



Association of Minnesota Counties

May 6, 2022

Senator Bill Ingebrigtsen
Senator David Tomassoni
Senator Justin Eichorn
Senator Bill Weber
Senator Kent Eken

Representative Rick Hansen
Representative Ami Wazlawik
Representative Kelly Morrison
Representative Todd Lippert
Representative Josh Heintzeman

Dear Members of the Environment and Natural Resources Conference Committee (S.F. 4062/H.F. 4492):

On behalf of the Association of Minnesota Counties (AMC), a voluntary association representing all 87 counties, we want to thank you for your work this session. **We appreciate the time you have invested in hearing legislation and allowing us to offer our advice, support, and critiques.** Furthermore, AMC appreciates the opportunity to outline our perspective on how various proposals impact county government, and for your consideration of this input as you move forward.

PROVISIONS SUPPORTED:

- **SCORE Grant Funding** (Senate Art. 1, Sec. 2, Subd. 2(b)): These grants are an essential tool for counties to meet state obligations for recycling, waste reduction and landfill diversion. **AMC appreciates the support of SCORE grants included in the Senate language increasing the base funding by \$700,000.** This funding will help implement and improve programs, resulting in better waste outcomes.
- **404 Assumption** (Senate Art.1, Sec. 2, Subd. 3): The inclusion of **funding for preparation of materials and application for assumption of Clean Water Act Section 404 permitting is an important next step to improving Minnesota environmental permitting.** Minnesota already has been delegated federal authority across numerous environmental programs. This will continue the cooperative work of stakeholders with state and federal agencies to finally eliminate duplicative and redundant permitting requirements.
- **Public Waters Inventory (PWI) Revisions** (Senate Art. 2, Sec. 31): **AMC supports this provision to ensure the local government review of water reclassifications established Minnesota Statute 103G.201 (c) is applicable to all changes of a water's classification.** The statute provides for a notification to local governments of reclassifications of public waters and gives them the authority to object. If a map revision results in the reclassification of a watercourse, it should be subject to the same local government review.
- **Use of Proceeds from Sales of Tax-Forfeited Lands** (House Art. 2, Sec. 76 & Senate Art. 2, Sec. 64): Counties are charged with the management of tax-forfeited properties and incur the costs required to clean-up and maintain these properties until they are returned to their best use. Addressing these costs is one of AMC's priorities this session. **Giving counties the option to use receipts from sales of tax-forfeited lands for these remediation efforts will help mitigate some of the financial impact and is beneficial to the whole community.**
- **PWI Regulatory Application** (Senate Art. 2, Sec. 60): Since the PWI was established through a comprehensive public and quasi-judicial process in 1979, it has served regulators and landowners by allowing them to know what waters are subject to public waters regulations. **AMC supports this provision to clarify in statute that the PWI tells us what waters are subject to mandatory environmental assessment worksheets (EAW).**

- **Metropolitan Landfill Contingency Action Trust** (House Art. 1, Sec. 2, Subd. 3): **AMC supports the \$29.055 million to repay funds transferred from the Metropolitan Landfill Contingency Action Trust (MLCAT).** MLCAT is necessary to address emergency and long-term care at landfills and waste disposal sites in the seven-county metro area and the fund balance is already inadequate to address the expected expenses at eligible sites within three years.
- **PFAS Prevention Grants** (House Art. 1, Sec. 2, (d)): AMC supports this investment of \$2 million for grants for community per- and polyfluoroalkyl substances (PFAS) prevention. Monitoring to identify problem areas and sources is a critical early step. The MPCA recently released a voluntary monitoring program, but this testing can be costly. The MPCA cost estimates for the monitoring at publicly owned solid waste sites totals \$2.12 million. **AMC would encourage the committee to increase this appropriation to \$3 million to cover all solid waste and wastewater facilities and dedicate it to the monitoring program.**
- **Lands Provisions** (House Art.5, Senate Art. 3): AMC supports the inclusion of the state lands provisions allowing for sale, lease, or conveyance of certain lands. We also support changes to the lease terms (Senate), raising the annual lease value triggers (Senate), and authorizing of conservation easements on tax-forfeited land (both House and Senate).
- **Nonconformities on Certain Properties** (House Art. 2, Sec. 75, Senate Art. 2, Sec. 79): **AMC would prefer adoption of the House provision addressing permitting of an expansion.** Both provisions address the issue for West Newton Colony in Wabasha County, but the boarder language in the House clarifies this authority for all counties and mirrors the municipal authority in statute.

PROVISIONS OF CONCERN:

- **Feedlot and Manure Storage Reporting** (House Art. 1, Sec. 2, Subd. 2 (j) (k), & Art. 2, Sec. 68, 93): **AMC appreciates the interest in collecting this data but believes it should be specifically directed to the Minnesota Pollution Control Agency (MPCA).** In counties with delegated authority to implement the state feedlot program, there are signed delegation agreements with the state to perform specific categories of work. Feedlot officers in those counties must follow an agency work plan and are subject to annual reviews by the state. It is a concern if a county with feedlot delegation agreement is going to begin seeing additional obligations put on them outside of the delegation agreements.

PROVISIONS OPPOSED:

- **Drainage Registry Information Portal** (House Art. 2, Sec. 34): **AMC opposes additional state reporting and suspension of regular, necessary work in a drainage system that is caused by this language.** Drainage law already includes requirements for notice and opportunities for engagement through public hearings. We have concerns about how the registry will impact drainage system operations, particularly the maintenance of existing drainage systems. The proposal also puts a hold on routine maintenance and emergency repairs, both of which have potential to cause property damage and negative environmental impacts. This type of proposal should be reviewed by the drainage work group so all parties can provide input and understand the effects.

Thank you again for your consideration of our perspective. Should you have any questions about the information provided above, please contact Brian Martinson at 651-246-4156 or bmartinson@mncounties.org.

Sincerely,



Todd Patzer, Lac qui Parle County Commissioner
President, Association of Minnesota Counties



Brian Martinson, Policy Analyst
Association of Minnesota Counties