage of the state budget as a whole has remained at about 0.5 percent for the past four years. In FY 2006–07, the numbers for MPCA alone show about a 3 percent drop, but since MPCA was recently merged with the Office of Environmental Assistance, their combined budgets show an increase.¹²⁰ "Within those increases," reports MPCA financial manager Kathryn Sather, "are shifting legislative and MPCA priorities, loss of spending power due to inflation, and increased costs of environmental services."¹²¹

It is also the case that in some instances MPCA does not request funding that environmentalists believe it should. Sen. John Marty observed that for MPCA to say "we don't have the money" is a poor excuse when the agency has not asked for the money in the first place.¹²²

Increasingly, MPCA derives money from fees it is authorized to levy for discharging wastewater, for emitting pollutants into the air, for treating or storing hazardous waste; fees accompany some permits. Other fees are set by the legislature or by federal mandates. In 2001 all such fees generated about \$14 million, or about 5 percent of the agency's budget, unevenly distributed among MPCA programs.¹²³ Air quality fees, to take a significant example, far exceed those that can be charged for water or land pollution, a fact attributable to 1990 federal Clean Air Act amendments. Fees related to air quality in 2001 generated about \$9 million, compared with just under \$3 million for water fees and about \$2 million for hazardous waste.¹²⁴

Due particularly to inflation, water quality and hazardous waste fees are not keeping up with costs; nevertheless, several MPCA requests for fee increases have been turned down by the legislature.¹²⁵ Even when collected, money from a given fee may not go to the program that generated

conditions as the commissioner may prescribe. The commissioner may also contract with, and enter into grant agreements with, persons, firms, corporations, the federal government and any agency or instrumentality thereof, the Water Research Center of the University of Minnesota or any other instrumentality of such university, for doing any of the work of the commissioner's office. None of the provisions of chapter 16C, relating to bids, shall apply to such contracts. All contracts entered into pursuant to this subdivision shall be subject to the approval of the agency.

Sec. 5. **REPEALER.**

Minnesota Statutes 2006, section 116.02, subdivisions 6, 7, 8, 9, and 10, are repealed.

Please direct all comments concerning issues or legislation
to your House Member or State Senator.

For Legislative Staff or for directions to the Capitol, visit the Contact Us page.

General questions or comments.

last updated: 03/02/2007

Examining a State Agency: Minnesota Pollution Control Agency December 2006

where MPCA has seemed to favor corporate farming over the environment.

One example: In his ruling that MPCA should have required an EIS for Reiland Dairy's application for a feedlot in the karst area of Fillmore County, Judge Robert Benson wrote that MPCA's decision not to order an EIS was "arbitrary and capricious" in that it did not consider the possibility of uncontrolled and irreversible ground water contamination in the event of a collapse of the manure lagoon.⁹¹

Structure

*"The Citizens' Board is the agency."*⁹²—Marion Watson, chair of Citizens' Board, 1974-1978

*"The PCA is the Citizens' Board. The staff serves the board. The board has delegated decision-making authority to me as chair."*⁹³—Sheryl Corrigan, MPCA commissioner, 2002-2006

Alone among Minnesota government agencies, MPCA was established with a Citizens' Board as the key decision-making body. This board consists of nine members, one of whom is the commissioner, one of whom must represent labor and another, agriculture—all appointed by the governor to four-year staggered terms. (Some have questioned why the Citizens' Board does not also require a representative from an environmental organization.) Members may serve an unlimited number of terms.

In monthly public meetings, the board both sets policy and makes decisions on "certain other significant or controversial issues."⁹⁴ These could include feedlot permits, ethanol plant locations, power plant emissions, expansion of landfills, and the like. More routine, uncontested, non-controversial items are decided by the commissioner on the advice of staff.

Federal and state statutes determine some of the issues that come before the board. Any contested issue, any request for an administrative hearing must go to the board. The board decides whether to accept an EAW or to call for an EIS. The commissioner or any board member can bring an item to the board. Commissioner Corrigan pointed out that "it only takes one citizen to request an item to go to the Citizens' Board";⁹⁵ the commissioner may, however, deny the request.⁹⁶

The Citizens' Board has not always been structured like this. From its establishment in 1967 until 1997, MPCA had an executive director rather than a commissioner. The executive director sat on the Citizens' Board but, unlike the commissioner, did not chair the board and did not have a vote. The board elected the chair from among its members. University

of Minnesota geology professor Calvin Alexander characterizes the Citizens' Board at that time: "In the '70s, you had the environmentalists as head of the agency and on the Citizens' Board."⁹⁷ During that period the executive director was Grant Merritt; as he describes it, the board was strong, making policy on all issues. Decisions were made in the open. Board members, who were paid \$35 per meeting, read through a big stack of information. (These days board members' remuneration is \$55 per meeting, plus another \$55 for a day of preparation.⁹⁸) The executive director recommended, but did not vote. "Sometimes they would overrule me, which I found healthy."⁹⁹ Sometimes board members voted against the company they worked for.¹⁰⁰

Reporters showed up at meetings, knowing there would be issues and controversy and thus, stories.¹⁰¹ In contrast, observes Martha Brand, executive director of MCEA, "Now the board's realm of influence is shallow: they are basically rubber-stamping staff recommendations. Board members used to be very knowledgeable about issues, and therefore questioned the staff more aggressively."¹⁰²

In some respects these changes reflect the number and complexity of issues MPCA currently deals with. MPCA-issued rules alone fill a 1,639-page book. MPCA staff currently number 750, down from a high of 800-plus in the late 1990s, and certainly up from the 35 staff with which the agency began in 1967.¹⁰³ In the face of size and complexity, the Citizens' Board provides a way for the public to have a voice in decisions. Board members are accessible; testimony sent to the Citizens' Board becomes part of the official record if a case goes to court.¹⁰⁴ Any Minnesotan can walk into a Citizens' Board meeting, fill out a simple form, and speak before the board on an agenda item. Some believe the public would be better represented, however, if a citizens' advocate were appointed to make recommendations to put next to staff recommendations.¹⁰⁵

For much of its history, MPCA was organized along environmental lines: it had divisions of air, water, solid and hazardous waste. In the '90s it was restructured to become a "matrixed organization," with "divisions based on the folks we serve."¹⁰⁶ Thus, the current organizational chart lists these seven divisions: industrial, municipal, remediation, regional, environmental analysis and outcomes, prevention and assistance, and operational support. Of equal weight on the chart are legislative relations, strategic planning, and agricultural liaison.¹⁰⁷ Looking at changes in structure another way, MPCA has restructured to take a "multimedia" approach, recognizing that mercury in the air, for example, contributes to pollution in water, and that a given facility, say, a feedlot, needs to be monitored for both air and water pollution.¹⁰⁸

The agency has also become "customer focused," customers being, by and large, those seeking pollution permits.¹⁰⁹ This shift in direction was signaled in 2005-06

says
p. 3 on

**Supplementary Resource for LWVMN MPCA Study:
Bill supported by Grant Merritt, former MPCA director,
introduced in the State Legislature to modify the structure of the MPCA**

S.F. No. 1358, as introduced - 84th Legislative Session (2005-2006), Posted on Mar 01, 2005

- 1.1 **A bill for an act**
1.2 relating to state government; modifying the structure
1.3 of the Pollution Control Agency; amending Minnesota
1.4 Statutes 2004, sections 116.02, subdivisions 1, 4;
1.5 116.03, subdivisions 1, 2; repealing Minnesota
1.6, 1.7 Statutes 2004, section 116.02, subdivisions 6, 7, 8, 9, 10.
1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.9, 1.10 Section 1. Minnesota Statutes 2004, section 116.02, subdivision 1, is amended to read:
1.11 Subdivision 1. A pollution control agency, designated as
1.12 the Minnesota Pollution Control Agency, is hereby created. The
1.13 agency shall consist of ~~the commissioner and eight~~ nine members
1.14 appointed by the governor, by and with the advice and consent of
1.15 the senate. One of such members shall be a person knowledgeable
1.16, 1.17 in the field of agriculture and one shall be representative of organized labor.
1.18 Sec. 2. Minnesota Statutes 2004, section 116.02,
1.19 subdivision 4, is amended to read:
1.20 Subd. 4. ~~The commissioner shall serve as chair of the~~
1.21 ~~agency.~~ The agency shall elect such ~~the chair and~~ other
1.22 officers as it deems necessary. The commissioner may not serve
1.23 as a member of the agency.
1.24 Sec. 3. Minnesota Statutes 2004, section 116.03,
1.25 subdivision 1, is amended to read:
1.26 Subdivision 1. [OFFICE.] (a) The office of commissioner of
2.1 the Pollution Control Agency is created and is under the
2.2 supervision and control of the commissioner, who is appointed by
2.3 the governor under the provisions of section 15.06.
2.4 (b) The commissioner must carry out the policies
2.5 established by the agency and direct the staff.
2.6 (c) The commissioner may appoint a deputy commissioner and
2.7 assistant commissioners who shall be in the unclassified
2.8 service, but shall be subject to the approval of the agency.
2.9 (e) ~~(d)~~ The commissioner ~~shall~~ may make all decisions on
2.10, 2.11 behalf of the agency that are not required to be made by the agency under section 116.02.
2.12, 2.13 Sec. 4. Minnesota Statutes 2004, section 116.03, subdivision 2, is amended to read:
2.14 Subd. 2. [ORGANIZATION OF OFFICE.] The commissioner shall
2.15 organize the agency and employ such assistants and other
2.16 officers, employees and agents as the commissioner may deem
2.17 necessary to discharge the functions of the commissioner's
2.18 office, define the duties of such officers, employees and
2.19 agents, and delegate to them any of the commissioner's powers,
2.20 duties, and responsibilities, subject to the commissioner's
2.21 control and under such conditions as the commissioner may
2.22 prescribe. The commissioner may also contract with, and enter
2.23 into grant agreements with, persons, firms, corporations, the
2.24 federal government and any agency or instrumentality thereof,
2.25 the Water Research Center of the University of Minnesota or any
2.26 other instrumentality of such university, for doing any of the
2.27 work of the commissioner's office. None of the provisions of
2.28 chapter 16C, relating to bids, shall apply to such
2.29 contracts. All contracts entered into pursuant to this
2.30 subdivision shall be subject to the approval of the agency.
2.31, 2.32, 2.33 Sec. 5. [REPEALER.] Minnesota Statutes 2004, section 116.02, subdivisions 6, 7, 8, 9, & 10, are repealed.

History of Environmental Review Rulemaking
Compiled by Susan Heffron, MPCA Tech Rep, for discussion purposes
(Not meant to be an official list)

- 1974 Environmental Review Rules become effective
- 1977 Rules amended for the first time:
→Previously EQB staff wrote all EAWs, now they are assigned to City and State "RGUs"
→Decision on EAW can be brought before the EQB if 500 signatures are obtained
-
- 1980 Statutes are amended:
→Now ER is completely decentralized from EQB; appeals go to the courts, not EQB
→EIS Categories appear for the first time (before were all discretionary or because of an EAW)
→Petition process changes to need only 25 signatures
- 1982 Rules changed to reflect statute
-
- 1986 Rule are amended – noncontroversial (no hearing), fixed minor glitches in 1982 rule
-
- 1988 Rules are amended
→Solid waste and hazardous waste mandatory categories are overhauled
→AUAR process is added
-
- 1990 **End of Perpich Administration**
In August, EQB Members hold a retreat where they talk extensive about Environmental Review. Extensive discussion triggered by Chuck Dayton and John Herman's article in the Bench and Bar of Minnesota called, "Environmental Review: An Unfulfilled Promise" and probably incinerators issues at the MPCA. *The main issue in the article is the "over-reliance" on EAW compared to EIS, contrary to the intent of the program designers. EQB assigns agency Tech Rep Committee to study program and recommend changes.*
- 1991 **Carlson Administration**
January EQB sends out Request for Comments for Environmental Review Rule Revisions
July Tech Reps/EQB staff submit written report on recommended changes to EQB subcommittee on Environmental Review
Nov EQB holds "focus group" to review July recommendations. *Main recommendations are to replace EAW and EIS with a single document and process (or variation) and re-establish EQB oversight over RGU decisions.*
- 1992 MEI holds its own meeting on ER revisions and gives report to EQB
- 1993
March EQB issues, "Concepts for Revision of the Environmental Review Program" and holds two public meetings on the report. *Recommendations include three options for changing nature of EAW process; limited EQB oversight of RGU decisions; and various others that have since been adopted.*

1994 EQB spends much of this year is spent preparing legislation for 1995 session.
March MCEA issues Environmental Review program audit study, "Unfulfilled Promise." *This report outlines 33 recommendations for changes the program.*

1995

Spring EQB tries to pass statutory changes through the legislature; passed House 122-0; failed to get hearing in Senate. Legislation included:
→EQB oversight: remand authority for Chair; "gatekeeper" review of EAW content
→No changes to basic nature of EAW; changes to enhance completeness and quality of data and consideration of mitigation measures, including explicit requirement that mitigation relied on in EAW process must be implemented
→Changes to citizens petition process; 150 signatures and restrict timeframe for filing petition if proposer gives adequate early notice of project

April EQB resend out Request for Comments for ER rule revisions originally sent in 1991
July Public meetings held on the proposed revisions

Sept EQB Chair initiates an Advisory Workgroup of various stakeholders, with the goal to reach consensus on how MEPA (ER statutes) could be revised. The workgroup met for 4-4 hour meetings and decided they were making progress, but needed more time to reach consensus. Not convinced of any real progress, the EQB Chair disbands the workgroup in November.

1996 March, EQB published Request for Comments once again.
These proposed rules were modified to eliminate most of the controversial issues.

1997 Rules changes become effective. Rule changes include changes to mandatory categories and "housekeeping" items (very similar to 2006). PCA's are listed below:
→Air Pollution – added "modification" to air emission facilities that need to conduct ER
→Solid Waste – made PCA the RGU for metro area facilities as well as outstate
→Wastewater Systems – raised threshold for sewer extension so it is 1,000,000 gpd for anywhere in the state; item C "Industrial Process" is added

2000 Ventura Administration

Feb MPCA Board has retreat where they identify ER as top priority
March MPCA Board authorizes staff to solicit citizen input on ER; EQB Chair Hugoson forms ER subcommittee
April MPCA holds "Citizen Focus Groups" in St. Paul, Brainerd, and Rochester
August EQB holds 1-day stakeholder meeting in St. Paul to conduct and initial scope of issues
End of year MPCA gives EQB all their collected information and the process moves forward through EQB only

2001

May EQB sends list of names to the Governor's office for appointment to a "Special Advisory Committee (SAC)" on ER revisions.

2002 SAC meets January through July and cannot come to any consensus. They report out:
1) The committee discussed the important issues presented to it by the EQB as well as other issues that the member identified as of concern.
2) The current Minnesota environmental review program is not perfect, but as a group the committee was not able to come to agreement on a better system.
3) The current system balances competing interests.

2003 Pawlenty Administration

EQB holds retreat in November; PCA and DEED Commissioner want EQB to look at revising ER rules. Recognizing past failed attempts at an overall structural change, EQB staff/Tech Reps are asked to focus on where projects enter ER – mandatory category thresholds.

2004-2005 Focus is on Mandatory Category Thresholds Study (Housekeeping items also added)
Outreach activities and data collected:

- Comprehensive list compiled of ER done in each category between 2000-2003
- Survey to Local Government RGUs
- Focus Groups specific to a particular category: historic places, aggregate, residential and commercial development
- Met with state RGUs: PCA, DNR, DOT
- Gathered data on fate of petitions
- Conducted a Petitioner's Survey
- Extensive research into PCA categories of Air Pollution and Wastewater Systems
- Questionnaire for WWTF proposers
- MDA and PCA hold animal feedlot stakeholder meetings
- Whole project had a "stakeholder" group, but it was more for communication and not as a working group to reach consensus

2006 October, rule amendments are effective (Phase I)

2007 Continue to work on Phase II rulemaking. Issues are those that were not addressed in Phase I for the following reasons:

- AUAR process (became controversial)
- Shoreland Development Category (not ready)
- Cumulative Effects (waited for court decisions)

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 294

January 22, 2007

Authored by Mullery

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

1.1 A bill for an act
1.2 relating to state government; modifying the structure of the Pollution Control
1.3 Agency; amending Minnesota Statutes 2006, sections 116.02, subdivisions 1, 4;
1.4 116.03, subdivisions 1, 2; repealing Minnesota Statutes 2006, section 116.02,
1.5 subdivisions 6, 7, 8, 9, 10.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 116.02, subdivision 1, is amended to read:

1.8 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota
1.9 Pollution Control Agency, is hereby created. The agency shall consist of ~~the commissioner~~
1.10 ~~and eight~~ nine members appointed by the governor, by and with the advice and consent
1.11 of the senate. One of such members shall be a person knowledgeable in the field of
1.12 agriculture and one shall be representative of organized labor.

1.13 Sec. 2. Minnesota Statutes 2006, section 116.02, subdivision 4, is amended to read:

1.14 Subd. 4. **Chair.** ~~The commissioner shall serve as chair of the agency.~~ The agency
1.15 shall elect ~~such~~ the chair and other officers as it deems necessary. The commissioner
1.16 may not serve as a member of the agency.

1.17 Sec. 3. Minnesota Statutes 2006, section 116.03, subdivision 1, is amended to read:

1.18 Subdivision 1. **Office.** (a) The office of commissioner of the Pollution Control
1.19 Agency is created and is under the supervision and control of the commissioner, who is
1.20 appointed by the governor under the provisions of section 15.06.

1.21 (b) The commissioner must carry out the policies established by the agency and
1.22 direct the staff.

2.1 ~~(b)~~ (c) The commissioner may appoint a deputy commissioner and assistant
2.2 commissioners who shall be in the unclassified service, but shall be subject to the approval
2.3 of the agency.

2.4 ~~(c)~~ (d) The commissioner ~~shall~~ may make all decisions on behalf of the agency that
2.5 are not required to be made by the agency under section 116.02.

2.6 Sec. 4. Minnesota Statutes 2006, section 116.03, subdivision 2, is amended to read:

2.7 Subd. 2. **Organization of office.** The commissioner shall organize the agency and
2.8 employ such assistants and other officers, employees and agents as the commissioner may
2.9 deem necessary to discharge the functions of the commissioner's office, define the duties
2.10 of such officers, employees and agents, and delegate to them any of the commissioner's
2.11 powers, duties, and responsibilities, subject to the commissioner's control and under such
2.12 conditions as the commissioner may prescribe. The commissioner may also contract with,
2.13 and enter into grant agreements with, persons, firms, corporations, the federal government
2.14 and any agency or instrumentality thereof, the Water Research Center of the University
2.15 of Minnesota or any other instrumentality of such university, for doing any of the work
2.16 of the commissioner's office. None of the provisions of chapter 16C, relating to bids,
2.17 shall apply to such contracts. All contracts entered into pursuant to this subdivision shall
2.18 be subject to the approval of the agency.

2.19 Sec. 5. **REPEALER.**

2.20 Minnesota Statutes 2006, section 116.02, subdivisions 6, 7, 8, 9, and 10, are repealed.

Questions for LWVMN Study: Examining a State Agency

Reference the LWVMN Education Fund publication *Examining a State Agency: Minnesota Pollution Control Agency* and other resources for discussion of the following questions.

Does the MPCA fulfill its purpose?

Structure

1. Is the agency structured so that it can best accomplish what its charter requires of it?
2. Has the current structure adequately protected the environment? Could the environment be protected better with a different mandate or setup?
3. Is having a Citizens' Board beneficial?
4. Are changes needed in the way the board (or the commissioner) is chosen? [see proposed state legislation]
5. How would you promote "political stability"? (See p. 19.)
6. What changes would you like to see?
7. How should they be made?

Funding

8. Is funding for the agency adequate?
9. Are the sources of funds the right ones?
10. If more funds are needed, where should they come from (taxes; fees for permits, etc.; penalties on polluters; other sources)?
11. Is too much money spent on documenting problems and not enough on eliminating them? (See p. 20, "Efficiency.")
12. Should funds/assistance be available to Minnesota residents for disputing MPCA (and other state agency) decisions (ala Wisconsin)? (See p. 23.)

Relationships

13. Are improvements needed in MPCA's relationship with other state agencies?
14. Does the organization of responsibilities need to be different with regard to emerging complex issues (such as ethanol plants)?
15. Should responsibility for traditional purviews of MPCA be shared with other agencies?

16. Are the lines of authority/responsibility clear to citizens?

17. Do citizens have confidence in the agency's decisions?

Does MPCA model good government?

Operations/decisions

A March 9, 2005, letter to former Commissioner Corrigan from the Environmental Working Group, a national team of scientists, policy experts, and lawyers who work on health and environmental issues, states, "Your refusal to test for PFCs in Minnesota water adds to an apparent, disturbing trend in your Agency to make decisions influenced more by politics than science, to the detriment of public health."

18. Are MPCA decisions based on solid objective evidence?

19. Is the operation efficient?

20. Are regulations applied equitably?

Public access to information

21. Is information about the agency and its projects/deliberations readily available?

22. If you are concerned about a proposed project, can you easily find out which governmental agency is the "responsible government unit" (RGU)?

23. Are meetings sufficiently open to all?

24. Is citizen input taken seriously?

25. Is the decision-making transparent?

Responsibility to stakeholders

26. Is the agency responsible to all stakeholders?

27. What is the relationship between the economy and the environment?

28. Should the agency try to balance competing interests?

29. If changes are needed, what should they be?

LWVMN, 550 Rice St., St. Paul, MN 55103~651/224-5445~1-800-663-9328~www.lwvmn.org

Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form

Local LWV Northern Dakota County

Name of person preparing Lois van Dyck

Contact information above

1. What were the most important aspects/findings of the study for your local LWV?
As the agency has grown in no. of staff and structure, so have the responsibilities. Could more be done to streamline some of the tasks? How can tasks be structured so results can be obtained?
2. Would you like further investigation of some facet of the study?
Further investigation could be done on emerging complex issues (such as ethanol plants) How can agencies work together to obtain results?
3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?
Current positions do allow for league to take action. We did not feel we needed further consensus.
4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)
Priorities would be in funding and on agency responsibilities with regard to specific issues.
5. Would you like to see study of another state agency using this study as a template?
No.
6. If so, which agency (list first and second choices)?

Please return to LWVMN office by May 1, 2007 or respond to info@lwvmn.org.

Relevant LWVUS and LWVMN Positions for Study of the MPCA

League Principles

In addition to items adopted for LWVUS and LWVMN programs, League Principles may be the basis for state and local League actions. Relevant principles:

- The League of Women Voters believes that democratic government...requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.
- The League of Women Voters believes...that no person or group should suffer legal, economic or administrative discrimination.
- The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government.
- The League of Women Voters believes that responsible government should be responsive to the will of the people; maintain an equitable and flexible system of taxation; promote the conservation and development of natural resources in the public interest; and share in the solution of economic and social problems that affect the general welfare, promote a sound economy...

LWVUS Policy Positions (excerpted from *Impact on Issues*, the LWVUS booklet listing all national public policy positions, in which more detail is available, including specific positions in the areas of air quality, energy, land use, water resources, waste management, and nuclear issues):

Representative Government

Citizen Rights; Citizen's Right to Know/Citizen Participation: The League of Women Voters of the United States believes that democratic government depends upon the informed and active participation of its citizens at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.

Natural Resources (position in general)

The League of Women Voters of the United States believes that natural resources should be managed as interrelated parts of life-supporting ecosystems. Resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.

Environmental Protection and Pollution Control: ...The League's environmental protection and anti-pollution goals aim to prevent ecological degradation and to reduce and control pollutants before they go down the sewer, up the chimney or into the landfill.

The federal government should have the major role...[but] other levels...should have the right to set more stringent standards. Enforcement should be carried out at the lower levels of government, but the federal government should enforce standards if other levels...do not meet this responsibility. Standards must be enforced in a timely, consistent and equitable manner for all violators in all parts of society, including governmental units, industry, business and individuals.

Environmental protection and pollution control, including waste management, should be considered a cost of providing a product or service. Consumers, taxpayers and ratepayers must expect to pay some of

the costs. The League supports policies that accelerate pollution control, including federal financial assistance for state and local programs.

LWVMN Positions (excerpted from *Program for Action*, which contains more details):

Government

Organization of Government: ...Support of improved structure and procedures for the...Executive Branch...

Financing State Government: Support of a balanced and diversified revenue system which relies on broad-based taxes and user fees...

State Government Spending: Belief that a long-term vision as well as immediate concerns should guide state spending decisions. Support of the following broad goals, in order of priority: (2) provide basic level of health and human services; (3) protect natural resources, (5) provide for public safety, (7) preserve open spaces...

Natural Resources

Water Resources: Support of a state role in the preservation and management of Minnesota's water resources through protection, allocation, conservation, pricing and inter-basin transfer policies protective of Minnesota's current and future needs.

Solid Waste: Support of measures to reduce generation of solid waste and ensure safe treatment, storage and disposal of all wastes.

Air Quality: Support measures to reduce air pollution from vehicular and stationary sources.

Land Use: Support of an overall land use plan with maximum cooperation and implementation at the regional and local levels, with state help in developing and exercising land use management, with opportunity for maximum local decision making, and with regional planning and regulation for matters of more than local concern.

Agriculture: Support of a system of sustainable agricultural production which provides safe, healthful food and which preserves and protects the state's human and natural agricultural resources and enhances the environment. Support of a state policy which promotes research and technical assistance in farming practices and rural economies that improve the economic viability of family farms, environmental health and the quality of life of family farmers and their communities.

League of Women Voters Minnesota, 550 Rice Street, St. Paul, MN 55101
Discussion Guide
Examining a State Agency: Minnesota Pollution Control Agency
LWVMN Study 20005–2007

Contact for further information:

LWVMN Office, phone: 651-224-5445 (metro area), 1-800-663-9328 (statewide)

E-mail: office@lwvmn.org

Web site: www.lwvmn.org

Purpose of the Study

Examination of a state agency was adopted as an LWVMN study by representatives of Minnesota local Leagues at their biennial convention in May 2005. The wording adopted was “Do Minnesota’s state agencies’ actions match their charters? Are they providing adequate protection and enforcement for Minnesota citizens according to their charters?” After discussion, the study committee decided to narrow its investigation to the Pollution Control Agency, in which the LWV has had an interest since its supported formation of the agency. This study provides an example of how to look at any of the state’s 20-some agencies (see list in the publication).

Purpose of the Meeting

The purpose of the meeting is to discuss the information provided by the study committee and any additional information provided by local presenters or members, considering the questions raised by the committee about the agency’s purpose and performance. The LWV already has positions at both the national and state levels on government and natural resources (included in a separate resource in this packet) that provide a basis for future action, so no new consensus is contemplated. Local LWVs are asked to return a feedback form that will help guide future action with regard to the MPCA or discussion of the performance of other state agencies.

Background

In the course of the study, committee members and local LWV volunteers interviewed MPCA commissioners, Citizens’ Board members and MPCA staff, both current and former; academics; legislators; representatives of industries regulated by the agency; and environmentalists. They studied MPCA’s and others’ publications (many online), court decisions, and media accounts.

Materials Included in This Mailing

1. This discussion guide, with:
 - Background and supplementary information to share with your members (possibly through your newsletter or Web site)
 - Additional guidelines and instructions
2. Added resource: A bill introduced in 2005 to modify the structure of the MPCA (white)
3. Relevant LWVUS and LWVMN policy positions (ivory)
4. Discussion questions (blue)
5. Publication (Facts and Issues) *Examining a State Agency: Minnesota Pollution Control Agency*
6. Feedback form (yellow), to return to LWVMN by Tuesday, May 1, 2007.

Supplementary Resources

Web site for MPCA: www.pca.state.mn.us/

Web site for MCEA: www.mncenter.org

Before the Meeting

A copy of the study will be sent to each member. You may want to include the relevant LWV positions (enclosed), Web site addresses, and the discussion questions in your League's newsletter and/or on your Web site. Prepare copies of resources, discussion questions, and the feedback form for the meeting or refer members to your newsletter if you have published them.

At the Meeting

Appoint a timekeeper and recorder to help you keep on track and to record member responses to discussion questions.

Introduction (5–10 minutes)

Remind members of the purpose of the study and the meeting. Make sure they know that their discussion can lead to action at the state level based on LWV Principles or current positions. If your League has had an earlier meeting on this topic, you may want to review and summarize your discussion at that meeting. Provide an overview of the topic by referring to the list of contents in the publication. You may ask members to share any experiences they have had with MPCA.

Discussion (each League will have to decide how much time to allow, based on time available)

Point out that the discussion questions are interrelated, and it is likely that your discussion will touch on more than one at a time. Decide how much time you will give to each question and have the timekeeper advise you when you have to move on to another topic, if necessary. Have the recorder write down areas of agreement or individual comments that you may want to send to LWVMN on the feedback form.

An alternative method for handling discussion questions (particularly if time is short) is to divide into groups to discuss different questions and report answers/comments back to the whole group.

Decision on what to submit to LWVMN

Have the recorder read back what has been written down, so the group can decide what to include on the feedback form. Alternatively, the discussion leader(s) or Board may decide at a later time.

After the Meeting

Record your feedback on the form. If you have had more than one unit meeting, combine answers and comments for the feedback form.

Return the feedback form to the LWVMN office, 550 Rice St., St. Paul, MN 55102, no later than Tuesday, May 1, 2007.

League of Women Voters Minnesota, 550 Rice Street, St. Paul, MN 55101, 651-224-5445

Discussion Guide – DRAFT

Examining a State Agency: Minnesota Pollution Control Agency LWVMN Study 20005–2007

Contacts for further information:

Purpose of the Study

Examination of a state agency was adopted as a LWVMN study by representatives of Minnesota local leagues at their biennial convention, _____. The wording adopted was “Do Minnesota’s state agencies’ actions match their charters? Are they providing adequate protection and enforcement for Minnesota citizens according to their charters?” After discussion, the study committee decided to narrow its investigation to the Pollution Control Agency, in which the LWV has had an interest since it supported formation of the agency.. This study provides an example of how to look at any of the state’s 20-some agencies.

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Background

In the course of the study, committee members and local LWV volunteers interviewed MPCA commissioners, Citizens’ Board members, and MPCA staff, both current and former; academics; representatives of industries regulated by the agency; and environmental activists. They studied MPCA and other publications (many online), court decisions, and newspaper accounts. [consulted with local LWVs that had speakers? Other?]

Materials Included in This Mailing

1. This discussion guide with:
 - Background information to share with your members
 - Additional resources you may consult or share with members through your newsletter or Web site
 - Relevant LWVUS and LWVMN positions
2. Discussion questions (color)
3. Publication (Facts and Issues) *Examining a State Agency: Minnesota Pollution Control Agency*
4. Feedback form (color), to return to LWVMN by _____.

Supplementary Resources

List Web site addresses for MPCA, MCEA, other?

Bill introduced in the State Legislature to modify the structure of the MPCA

S.F. No. 1358, as introduced - 84th Legislative Session (2005–2006), Posted on Mar 01, 2005

- 1.1 **A bill for an act**
- 1.2 relating to state government; modifying the structure
- 1.3 of the Pollution Control Agency; amending Minnesota

1.4 Statutes 2004, sections 116.02, subdivisions 1, 4;
1.5 116.03, subdivisions 1, 2; repealing Minnesota
1.6 Statutes 2004, section 116.02, subdivisions 6, 7, 8,
1.7 9, 10.
1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
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1.12 the Minnesota Pollution Control Agency, is hereby created. The
1.13 agency shall consist of ~~the commissioner and eight~~ nine members
1.14 appointed by the governor, by and with the advice and consent of
1.15 the senate. One of such members shall be a person knowledgeable
1.16 in the field of agriculture and one shall be representative of
1.17 organized labor.
1.18 Sec. 2. Minnesota Statutes 2004, section 116.02,
1.19 subdivision 4, is amended to read:
1.20 Subd. 4. ~~The commissioner shall serve as chair of the~~
1.21 ~~agency.~~ The agency shall elect such the chair and other
1.22 officers as it deems necessary. The commissioner may not serve
1.23 as a member of the agency.
1.24 Sec. 3. Minnesota Statutes 2004, section 116.03,
1.25 subdivision 1, is amended to read:
1.26 Subdivision 1. [OFFICE.] (a) The office of commissioner of
2.1 the Pollution Control Agency is created and is under the
2.2 supervision and control of the commissioner, who is appointed by
2.3 the governor under the provisions of section 15.06.
2.4 (b) The commissioner must carry out the policies
2.5 established by the agency and direct the staff.
2.6 (c) The commissioner may appoint a deputy commissioner and
2.7 assistant commissioners who shall be in the unclassified
2.8 service, but shall be subject to the approval of the agency.
2.9 (e) (d) The commissioner shall may make all decisions on
2.10 behalf of the agency that are not required to be made by the
2.11 agency under section 116.02.
2.12 Sec. 4. Minnesota Statutes 2004, section 116.03,
2.13 subdivision 2, is amended to read:
2.14 Subd. 2. [ORGANIZATION OF OFFICE.] The commissioner shall
2.15 organize the agency and employ such assistants and other
2.16 officers, employees and agents as the commissioner may deem
2.17 necessary to discharge the functions of the commissioner's
2.18 office, define the duties of such officers, employees and
2.19 agents, and delegate to them any of the commissioner's powers,
2.20 duties, and responsibilities, subject to the commissioner's
2.21 control and under such conditions as the commissioner may
2.22 prescribe. The commissioner may also contract with, and enter
2.23 into grant agreements with, persons, firms, corporations, the
2.24 federal government and any agency or instrumentality thereof,
2.25 the Water Research Center of the University of Minnesota or any
2.26 other instrumentality of such university, for doing any of the
2.27 work of the commissioner's office. None of the provisions of
2.28 chapter 16C, relating to bids, shall apply to such
2.29 contracts. All contracts entered into pursuant to this
2.30 subdivision shall be subject to the approval of the agency.
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Relevant LWVUS and LWVMN Positions

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- The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government.
- The League of Women Voters believes that responsible government should be responsive to the will of the people; maintain an equitable and flexible system of taxation; promote the conservation and development of natural resources in the public interest; and share in the solution of economic and social problems that affect the general welfare, promote a sound economy...

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Air Quality: Support measures to reduce air pollution from vehicular and stationary sources.

Land Use: Support of an overall land use plan with maximum cooperation and implementation at the regional and local levels, with state help in developing and exercising land use management, with opportunity for maximum local decision making, and with regional planning and regulation for matters of more than local concern.

Agriculture: Support of a system of sustainable agricultural production which provides safe, healthful food and which preserves and protects the state's human and natural agricultural resources and enhances the environment. Support of a state policy which promotes research and technical assistance in farming practices and rural economies that improve the economic viability of family farms, environmental health and the quality of life of family farmers and their communities.

Before the Meeting

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At the Meeting

Appoint a timekeeper and recorder to help you keep on track and to record member responses to discussion questions.

Introduction (5–10 minutes)

Remind members of the purpose of the study and the meeting. Make sure they know that their discussion can lead to action at the state level based on LWV Principles or current positions. If your League has had an earlier meeting on this topic, you may want to review and summarize your discussion at that meeting. Provide an overview of the topic by referring to the list of contents in the publication. You may ask members to share any experiences they have had with MPCA.

Discussion (___ minutes).

Point out that the discussion questions are interrelated, and it is likely that your discussion will touch on more than one at a time. Decide how much time you will give to each question and have the timekeeper advise you when you have to move on to another topic, if necessary. Have the recorder write down areas of agreement or individual comments that you might like to send to LWVMN on the feedback form.

Decision on what to submit to LWVMN (___ minutes)

Have the recorder read back what has been written down, so the group can decide what to include on the feedback form.

After the Meeting

Record your feedback on the form. If you have had more than one unit meeting, combine answers and comments for the feedback form.

Return the form to the LWVMN office, 550 Rice St., St. Paul, MN 55102, no later than _____ 2007.

TO: Local League Presidents

FROM: Juanita Peterson, LWVMN 1st Vice President, Communications/PR Director

RE: LWVMN's new study: ***Examining a State Agency: Minnesota Pollution Control Agency***

All LWVMN members should have received their personal copy of *Examining a State Agency: Minnesota Pollution Control Agency* by now. The study has also been posted on our website at www.lwvmn.org

Included in this Presidents' Mailing is one complimentary copy for you to keep in your local league files or present to your local public or school library or an appropriate agency. If you would like to order more copies for your community see the order blank below. You may use funds on deposit with LWVMNEF in your local LWV account—just fill out the attached form "Project Request to Purchase LWVMNEF Publications."

This study is a good opportunity to invite friends and community members to the meeting where you discuss *Examining a State Agency: Minnesota Pollution Control Agency*. It's an excellent example of how LWV starts with a question or concern that comes from our grass roots membership. We then set to work to collect information, conduct research, write up our findings and—back to our grass roots—discuss them in our 42 local leagues across the state. Take advantage of this study to get some PR for your local league!

The cost of individual copies of the MPCA study is \$5.00 (includes postage, handling, sales tax).
Bulk rates are: 10% discount for 11 to 50 copies
20% discount for 51 to 200 copies

Yes, we'd like to order ***Examining a State Agency: Minnesota Pollution Control Agency***

_____ Number of copies @ _____

Total cost \$ _____

Please enclose check and make check payable to **LWVMNEF**

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St. Paul, MN 55103
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Fax: 651/290-2145
e-mail: office@lwvmn.org

From: LWV of _____
Name/Treasurer: _____
Address: _____
Phone: _____
Date: _____

Title of Publication to be Purchased: Examining a State Agency: Minnesota Pollution Control Agency

Distribution Plan: _____

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(If for resale, the local League collects and pays the sales tax at end of calendar year - and thus does not pay sales tax for purchase from LWVMNEF with this order)

LWVMNEF PUBLICATION ORDER FORM

All publications are mailed library rate unless otherwise specified.

_____ Will pick up at the office _____ Mail First Class _____ Other (_____)

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|--------------------------------------|------------------|--|---------------|----------------|
| | | Examining a State Agency: Minnesota Pollution Control Agency | \$5.00 | |
| | | \$5.00 total cost includes Postage & Handling and Sales Tax | | |
| | | | | |
| | | | | |
| Total (to be billed to local League) | | | | |

REQUEST FOR CASH ADVANCE FROM LOCAL LEAGUE EDUCATION FUND ACCOUNT

Note: Local League must have money in LWVMNEF account before requesting advance.

LWV of _____ Name _____ Date _____

Requests cash advance of \$ _____ for the purchase of LWVMNEF publication ordered.

(For LWVMN office only)

Approved on _____ by _____ Cash (\$ _____) advanced on _____ by _____
(date) (amount) (date)

Publication sent _____ by _____ Billed by Invoice # _____ on _____ by _____
(date) (date)

Local League Account reduced by \$ _____ Balance in local League Account \$ _____

LWVMN, 550 Rice St., St. Paul, MN 55103~651/224-5445~1-800-663-9328~www.lwvmn.org

**Examining a State Agency: Minnesota Pollution Control Agency
Feedback Form**

Local LWV _____

Name of person preparing _____

Contact information _____

1. What were the most important aspects/findings of the study for your local LWV?

2. Would you like further investigation of some facet of the study?

3. Is there any particular direction you'd like to recommend? If so, do current positions allow us to take action? Do you think we need further consensus?

4. If you believe the LWV can act on the basis of current positions, what is your priority for legislative or administrative action? (Some examples of areas for action: on organization of the agency, on funding, on agency responsibilities with regard to specific issues or public health in general)

5. Would you like to see study of another state agency using this study as a template?

6. If so, which agency (list first and second choices)?

Please return to LWVMN office by May 1, 2007 or respond to info@lwvmn.org.

StarTribune.com MINNEAPOLIS - ST. PAUL, MINNESOTA

Last update: January 28, 2007 - 1:15 PM

Concerns deepen over 3M chemicals in groundwater

With the safety of drinking water questioned in the east metro, officials are trying to determine the scope of the pollution.

By **Tom Meersman**, Star Tribune

The widening discoveries of groundwater contamination from chemicals once manufactured by 3M has intensified concerns about the safety of drinking water used by thousands in the east metro.

In the next two weeks, state investigators will extend their search by taking samples from the city wells of Inver Grove Heights and Rosemount. They'll also test numerous private residential wells in southern Washington County and about three dozen area wells that serve institutions such as businesses, churches and schools.

The state health and environmental officials, as well as 3M, are trying to understand how the pollution moves underground and where else it might show up.

"We're trying to get an understanding of the scope of the contamination, sort of the breadth and depth of what's out there," said John Linc Stine, director of the environmental health division at the Minnesota Department of Health.

Investigators are tracking a legacy of pollution from a family of compounds called perfluorochemicals (PFCs), which were used in nonstick cookware, stain-resistant carpets and fabrics and other products.

3M, based in Maplewood, manufactured the chemicals for half a century and dumped them until 1974 at sites in Oakdale, Woodbury and Lake Elmo, and on company property in Cottage Grove.

Two of the chemicals, which have been linked to thyroid, liver and developmental problems in animal studies, have turned up in private wells in Lake Elmo and public wells in Oakdale. And on Jan. 19, state health officials announced the discovery of a lesser-known PFC in wells used by six more communities: Woodbury, Cottage Grove, Newport, St. Paul Park, Hastings and South St. Paul.

The revelations sparked legislative interest at a hearing last week and meetings of local officials.

The latest concerns relate to perfluorobutanoic acid (PFBA), which was found in the Prairie du Chien and Jordan aquifers, from which most east metro



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Minnesota Pollution Control Agency

MINNESOTA

SPECIAL REPORT

MPCA
Organizational
Change, page 3

Impacts of MPCA Downsizing

This special report describes the impacts of recent funding reductions and program changes at the Minnesota Pollution Control Agency (MPCA). The reductions below represent 79.5 full-time equivalent positions (FTEs). Nine of these positions were reallocated to water quality point source and stormwater programs as directed by the Legislature.

In addition, since the March 6, 2001 report to the Legislature on "MPCA Staff and Environmental Work Reductions," the agency has received EPA funding for an additional 4.75 FTEs.

These reductions resulted from:

- Continuing inflationary erosion of federal funds to support environmental protection efforts in the state.
- State laws that "sunset" certain programs designed to accomplish specific tasks in specific timeframes.
- Increasing costs of environmental protection services while fees and taxes to support them have remained flat.

Although these cuts are significant, the MPCA is managing them by reducing or eliminating programs that are winding down to maintenance levels, have achieved substantial environmental results, will end when state laws sunset, or deal with less pressing health or environmental threats.

Some changes, such as discontinuing our work with listed metals in products and malformed frog research, have already occurred. Others, such as reductions in Superfund cleanup and septic system programs, will be implemented gradually.

Programs receiving additional staff from state funds

The 2001 Minnesota Legislature allocated funds for the agency to expand air quality monitoring (1 FTE); the feedlot program (9 FTE); water quality point source (6 FTE); stormwater (3 FTE); and water basin management efforts (4 FTE).

Wetland, sludge and PCB work continue with EPA funds

Two FTE positions in wetland monitoring, 1.75 FTE to assist communities with sewage sludge management, and 1 FTE to work on control of toxic substances and PCBs were slated for elimination. However, the MPCA has received federal grants supporting this work through 2003.

Program Eliminations

Salvage Yards

The salvage yard program (3 FTEs), which provided technical assistance and training to help assure better environmental compliance by the state's 500 salvage yards, has ended. The program included training for operators and county environmental personnel, was designed to sunset in 2001. Of course, the MPCA will provide limited response to citizen complaints.

Waste Tires

Following major education and cleanup efforts over 10 years, waste tire management is no longer a serious problem and the program (0.5 FTE) has been eliminated.

Listed Metals in Products

Staffing for this program was discontinued and the 1 FTE staff position eliminated at the end of the year 2000 after meeting the goal of reviewing 224 specified products that contained four heavy metals — mercury, lead, cadmium and hexavalent chromium. The program was successful in promoting a voluntary reduction of products containing listed metals that are made or used in Minnesota. This will keep thousands of pounds of toxic metals out of the environment each year.

Malformed Frogs - *Ag Chemicals - pesticides*

As of July 2001, the MPCA is no longer funded by the Minnesota Legislature to conduct malformed frog research. Some federal agencies and universities are continuing the work. The MPCA Web site directs the public to places where they can report finding malformed frogs. The program staff consisted of 1.5 FTEs.

For updates on the progress of these and other program eliminations and reductions, visit the MPCA Web site, www.pca.state.mn.us/about/changes.

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Sanitary District Formation

MPCA staff will continue to review and approve petitions to create sanitary districts until the state statute is rescinded in FY 2003. As a result of reductions (0.5 FTE), staff time previously spent on reviews, technical assistance, and training will be eliminated.

401 Certifications

With this elimination (2 FTEs), the MPCA waives the right to review and certify state water quality standards for any project requiring federal permits, such as the Corps of Engineers 404 permit, Coast Guard permit, or any other federally permitted project, such as construction of dams, dikes or bridges.

Source Water and Wellhead Protection

These programs (1.25 FTEs) are designed to protect sources of drinking water from contamination. The Minnesota Department of Health (MDH) is the lead agency for these programs. The MPCA has provided MDH with information on potential sources of contamination. MDH will conduct database and file searches for this information in the future.

Air Indirect Source Permits

The reduction of 1.5 FTE for indirect source permitting means the MPCA will no longer review air pollution impacts of carbon monoxide from large construction projects, such as malls and arenas.

Program Reductions

Land Regulatory Programs

Support of solid waste, hazardous waste and above- and underground tank programs is being reduced by 17 FTEs (from 94 to 77). Impacts include no routine inspection at small facilities and less frequent inspection at large facilities. The agency will respond only to high-risk complaints. Technical assistance to businesses and facilities will be cut, and permits will be issued at a slower pace. Counties will have increased responsibility for inspections and complaints.

Remediation Programs

Staffing in the remediation programs which deal with leaking underground storage tanks, hazardous waste corrective actions, and Superfund sites, is being reduced by 16 FTEs. While Minnesota's cleanup programs have led the nation in finishing "worst sites first," these programs will be moving into a maintenance mode during the next five years. Seventy-three FTEs remain.

ISTS (Septic Systems) Program

Staffing for the statewide program helping local government, professionals and homeowners with individual sewage treatment systems (ISTS), commonly known as "septic systems," will lose 2 FTEs, with 4.5 FTE

remaining. The MPCA will no longer provide training, technical assistance for contractors, permit review, a newsletter, review of local ordinances, help with submissions for new or alternative ISTS technologies, or assistance to individual homeowners. The agency's activities are now limited to licensing and enforcement of licensing violations and technical assistance for local units of government.

Groundwater Monitoring

Staffing in this program has been reduced by 3 FTEs (from five to two). The MPCA will no longer collect its own baseline groundwater monitoring data to support research needs of its programs or to define emerging issues. The remaining positions will gather and analyze monitoring data from other state and federal partners.

Biocriteria Development

The MPCA is reducing scientific staff working on biocriteria development by 1 FTE (from seven to six). This work involves assigning numeric values or narrative descriptions used to describe water quality, based on the condition of specific species common to aquatic systems.

Industrial Byproducts

Land application of industrial byproducts currently requires a permit from the MPCA. The MPCA will no longer review and approve site plans, nor storage and other facility designs, except to make sure the plans have been signed by a certified engineer. The program is reduced by 2.25 FTEs, leaving less than 0.5 FTE of work effort in this area. Sewage sludge (biosolids) management continues; see page 1 sidebar.

Emergency Response

The staff has been reduced by 1 FTE (from 12 to 11), resulting in fewer training and preparedness drills. The agency will make greater use of contractors in cleanups.

Air Quality Point Source

A reduction of 2 FTE (from 73 to 71) in point source regulation means reduced permit issuance rates, compliance and enforcement. (A 1.0 FTE reduction in air monitoring has been offset by new state funds for air monitoring; see page 1 sidebar).

Administration

To correspond with program eliminations and fewer line staff, the agency is reducing the number of support staff, executives, managers and supervisors, commensurate with the work reductions. Twenty-four FTEs are being eliminated. This number includes five program managers and seven supervisors.

Environmental Outcomes Division (EO)

This division monitors and evaluates the physical, chemical and biological conditions of Minnesota's environment; to identify environmental threats and impacts to human and ecosystem health; to help set environmental goals, establish standards and measure progress in achieving those goals; and to report results to agency management, staff, stakeholders and citizens.

This division is generally unchanged. Among its functions are to:

- Perform risk evaluation and modeling
- Conduct stream monitoring, including the Citizen Stream Monitoring Program
- Develop water quality standards affecting lakes and streams
- Implement the Citizen Lake Monitoring Program
- Establish and update a listing of impaired water bodies (TMDLs)
- Publish the Air Quality Index (AQI) daily
- Collect and analyze air samples for air toxics network
- Manage and report environmental data

Policy and Planning Division (P&P)

This division develops strategies and programs to address environmental problems. It leads efforts on program policy and strategy, and develops a framework for action. It will research issues that may shape the future environmental action agenda.

P&P works with other state agencies on statewide policy issues and provides program analysis and coordination with other agency divisions. This division is smaller than in the past. Many staff formerly in this division have been reassigned to the two service delivery divisions.

Its major areas of work include:

- Governmental relations (federal and state)
- Stakeholder research (gathering input from citizens and customers)
- Emerging issues analysis
- Liaison with Environmental Council of States (ECOS)
- Liaison with Minnesota Environmental Quality Board (EQB) and the Minnesota Office of Environmental Assistance (OEA)
- Rule-making
- Pollution prevention
- Environmental education
- Environmental justice
- Piloting agency "Smart Growth" initiatives in Brainerd, the North Shore and the Twin Cities

Media Leads and Program Managers

To clarify responsibilities, the MPCA has designated leads for air, water and land media, and program managers. A media lead is accountable for establishing program priorities and resolving major policy and budget issues. The program manager is responsible for program implementation and decision-making.

Air/Hazardous Waste/Remediation/Above-Ground Storage Tanks Media Lead: Jim Warner, MAR

| Program | Manager |
|---|--------------------------------|
| State Implementation Plan | David Thornton 651/296-7265 |
| Monitoring of air emissions | Gaylen Reetz 651/296-8856 |
| Point source regulatory (permitting, compliance, enforcement) | Ann Foss 651/296-7512 |
| Mobile sources | Leo Raudys 651/282-9884 |
| RCRA regulatory (permitting, compliance, enforcement, HHW, waste oil, PCBs) | Mike Tibbetts 651/297-8381 |
| Petroleum (LUST, above ground tanks, cleanup) | Michael Kanner 651/297-8564 |
| Emergency response | Michael Kanner 651/297-8564 |
| Closed landfill cleanup | Michael Kanner 651/297-8564 |
| Superfund | Gary Pulford 651/296-7340 |
| Insurance Recovery | Gary Pulford 651/296-7340 |

Water/Solid Waste/Underground Tanks/Environmental Review Media Lead: Rod Massey, REM

| Program | Manager |
|---|----------------------------------|
| Regulatory | Larry Landherr 507/285-7345 |
| Monitoring -- ambient surface water, biocriteria, lakes assessment, ground water | Gaylen Reetz 651/296-8856 |
| Nonpoint source -- basin planning, clean water partnership, stormwater, Lake Superior Management Plan, ISTS | Faye Sleeper 651/297-3365 |
| Feedlots | Myrna Halbach 320/214-3794 |
| Point source regulatory (permitting, compliance, enforcement, sludge/biosolids Total Maximum Daily Loads (TMDLs)) | Tim Scherkenbach 651/282-6243 |
| | Faye Sleeper 651/297-3365 |
| Environmental review | John Holck 651/297-7568 |
| Underground storage tanks | Reed Larson 218/825-3054 |

MPCA Organizational Change

This special report describes recent organizational changes at the MPCA and who our partners, customers and regulated parties should contact about key issues.

What's different about the MPCA?

To many who work with the MPCA, the impact of the changes will be invisible. Most customers will be interacting with the same line staff people with whom they are familiar. The changes are intended to improve the quality of the service that we deliver and provide faster decision-making and clarity about where to go for assistance.

The new structure contains two service-delivery divisions — called Majors and Remediation (MAR) and Regional Environmental Management (REM) — that replace three previous divisions that were based on geographical regions (North, South and Metropolitan Twin Cities). The agency will continue to have eight offices located throughout Minnesota, but reporting relationships and services available in each office may change. There is no change in the number of staff located in Greater Minnesota.

Majors and Remediation Division (MAR)

This division runs core regulatory programs of the agency that address the major water discharges, air emissions sources and hazardous waste generators in the state. MAR works with large industries and municipalities, focusing on permitting, compliance and enforcement.

This division also implements the agency's clean up programs. Most of the MAR staff continue to be located in the MPCA offices in St. Paul.

Specific programs and functions in the MAR division include:

- Air quality, hazardous waste and remediation lead with EPA
- Air permitting, compliance and enforcement
- Hazardous waste permitting, compliance and enforcement
- Major water quality permitting, compliance and enforcement
- Large above ground storage tank regulatory program
- Superfund
- Closed landfill cleanup
- Leaking underground storage tanks
- Voluntary investigation and cleanup (VIC)
- Emergency response (spill cleanup)
- Small Business Assistance

Regional Environmental Management Division (REM)

The REM division works to solve or prevent environmental problems geographically, and to administer programs for smaller, dispersed pollution sources from small cities, businesses and individuals.

Its primary focus will be water and solid waste with lesser emphasis on air, hazardous waste and remediation activities with some region-specific exceptions. REM staff are distributed statewide in all eight regional offices. Among its programs:

- Water quality and solid waste lead with EPA
- Minor water quality permitting, compliance, and enforcement
- Environmental review
- Asbestos removal, disposal, compliance and enforcement
- Solid waste permitting, compliance and enforcement
- Mobile source air pollution
- Noise pollution
- Customer Assistance Center
- Individual sewage treatment systems (ISTS)
- Basin management planning
- Feedlots
- Local planning assistance
- Lake Superior initiative
- Clean Water Partnership program
- Mercury-free-zone program
- Total Maximum Daily Load (TMDL) studies

Management Indicators

To gauge the progress of the organizational change, the MPCA management has identified the following measures that will be reviewed monthly:

- Timeliness of NPDES (National Pollutant Discharge Elimination System) permit issuance
- Title V (federal air program) permit issuance
- Feedlot permit issuance timeliness
- Major NPDES permit compliance
- Major air facility compliance
- Hazardous waste treatment, storage and disposal compliance
- Enforcement activities

4-25-07

MPCA told to negotiate with 3M on water cleanup

- The agency's Citizens' Board could later revisit the request by its director for a Superfund designation.

By TOM MEERSMAN
meersman@startribune.com

The Minnesota Pollution Control Agency was directed Tuesday to negotiate with 3M over cleaning up three contaminated sites in the east metro, after a state panel said it wasn't ready to give the agency the legal power to order the cleanups.

learn that related 3M chemicals are also hazardous.

After the vote, Moore said: "Now my job is to go and negotiate a tough agreement, and I'm going to do that." The board will take up the issue again at its next scheduled meeting on May 22, and if the negotiations are not successful by then, several members said, they would proceed to



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**Presentation to the House Environment and Natural
Resources Committee**

by

**Helen Palmer, President, League of Women Voters of Minnesota
March 22, 2007**

Chairman Eken and members of the committee:

Thank you very much for allowing me to speak today. Let me say at the outset that the League of Women Voters as yet has no position on this bill, House file number 294. The matter that this bill addresses—the structure of the MPCA—is, however, of concern to the League of Women Voters. The League, which lobbied hard for the creation of the MPCA in 1967, has in fact recently published a study of the MPCA that, among other things, deals with this issue.

Our publication is entitled *Examining a State Agency: Minnesota Pollution Control Agency*, and is the result of a two-year study by League of Women Voters members. Like all of our studies it is intended to educate our members and the public on an issue of importance to the state.

Why did we undertake a study of the MPCA? As a good government organization we were interested in examining state agencies in order to determine whether they were providing adequate protection and enforcement for Minnesota citizens according to their charters. Members decided to look at the MPCA as an example of such agencies.

We looked at the MPCA's charter, at its responsibilities, and how it is organized; we wanted to know the current status of areas for which the agency is responsible. We looked at how the agency allocates its money and asked if it has adequate funding to carry out its mandate. We questioned how decisions are made, if the agency operates efficiently, if it applies regulations equitably, if it holds open meetings that are clearly announced and if there is a mechanism for citizen input; we wanted to determine how transparent the decision making process is. We wanted to know if the agency is responsive to all stakeholders: governmental units, relevant nongovernmental organizations, business and industry, citizens.

Commissioner is now
permanent chair of MPCA

non-partisan,
progressive
whose mission is to
encourage active
citizenship
+ inform
public in govt &
influence public policy
full advocacy

Meridian Reserve
Mining



a manner to insure confidentiality. Narrative comments shall not be publicly available. In each election year prior to the public vote meeting, the Commission shall request written public comments and hold public hearings with respect to judges standing for election.

In April of each election year, the Commission shall disseminate a compiled data report to the judge being reviewed and the Commission. The data report shall include the survey results, narratives, written public comments, and testimony from the public hearings. Based on this information, the Commission shall make findings as to whether the judge meets or does not meet judicial performance standards. The Commission shall provide written notice to any judge standing for election who has been found not to meet judicial performance standards. The judge shall have the right to submit written comments to the Commission and to appear and be heard by the Commission prior to the public vote. In each election year, the Commission shall vote in a public meeting on whether a judge who is standing for election meets or does not meet judicial performance standards. ~~Following the vote, the Commission shall compile a factual report on the judicial performance of each judge standing for election and shall make the report available to the public one month before the election filing deadline or the deadline for the declaration of desire to be retained in office.~~ Following the vote, the Commission shall compile a factual report on the judicial performance of each judge standing for election and shall make the report available to the public one month before the time period established by Minn. Stat. § 204B.09 for filing an affidavit of candidacy with the secretary of state.

*to give
the judge a
chance to drop out*

#322418v4/#322418v1

We conducted 33 interviews, including ones with former Commissioner Corrigan; members of the Minnesota Senate and House of Representatives; members of the MPCA Citizens' Board (current and former) and staff; representatives from industry, agriculture, the Chamber of Commerce; environmentalists; economists; scientists. We studied MPCA's and others' publications, court decisions, and media accounts.

Clearly, the MPCA is a complex agency dealing with complex issues. We hope through this study to shed some light on this complexity, and to encourage public discussion around the state on the important issues it raises for all Minnesotans. The reason we have no position on this particular bill at the moment is that our members across Minnesota are currently reading the document and holding meetings and discussions on the subject. We will determine as we go forward the advocacy role we will play.

In the meantime I am pleased to offer each of you a copy of the study and invite you to read it. You will find that we address the role of the Citizens' Board and the role of the Commissioner. We look at the MPCA's original structure and operating procedure that date from 1967, and we examine the changes that have taken place since that time. I call your attention in particular to pp. 11-12, where we point out the original agency structure and discuss the implications of the structural change that followed—regarding decision-making authority, responsiveness to citizens, openness, relation to stakeholders, the role of political influence.

How well is the agency structured to accomplish its purpose?

The League study of the MPCA is also available on our website: www.lwvmn.org. Thank you very much for your time and attention today.

Note: The League of Women Voters is a nonpartisan, political, volunteer organization founded in 1920. The League is the original grassroots citizen network, directed by the consensus of its members. Our mission is to encourage active and informed participation in government and we work to influence public policy through advocacy.

Go to next page —

✓
114 The Commission shall periodically develop, review, and recommend written performance
115 standards to be approved by the Supreme Court and made available to the public by which
116 judicial performance is to be evaluated. The Commission shall formulate policies and
117 procedures for collecting information and conducting reviews and shall create and implement a
118 program of periodic review of the performance of each judge. The Commission shall request
119 public comment and hold public hearings on the performance of all judges prior to the public
120 vote meeting where the Commission votes and publicly announces whether a judge meets or
121 does not meet judicial performance standards.

122 Performance Review Commissioners shall perform their duties in an impartial and objective
123 manner, and shall base their recommendations solely upon matters that are in the record
124 developed by the Commission.

125 **Performance Review**

126 Midway through the judge's full term and again no less than 9 months before his or her election,
127 anonymous survey forms eliciting performance evaluations shall be distributed to attorneys,
128 litigants, other judges, and other persons who have been in direct contact with each judge
129 surveyed and who have first hand knowledge of his or her judicial performance during the
130 evaluation period. The supreme court shall employ qualified individuals to prepare survey
131 forms, process the survey responses, and compile the statistical reports of the survey results in a
132 manner designed to insure the confidentiality and accuracy of the process. The survey forms
133 shall seek evaluations in accordance with the written performance standards approved by the
134 supreme court, including knowledge of the law and procedure, integrity, impartiality,
135 temperament, administrative skill, punctuality, and communication skills, and shall solicit
136 narrative comments regarding the judge's performance. The survey forms shall be processed in

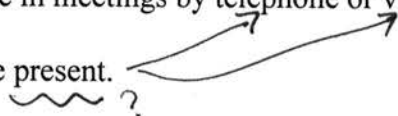
I would like to recognize Marion Watson who served on the Citizens' Board from 1972-1980, and as Chair 1974-78. Marion Watson was interviewed by the study committee as was Grant Merritt who was Executive Director of the Citizens' Board under its original structure. I also would like to recognize your committee members Representatives Ozment and Wagenius whom the study committee interviewed.



of a term, the member appointed to fill such vacancy shall serve for the duration of the unexpired term. The appointments shall be made as follows: three nonattorney and two attorney members designated by the governor shall be appointed to serve state-wide; three nonattorney and two attorney members designated by the chief justice shall be appointed to serve state-wide; one nonattorney member designated by the governor shall be appointed to serve each judicial district; and one attorney member designated by the chief justice shall be appointed to serve each judicial district. The chief justice shall select the chairperson of the Performance Review Commission.

Quorum and Decision-Making

The Commission shall conduct no business except upon the attendance of a quorum of the commission members. A quorum is constituted by the presence of 16 members. Members shall be permitted to attend and participate in meetings by telephone or video-conference. All actions shall require a majority vote of those present.



Meetings

All meetings of the Performance Review Commission shall be open to the public except when the Commission meets in executive session to discuss (1) whether a judge meets or does not meet judicial performance standards, (2) a judge's written responses to a finding that the judge does not meet judicial performance standards, (3) a judge's appearance before the Commission, or (4) matters that are confidential by these provisions, court rules, or by law. The substance of deliberations in executive session shall not be disclosed. The Commission may meet in executive session at any other time upon a majority vote of the Commission members then in attendance. All voting shall be in public session.

Yes

Authority of Commission

Thank you to Anderson for us to this coming meeting - your interest in this study + indeed time makes a few minutes

**Presentation To the Senate Environment, Energy and Natural
Resources Budget Division Committee**
by

Helen Palmer, President, League of Women Voters of Minnesota

March 9, 2007

Madame Chair + members of the committee: My name is HP + I am pres...

The League of Women Voters of Minnesota (LWVMN) is pleased to present this committee with our recently completed publication entitled *Examining a State Agency: Minnesota Pollution Control Agency*. It is the result of a two-year study by League of Women Voters members and, like all of our studies, is intended to educate our members and the public on an issue of importance to the state. Recent LWVMN studies have addressed such issues as: alternative voting systems, immigration, agriculture, and choosing Minnesota's judges. League members decide the issue to study, a committee is formed and the work—research and interviews (some 33 in this case)—begins.

A word about the League of Women Voters: we are a resolutely nonpartisan, wholeheartedly political, volunteer organization founded in 1920 when women achieved the right to vote. The League is the original grassroots citizen network, directed by the consensus of its members. Our mission is to encourage active and informed participation in government and we work to influence public policy through advocacy. There are leagues in all 50 states, some 900 local leagues across the country, 42 of which are here in Minnesota.

Why did we undertake the study of the MPCA? As a good government organization we were interested in examining state agencies in order to determine whether they were providing adequate protection and enforcement for Minnesota citizens according to their charters. Members decided to look at the MPCA as an example of such agencies. We looked at the agency's charter, at its responsibilities, and how it is organized; we wanted to know the current status of areas for which the agency is responsible. We looked at how the agency allocates its money and asked if it has adequate funding to carry out its mandate. We questioned how decisions are made, if the agency operates efficiently, if it applies regulations equitably, if it holds open meetings that are clearly

announced and if there is a mechanism for citizen input; we wanted to determine how transparent the decision making process is. We wanted to know if the agency is responsive to all stakeholders: governmental units, relevant nongovernmental organizations, business and industry, ordinary citizens.

Our 33 interviews included ones with former Commissioner Corrigan; members of the Minnesota Senate and House of Representatives; members of the MPCA Citizens' Board (current and former) and staff; representatives from industry, agriculture, the Chamber of Commerce; environmentalists; economists; scientists. We studied MPCA's and others' publications, court decisions, and media accounts.

The MPCA is a complex agency dealing with complex issues. We hope through this study to shed some light on this complexity, and to encourage public discussion around the state on the important issues it raises for all Minnesotans. Our members across Minnesota are currently reading the document and holding meetings and discussions on the subject. We will determine as we go forward the advocacy role we will play.

In the meantime on behalf of the League of Women Voters of Minnesota I am happy to offer each of you a copy of the study and invite you to read it. The document is, by the way, also available on our website: www.lwvmn.org. If at a later date you would like to discuss the report's findings, I am sure the study committee would be happy to join you for that purpose. In any case we will be eager to hear your reactions to our work. Thank you very much for your time and attention today.

No distilling

pesticides - atrazine
feed lots - regulation weakening?
Heartland - diff. getting ^{on} EIS
citizen role - power.
stakeholders - who are they?
pressure from business?
how understood economics?
ethanol - WATER
structure of ACA

[webcast, archive -]

front + center Call in August
"I plan to see the ~~seed~~ really
active"

He votes last.

- Not going to break the law by corraling
votes ahead of time -

Gets along well w/ Hugeson

tight w/ MCEA

Rules strict re: memb. on board

Paise Wineberger

Need: Exec Summary

provoke discussion, we ask lots of q's - our members
will read, digest, make suggestions -
LWV lobbied to create MFGA

1967 estab.

major accomp - eg sewage tr. plants, asbestos reg
Good deal of cit.

its origins

how it works

what its resp. are (esp. sort agency)

cit. role

permits, EIS, EIS

regulatory agency, BUT how regulate nonpoint
sources? eg cars

9 state agencies bear some resp. for groundwater
eg D. of Health

25% private wells contain coliform bacteria

over 80% wells sampled by Dept of Hyg contain

Atrazine -

Nitrate high in susceptible areas -

cuts > lack of monitoring of grd. water (p. 9)
Air, water, feed lots

Pub: Cit Bd. chaired by Comm !!

B/C issue: citizen access, power

A permit-granting agency or
Who are the customers?

1952-1994

confusion in citizen

lack of personnel to monitor
feed lots

Get legis. getting Dept of Ag
out of

pressures on the MPCA

who are the stakeholders?

disproportionate
bus. &
agribusiness
Chamber

Doing well tourism

air? - looks
1967

Citizens Board -
Meeting of cit. can
online information
testify

pressures

negs all parties

Problems

pressures - business

STAKE HOLDERS

shd. be
ex. Hideo, not

Commissioner is the
Chair

need a cit. advocate tax
MPCA WR coming in - improve
responsiveness (p. 11)

FUNDING - As 90%

State budget - .5% for part 4
463

ERROR p. 11
pull quote -
.05% vs .5%

great to include
citizens, but
in conservation
shifting resp.

Stakeholders?

Clean Water Leg. passed
last spring, funded, but
incl. only 1/3 funding

Feed lots -
Ethanol

voluntary regulation

can't regulate ag. chemicals

advocacy changed to implementation

watch them re: citizens

"Listening Lunches" Duluth ok 200
will go all over -

1. do it for a year
env. summit
webcasting
speakers

2. availability of Commissioner -

"Our job is to protect the environment"

Work they're doing to improve the environment

Let's co-sponsor sth -

media coverage

enforcement + compliance