

## Protecting Wild Rice from Sulfate Pollution

### Why is wild rice (Manoomin) important?

Natural wild rice protects water quality, reduces harmful algae blooms, and provides habitat for fish, mammals, and wildfowl. It is an indicator of water quality because impaired wild rice results from increased sulfate pollution in surface waters. Sulfate pollution increases methylmercury contamination of fish, which is toxic to the developing brains of fetuses, infants, and children.

Wild rice also has great cultural importance for Ojibwe/Chippewa people, and it is protected by treaties.

### What is the wild rice sulfate standard?

The Minnesota wild rice sulfate standard limits discharge of sulfate in waters where natural wild rice grows. The standard limits sulfate to 10 parts per million (ppm or mg/L) in wild rice waters. It was adopted in 1973 by the Minnesota Pollution Control Agency (MPCA) and approved by the U.S. Environmental Protection Agency (EPA) under the federal Clean Water Act.

Extensive field research supported the wild rice sulfate standard in 1973. In 2018, an objective Administrative Law Judge concluded that preserving the standard was needed and reasonable based on current science.



*Glen Jackson, Sr. and Jr., harvesting wild rice. Photo by Dale Kakkak.*

## Polluters Fight the Wild Rice Sulfate Standard

### Why have polluters sought to repeal the standard?

- In 2010, after years of weak enforcement, the EPA told MPCA that, under the Clean Water Act, Minnesota was required to enforce the wild rice sulfate standard. This would require existing and proposed mining facilities to collect and treat polluted wastewater before discharging it to wetlands, streams, and rivers.
- Since then, industry lobbyists, consultants, and politicians have tried to eliminate or weaken Minnesota's wild rice sulfate standard. They've also tried to limit the number of wild rice lakes and streams that can be protected from sulfate pollution.
- Most of the sulfate pollution now affecting Minnesota wild rice waters is discharged by a small number of coal-fired power plants, ethanol plants, and taconite mines.
- Toxic discharge from proposed copper-nickel sulfide mines would increase sulfate in wild rice waters, requiring active treatment of pollution for hundreds of years.



*Flambeau open pit copper sulfide mine. Photo by Rick Wood/Milwaukee Journal Sentinel (right).*

# WaterLegacy's Work to Preserve the Standard

## What has WaterLegacy done to protect the standard?

WaterLegacy has worked in partnership with tribes since 2009 to preserve the standard and protect wild rice.

**LITIGATION:** The Minnesota chamber of Commerce, on behalf of PolyMet and existing taconite companies, sued MPCA in December 2010 to block enforcement of the sulfate standard. WaterLegacy intervened and won the case in the Minnesota District Court and Court of Appeals, preserving the standard.



**OPPOSING LEGISLATION:** Session laws were passed in 2011, 2015, 2016, and 2017 in the Minnesota Legislature to interfere with control of sulfate pollution. In 2018, WaterLegacy and our allies won a critical victory when Governor Mark Dayton vetoed two bills that would have repealed the wild rice sulfate standard and prevented control of sulfate in most wild rice waters.

**RULEMAKING:** When the MPCA attempted to change the wild rice sulfate standard, WaterLegacy served on its advisory task force for seven years and worked in partnership with tribes and scientists to protect the standard. In January 2018, we won a huge victory when an Administrative Law Judge and the Chief Judge disapproved the rule proposed by MPCA that would have repealed the wild rice sulfate rule and imposed limits on the protection of wild rice waters. In May 2018, MPCA withdrew its proposed rule.

## As a result, the wild rice rule adopted in 1973 to limit sulfate to 10 mg/L remains in effect.

**ENFORCEMENT:** In alliance with tribes, WaterLegacy has also:

- Opposed MPCA taconite mining permits that do not require compliance with the standard.
- Advocated to MPCA and EPA for the listing of "impaired" wild rice waters so they can be studied and restored.
- Petitioned EPA to remove MPCA's Clean Water Act authority due to the agency's lack of enforcement of the standard and other pollution limits.



*Arne Vainio Ricing*

## What Can You Do to Protect Wild Rice?

- **Sign up** at [waterlegacy.org](http://waterlegacy.org) to learn about upcoming events and opportunities to protect wild rice.
- **Visit** [waterlegacy.org](http://waterlegacy.org) and search "Wild Rice" and "Sulfate" to find current information.
- **Follow** WaterLegacy on Facebook and Twitter.
- **Share what you know** about sulfate pollution and threats to wild rice with your friends and neighbors. Sulfate pollution and resulting sulfide threatens wild rice, water quality, and health in Minnesota.

Do you want to reach us? Contact [info@waterlegacy.org](mailto:info@waterlegacy.org) (651-646-8890)