

Jane Reyer

Dear Minnesota Pollution Control Agency Officers and Staff,

Although I have followed the debate about sulfate levels in Minnesota's waters for many years and am quite familiar with the science regarding sulfate and sulfide influence on both wild rice and mercury levels in fish tissue, I have less familiarity with the current proposal. Various environmental organizations (Minnesota Center for Environmental Advocacy, WaterLegacy, Isak Walton League, Northeastern Minnesotans for Wilderness) have submitted comments, which I support.

It is difficult not to notice, however, that you now propose to allow site-specific standards to increase the allowable level of sulfate, but this time apparently without a corresponding requirement for a stricter standard where needed. With permittees doing the studies, and with any proposal for a site specific standard coming from a permittee, you can be sure that a site-specific standard of less than 10 mg/L will never be considered even when one is needed to protect wild rice. The environmental community fought your attempts to pass a standard that did both, primarily because: 1. the science you relied on does not account for the impact of iron in sediment on plant roots and population viability over time; 2. we had concerns with enforceability; and 3. we objected to your refusal to consider the impacts of mercury on fish tissue. Perhaps in your view, this new proposal is what environmentalists get for not supporting the earlier one. Unfortunately for everyone, the outcome will be more polluted water, less wild rice, and more mercury in fish. I guess in a society where the environment has become a "special interest" you can count that as a loss for a special interest group that has gotten your goat rather than as a regulatory failure.

I understand that our current standard for sulfate is intended only to protect wild rice, but it is unconscionable that you do not use your authorities to limit sulfate pollution to address mercury in fish tissue. The thing that just kills me is that I do not need to go through all of data and reports (regarding both humans and wildlife) on that subject because you already know them. You already know them, and yet you use you power to support the continuation of and the addition of new pollution that can only make the situation worse. You can (and probably will) say that because the legal standard is intended only to protect wild rice, you cannot use it to protect the edibility of fish. Perhaps that would be true if you were proposing to tighten the wild rice standard. But you are under no legal obligation to even consider site-specific standards for wild rice, and there is no legal requirement that you ignore the fish tissue mercury problem when deciding whether to make such a proposal. If that is what you are pretending to yourselves, each of you involved in this, individually, needs to take a good look at yourself in the mirror and ask yourself how you got to this point of callousness. Fish-eating wildlife species are in decline and we put our infants at risk if we eat the fish that we catch, and you are proposing a rule change that will contribute to the problem. And you are under no obligation to do so.

On another legal note, the Clean Water Act provision for site-specific standards is intended to allow such standards only when higher levels of a constituent are naturally-occurring or otherwise would not be addressed by limiting the pollution from a permittee. To my knowledge, there is no allowance in the Clean Water Act or any of its regulations that allows for increasing a numeric standard whenever a permittee can make the case that the standard is not needed in a particular

location. Think about what a nightmare it would be for you if that was the law!

If anyone who actually works for MPCA reads this, thank you for doing so. If comments are being read by a contractor who is submitting a summary to agency staff, I request that this comment be forwarded to someone at the agency who will read it.

Sincerely,
Jane Reyer