



Minnesota Center for Environmental Advocacy

February 28, 2022

TO: Senate Environment and Natural Resources Policy and Legacy Finance Committee

FROM: Andrea Lovoll, Legislative Coordinator, Minnesota Center for Environmental Advocacy

RE: SF 3055 - White Bear Lake groundwater appropriation permits

Chair Ruud and Members of the Committee:

Thank you for your service to the people of Minnesota and thank you for the opportunity to testify on SF 3055 (Housley). Minnesota Center for Environmental Advocacy (MCEA) is a nonprofit organization with almost 50 years of experience using law and science to protect Minnesota's environment and the health of its people.

MCEA supports section 7 of this bill, which states that the Minnesota Department of Health, the Metropolitan Council, and representatives of east metro municipalities must explore options that both protect the natural water resources and also provide safe drinking water to east metro citizens.

However, the remaining 6 sections of the bill present a host of conflicts with the Minnesota Environmental Rights Act (MERA), and MCEA cannot support these initiatives. MERA is one of Minnesota's bedrock environmental laws. By providing citizens the power to hold polluters accountable, MERA gives each of us the opportunity and responsibility to protect our treasured environment and resources. MERA allows citizens to file lawsuits to protect Minnesota's clean water, air, land, and other natural resources from pollution. It is an important and powerful law because it gives every person the right to protect the environment in court.

MERA is significant in part because of its breadth. It can apply to any kind of conduct by any person or entity, including the government. If someone acts without a permit or authorization and pollutes or destroys our natural resources, they can be sued under MERA and the court can halt the conduct. Similarly, if a state agency issues a permit or rule that is inadequate to protect our natural resources, Minnesotans can challenge the state agency under MERA and courts can require more protective permits and rules.

This bill wholly undermines MERA's purpose to give citizens the ability to prevent or stop pollution impairment or destruction of the environment. This sets a dangerous example for natural resources and protecting public waters across the state. White Bear Lake gives a clear example of why DNR must be held accountable for providing permits that protect the resource, or else the consequences, as evidenced today, can be dire. Undermining MERA eliminates one such possibility to hold responsible entities accountable.

MCEA recognizes the difficult situation surrounding White Bear Lake. However, carving out an exception for MERA is neither a solution to the resource problem, nor in the best interest of any Minnesotan. This bill would not protect White Bear Lake, nor its citizens' ability to sustainably use its waters. Other solutions must be explored to address this problem, and it is not as simple as simply guaranteeing permits from a dwindling resource. Additionally, this would affect all water appropriation permits across the state, and is not something we can afford to risk.

In closing, MCEA encourages the author and lawmakers in the East Metro to continue exploring solutions, but SF 3055 is not the answer.

Sincerely,

Andrea Lovoll, Legislative Coordinator, Minnesota Center for Environmental Advocacy

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