

Paul Moss

Please consider the following comments:

1) I support MPCA's identification of 2,395 wild rice producing waters. MPCA's evidence-based recognition of wild rice waters, including waters where wild rice is sparse due to sulfate pollution, is a meaningful positive step. Tribes have sought recognition of wild rice waters for decades.

2) I support MPCA's 2024 addition of 20 wild rice producing waters impaired due to sulfate exceeding Minnesota's standard. In 2015, the Minnesota Legislature passed a session law purporting to prevent listing wild rice waters impaired due to exceedance of Minnesota's 10 mg/L wild rice sulfate standard. In 2021, the EPA overturned MPCA's failure to list wild rice waters impaired due to sulfate, stating that this state law could not contradict the Clean Water Act. If MPCA's 20 additional listings are finalized, there will be 55 waters on Minnesota's list of wild rice waters impaired due to excessive sulfate.

3) MPCA should add Dark Lake to Minnesota's 2024 Draft Impaired Waters List. Dark Lake has been identified by MPCA (as well as by tribes) as a wild rice producing water. It is downstream of U.S. Steel Minntac tailings basin pollution in the Rainy River watershed. This listing is important to establish regulatory controls of pollution on the west side of the U.S. Steel's Minntac tailings basin.

4) MPCA should restore – not just list – wild rice waters Impaired due to sulfate. The Draft 2024 Impaired Waters List says that a Total Maximum Daily Load (TMDL) study of all pollution sources is needed for Minnesota's wild rice waters impaired due to sulfate. However, MPCA has not committed to complete or implement any study that determines how much sulfate must be reduced to attain compliance with the sulfate standard.

5) MPCA should move quickly to determine sulfate load reductions and to regulate mining pollution to restore wild rice waters. Sulfate discharge from mining pollution is the sole or predominant cause of about half of the wild rice waters sulfate impairments listed by MPCA. The most efficient and common sense way to restore these waters is to set and enforce sulfate discharge limits in mining National Pollutant Discharge Elimination System (NPDES) permits to reduce sulfate and achieve compliance with Minnesota's wild rice sulfate standard.

6) MPCA should admit that sulfate exacerbates mercury contamination. Peer-reviewed science establishes that sulfate pollution and alteration of wetland hydrology exacerbates the effects of air deposition of mercury. TMDL studies and plans to restore mercury impaired waters must all consider the effects of sulfate pollution and other aggravating factors that increase mercury release from wetlands and sediments and mercury methylation.

Thank you for your consideration of these comments.