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Environmental groups say Minnesota failed to stop polluters, should hold statehouse hearings on enforcement

From industrial plants to farm country pollution, the MPCA, DNR, MDH and MDA have lapsed in environmental enforcement, a coalition of environmental groups claims.

By **Chloe Johnson** (<https://www.startribune.com/chloe-johnson/9346094/>) and **Greg Stanley** (<https://www.startribune.com/greg-stanley/6370510/>) Star Tribune

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Nitrates that contaminated rural well water, an iron foundry that fouled the air in a south Minneapolis neighborhood, a potato farm that overused a sensitive aquifer — in all of these cases, a group of environmental organizations claim, the state of Minnesota failed in its duty to protect the environment.

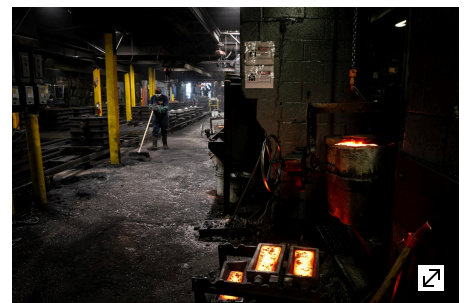
Now, the coalition of 16 groups is urging lawmakers to hold hearings on the state's environmental protections, and make state agency leaders in Gov. Tim Walz's administration answer for several recent episodes. They claim the four state agencies responsible for protecting the environment — the Minnesota Pollution Control Agency, Department of Natural Resources, Department of Health and Department of Agriculture — have offered too little oversight of the polluters and industries they should be regulating.

Walz would have to call a special session for lawmakers to take action, and he has said he won't do that this summer. The coalition is specifically asking lawmakers to hold informational hearings, however, which would not require the governor's approval.

"Multiple organizations and individuals have tried to get the Walz administration's attention on this. But they refuse to acknowledge the problem or propose meaningful solutions. It's time for the Legislature to exercise their oversight authority and hold hearings," Margaret Levin, state director of Sierra Club North Star Chapter, said in a news release.

"We're proud of Minnesota's state agencies who are constantly working to stop polluters and keep Minnesotans safe," a Walz spokesperson wrote in an email. "The state has a strong record of holding polluters accountable and working with the community and the Legislature to ensure health and our natural resources are protected."

In a joint statement, the four agencies at the center of the request wrote that they "share the public's values around protecting the environment and human health. We are committed to carrying out our regulatory authorities and responsibilities transparently, efficiently, and effectively, in a way that is objective, science-based, and consistent with statute and rule."



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A worker sweeps up silica sand around casting molds at Smith Foundry Tuesday, Dec. 12, 2023 Minneapolis, Minn. The EPA launched an

The agencies' statement noted that they accepted an invitation to meet with members of the coalition in a letter signed by all four commissioners on Jan. 5, but never received a response.

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In a newly launched website (<https://peoplenotpolluters.com/>), the environmental groups highlight 12 recent cases where they say regulators fell short, spanning the state and covering industries from metalwork to agriculture to mining.

In south Minneapolis, neighbors of Smith Foundry reported bad odors and pollution from the foundry and a neighboring asphalt plant for years. But it wasn't until a surprise inspection in May 2023 that the Environmental Protection Agency found issues with air filters, broken equipment, poor record keeping and fine black dust that built up all over the interior of Smith and sometimes escaped through doors and windows.

The fact that federal officials initiated the case sparked a wave of anger in the East Phillips neighborhood, because of the many prior complaints to the state, and because Smith was operating under a two-decade-old air pollution permit that MPCA was still updating. EPA recently settled its enforcement case with Smith (<https://www.startribune.com/smith-foundry-will-shutter-minneapolis-furnace-after-settling-air-pollution-case-with-epa/600370948/>), which will close down its major operations within the next year.

Another of the group's top concerns: The decadeslong failure to protect drinking water in southeastern Minnesota from nitrate contamination, largely from fertilizers and manure spread on crop fields.

Minnesota agencies have spent hundreds of millions (<https://www.startribune.com/nitrate-pollution-minnesota-groundwater-farm-fertilizer-mpca-wells-epa/600310942/?refresh=true>) of dollars and decades of effort to try to reduce nitrate contamination of drinking water and rivers. Despite numerous programs to encourage farmers to change their ways, purchases of fertilizer keep growing.

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Frustrated residents, many with contaminated private wells, called for the federal government to intervene. In November, the EPA found (<https://www.startribune.com/epa-to-minnesota-take-action-to-protect-people-from-polluted-wells-in-eight-counties-mpca/600318286/?refresh=true>) the water supply for

about 9,200 people in southeastern Minnesota could be contaminated with dangerous levels of nitrate. In a [letter \(https://www.epa.gov/mn/southeast-minnesota-groundwater\)](https://www.epa.gov/mn/southeast-minnesota-groundwater) to state regulators, the EPA ordered the agencies to immediately notify residents of the danger, provide them with clean water and come up with a plan to reduce the pollution.

A handful of the case studies mentioned were recently cited by agency officials and Walz's office as the inspiration for [a change in state law that has empowered MPCA \(https://www.startribune.com/lawmakers-grant-minnesota-more-power-to-close-down-repeat-polluters/600371607/\)](https://www.startribune.com/lawmakers-grant-minnesota-more-power-to-close-down-repeat-polluters/600371607/) to take stronger action against polluters. The agency can now order an emergency shutdown of a polluting site in a range of different circumstances, and netted \$5 million in funding that will fund 22 new positions to enforce clean air rules.

The environmental groups said the cases they highlighted show a pattern of leniency for polluters and regulatory capture by industries in Minnesota.

They pointed to a Star Tribune review of state records that found nearly 800 Minnesota farmers with high-capacity wells pumped 6.5 billion more gallons of water than their permits allowed during the 2021 drought. One Fargo-based company, R.D. Offutt, owned or operated farms that were responsible for about 1.5 billion of those gallons. The DNR did not fine any farmers for the overuse.

They also highlighted a legislative audit in 2021 that found the Pollution Control Agency repeatedly failed to regulate [Water Gremlin \(https://www.startribune.com/auditor-slams-minnesota-pollution-control-agency-over-water-gremlin-pollution/600022029/\)](https://www.startribune.com/auditor-slams-minnesota-pollution-control-agency-over-water-gremlin-pollution/600022029/), a Twin Cities manufacturer that violated its air permit for more than 15 years and spewed tons of a carcinogen into the air.

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The environmental groups also pointed to federal wildlife officials temporarily withholding \$22 million for wildlife habitat from the DNR last year [amid concerns \(https://www.startribune.com/minnesota-dnr-timber-sales-wildlife-funding/600333989/\)](https://www.startribune.com/minnesota-dnr-timber-sales-wildlife-funding/600333989/) the agency was prioritizing timber sales over wildlife.

"Regulatory capture is a systemic problem," said state Rep. Rick Hansen, DFL-South St. Paul, who leads the House's Environment Committee. "Turning the ship is needed, but is going to take time."

He couldn't say if hearings will be held.

"The value in this effort is calling it out," he said. "And recognizing that it exists. We have work to do."

The groups that have signed on to the campaign include Climate Generation, Clean Up the River Environment (CURE), East Phillips Neighborhood Institute, Friends of the Boundary Waters, Health Professionals for a Healthy Climate, the Izaak Walton League, Minnesota Environmental Justice Table, Minnesota Environmental Partnership, Minnesota Interfaith Power & Light, Minnesota Well Owners Organization, MN350, Pollinator Friendly Alliance, Sierra Club, TakeAction Minnesota, Waadookaawaad Amikwag (Those Who Help Beaver), and WaterLegacy.

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Chloe Johnson covers climate and other environmental issues for the Star Tribune and the Mississippi River Basin Ag & Water Desk, a consortium of 10 news organizations. She is a corps member with Report for America, a national service program that places journalists into local newsrooms.

✉ chloe.johnson@startribune.com

Greg Stanley is an environmental reporter for the Star Tribune. He has previously covered water issues, development and politics in Florida's Everglades and in northern Illinois.

✉ greg.stanley@startribune.com 📞 612-673-4882