

## Kevin LeVoir

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. MPCA has no discretion to continue to delay or deny enforcement. The 10-ppm sulfate standard is the "effects threshold" for wild rice impairment. The Clean Water Act and Minnesota law prohibit water quality degradation in Minnesota lakes, streams, and wetlands. MPCA must not allow polluters to degrade high-quality, low-sulfate wild rice waters. 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 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 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.