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None of the proposed changes towards a "site-specific standard" for discharge of sulfate to wild rice should be approved by MPCA without tribal consultation and tribal consent and a formal and public rulemaking process. Before a "site-specific standard" can be considered for wild rice waters that currently exceed the wild rice sulfate discharger, the proponent (discharger or MPCA) should have to prove based on independent research—from the time historic sulfate discharge began to the present—the absence of harm to wild rice beneficial use, including harm to wild rice abundance, seed productivity, genetic diversity, and nutritional quality. New or expanded discharges should have to prove based on at least 5 years of independent research using site-specific wild rice seeds and sediment that the proposed sulfate level would cause no harm.

MPCA should not allow sulfate in the Boundary Waters, the Lake Superior watershed, and north central Minnesota (including the Big Sandy Lake area or other areas that have far less than 10 ppm of sulfate even if the degraded level of sulfate remains just below the standard.

Sulfate pollution increases toxic mercury contamination of fish due to release of mercury from sediments and increased mercury methylation. MPCA lax enforcement of the wild rice sulfate standard and increased mercury contamination of fish will damage the developing brains of fetuses, infants, children, and people who rely on fish for subsistence, and will impair the exercise of tribal Treaty-reserved rights.

Unless and until a "site-specific standard" has been formally approved as required under state law and the Clean Water Act, the MPCA must apply the 10 ppm wild rice sulfate standard in setting and enforcing permit limits and in preparing TMDL studies and implementation plans to restore wild rice waters listed as impaired due to excessive sulfate. MPCA must neither delay or assume a less stringent will at some point be approved.