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My comments on the site-specific sulfate standard framework are as follows:

First, the MPCA must enforce Minnesota's wild rice sulfate standard of 10 parts per million (ppm) under the Clean Water Act and decisions of the Minnesota courts--the "effects threshold" for wild rice impairment. MPCA has no discretion to continue to delay or deny enforcement. Both the Clean Water Act and Minnesota law prohibit degradation of water quality in Minnesota lakes, streams, and wetlands. MPCA must not allow polluters to degrade high quality, low-sulfate wild rice waters.

MPCA permitting should not allow sulfate in wild rice waters to increase even if the degraded level of sulfate remains just below the standard. For instance, many of Minnesota's most abundant wild rice stands in the Boundary Waters, the Lake Superior watershed, and north central Minnesota (including the Big Sandy Lake area) have far less than 10 ppm of sulfate.

Sulfate pollution is known to increase toxic mercury contamination of fish via release of mercury from sediments and increased mercury methylation. MPCA should consider the effects of lax sulfate standard enforcement on mercury and methylmercury.

MPCA's 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.

The wild rice sulfate standard is not "advisory". If a discharger is asking for MPCA to consider a "site-specific standard" they must be required to prove that wild rice beneficial use will be protected long-term.

Peer-reviewed scientific evidence does not support allowing more sulfate when there is also a high level of iron in sediments. Adding sulfate to waterbodies with high levels of iron has been shown to coat wild rice roots with iron sulfide and interfering with wild rice seed quality, production, and sustainability.

MPCA's "equation" method to determine if wild rice production would be protected without the 10 ppm standard was debunked in contested case proceedings in 2018. The "site-specific standards" loophole should not be used to resurrect this scientifically unsupported theory.

Before a "site-specific standard" can be considered for wild rice waters that currently exceed the wild rice sulfate discharge, 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.

Before a "site-specific standard" can be considered and valid for a new or expanding discharge to wild rice waters, the proponent (discharger or MPCA) 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 levels would not cause harm to wild rice beneficial use, including harm to wild rice abundance, seed productivity, genetic diversity, and nutritional quality.

No "site-specific standard" for discharge of sulfate to wild rice waters should be approved by MPCA without tribal consultation, tribal consent and a formal and public rulemaking process.

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.

Thank you for considering my comments.