



February 7, 2025

Commissioner Katrina Kessler
Minnesota Pollution Control Agency
520 Lafayette Road
Saint Paul, MN 55155

Commissioner Kessler:

Thank you for the opportunity to comment on the 2025-2027 Triennial Standards Review water quality standards work plan along with Minnesota Rules chapters 7050 and 7052.

MiningMinnesota is committed to promoting sustainable and environmentally responsible mineral production in our state. Our organization works with local citizens, businesses, and other organizations to grow Minnesota's economy and support domestic manufacturing and the supply chain through the responsible development of natural resources.

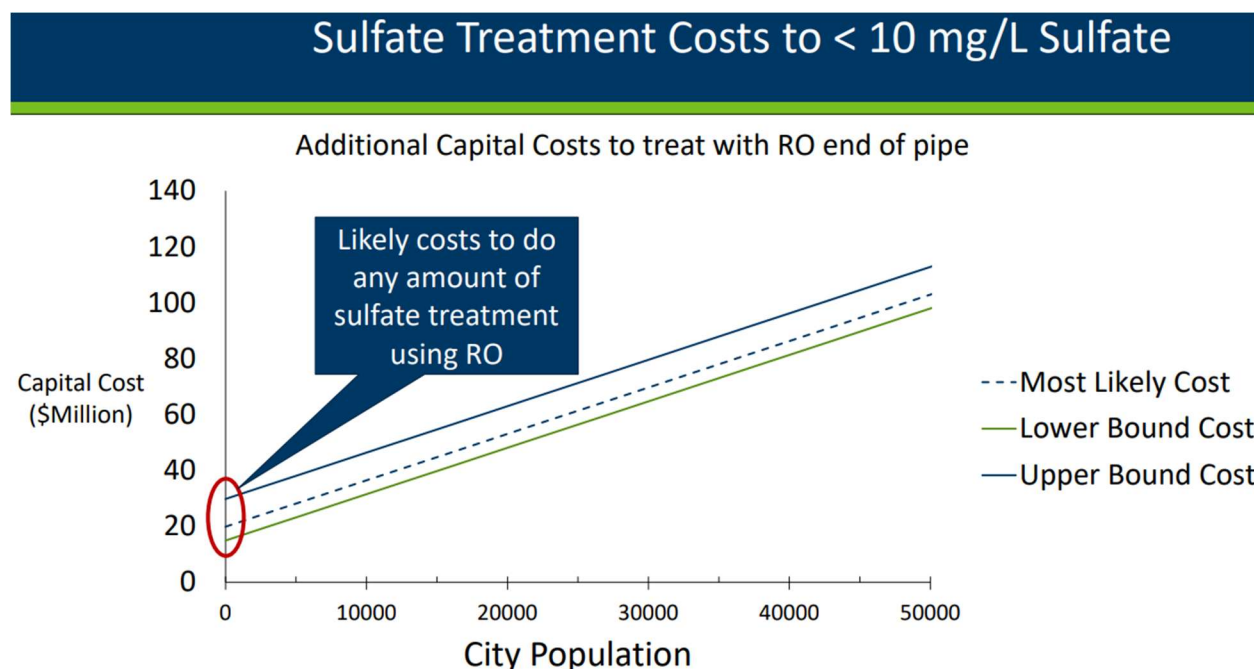
One area that warrants further evaluation and discussion that was not included in the work plan is the evaluation of the wild rice standard. One area of specific concern is the continued expansion of the wild rice waters list MPCA is managing that is being developed outside the rulemaking process. Specifically, Minnesota Rules 7050.0224, Subp. 2 refers to "water used for the production of wild rice." This phrase is not defined in rule; however, Minnesota Rules 7050.0470 specifically lists 24 wild rice waters.

MPCA underwent rulemaking, proposing an equation-based standard and a list of approximately 1,300 wild rice waters, as described in MPCA's 2017 Statement of Need and Reasonableness¹ on the amendment of the sulfate water quality standard applicable to wild rice and identification of wild rice waters. The Administrative Law Judge did not approve the amendment to the sulfate water quality standard or the proposed list of wild rice waters.

MPCA most recently published a new list of approximately 2,400 wild rice waters in Appendix H of its 2024 Assessment Manual – Guidance for Assessing the Quality of Minnesota Surface Waters for Determination of Impairment: 305(b) Report & 303(d)

¹ Statement of Need and Reasonableness Class 2 Use Designations (wq-rulecl2-2122e)

Impaired Waters List.² This list of regulated waters continues to grow without clarity on what defines a “water used for the production of wild rice.” The implication of this process is not insignificant, with the 10 mg/L standard that is applicable only able to be met with costly membrane treatment technologies³. In addition to the high capital costs, these technologies are also energy intensive. In a presentation⁴ given by the MPCA to Governor Dayton’s Wild Rice Task Force on November 8th, 2018, one of the slides shows 965 facilities with permitted discharges upstream of proposed wild rice waters. These dischargers include both municipalities and industrial dischargers. The graphic below, presented in this November 8th, 2018, MPCA presentation, gives an estimate on what the cost would be for various size municipalities.



Minnesota is one of the few places with remaining natural wild rice. Wild rice is important ecologically, economically, and spiritually. We need to protect wild rice, but the current approach is to the detriment of the economy of our state and does not adequately consider the multiple factors affecting the health of wild rice in the environment. MiningMinnesota implores MPCA to reconsider evaluation of the wild rice standard again. There was progress being made through Governor Dayton’s Wild Rice Task Force; however, that progress ceased with the change in administration. If nothing else, MPCA should consider providing a definition in rule for a “water used for the production of wild rice.”

² 2024 Assessment Guidance Manual

³ Analyzing Alternatives for Sulfate Treatment in Municipal Wastewater

⁴ MPCA Sulfate Treatment Presentation

Thank you for the opportunity to provide input on this important process.

Respectfully,

Julie C. Lucas

Julie Lucas

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