



Chair Hawj and Members of the Senate Environment, Climate and Legacy Committee:

MCEA writes to provide feedback on SF 2781, as amended by the A-1 DE amendment. The Senate Environment policy bill contains important improvements to Minnesota's electronic waste recycling laws, and contains improvements to the permitting provisions as originally introduced. However, MCEA strongly opposes changes to the definition of public waters (Article 1, Section 15) and recommends that it be removed from this bill.

Public Waters: Article 1, Section 15 contains a deletion to Minn. Stat. 103G.005 that would eliminate a statutory change adopted in 2024. This change was made in response to a 2022 Supreme Court decision that asked the Legislature to clarify the relationship between that definition in statute and the Public Waters Inventory (PWI). The PWI is meant to reflect all public waters in Minnesota, but we know that it doesn't.

In 2017, the Minnesota DNR deleted 640 stream miles of waterways from the PWI, many of which are public waters under the definition. DNR has acknowledged that some of the deletions were in error, and committed to correct them. As part of the 2024 action, the Legislature committed \$1 million for the next eight years to complete a full revision of the PWI. At the conclusion of that process, the PWI and the public waters definition in statute should be identical. But in the meantime, there are known omissions from that PWI list and map.

The definition in Minn. Stat. 103G.005 that Article 1, Section 15 modifies is important, since it determines which waterways are subject to several protections in state law, including whether a public waters works permit is required, and whether environmental review of proposals that would affect that waterway are required. However, this definition does not determine which waterways are subject to the "buffer law," since that statute ([Minn. Stat. 103F.48, Subd 1\(i\)](#)) is controlled by what waters are on the PWI.

At a time when the federal government is dramatically scaling back which lakes, rivers, streams and wetlands are protected by the Clean Water Act, it's particularly important to preserve Minnesota's state laws that protect water. We strongly encourage this committee to remove Article 1, Section 15.

Article 2 includes a nation-leading electronic waste producer responsibility program that will move Minnesota toward 100% collection of e-waste. This is an exciting and well-needed update to Minnesota's existing producer responsibility program for CRT monitors and other devices, which is outdated and covers a decreasing number of devices each year. Right now, most e-waste is either kept in household (in a closet or the "drawer of shame") or inappropriately disposed of. This is a wasted opportunity to recapture these metals, and it imposes risks and costs on solid waste administrators across the state. MCEA strongly supports Article 2.

MCEA testified against the permitting provisions that comprise Article 3 of the A-1 amendment to SF 2781 earlier, while noting the progress made through consultation with a number of stakeholders, including MCEA. While we remain concerned with some areas of Article 3, we

were pleased to note that one of our biggest concerns, limiting who could petition the state government for an environmental assessment worksheet, has been addressed in this amendment. The A-1 amendment preserves the ability of 100 Minnesota residents or property owners to petition for environmental review, while adding the ability of a tribal government to file a petition. As a reminder, this statute requires “material evidence ... [that] demonstrates ... there may be potential for significant environmental effects” to accompany any petition. MCEA supports additional investments into permitting outlined in the bill, including appropriations to address permit backlogs.

Thank you for the opportunity to testify.

Sincerely,

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