

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 732

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DATE	D-PG	OFFICIAL STATUS
03/10/2011	484	Introduction and first reading Referred to Environment and Natural Resources
03/23/2011	626a	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans
03/24/2011	639	Comm report: To pass and re-referred to Finance See HF1010, Art. 4, Sec. 47 (vetoed) See SF3, Art. 4, Sec. 32 (First Special Session)

A bill for an act
relating to environment; initiating a process to amend standards for sulfates;
creating an advisory group; allowing expedited rulemaking; appropriating money.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **WILD RICE RULEMAKING AND RESEARCH.**

(a) Within 30 days of the effective date of this section, the commissioner of the Pollution Control Agency shall initiate a process to amend Minnesota Rules, chapter 7050, which may be accomplished through a rulemaking already in progress, related to the water quality standards contained in Minnesota Rules, chapter 7050, establishing a standard for sulfates for Class 4 waters. The Pollution Control Agency shall take the actions necessary to ensure that the revised standards are effective not later than December 30, 2012. The amended rule shall:

(1) establish a water quality standard for sulfates for waters containing natural beds of wild rice, as well as for irrigation waters used for the production of wild rice; and

(2) designate each body of water, or specific portion thereof, to which the wild rice water quality standards apply and the specific times of year during which the standard applies.

(b) "Waters containing natural beds of wild rice" means waters where significant quantities of wild rice occur naturally. Before designating waters containing natural beds of wild rice as waters subject to a standard, the commissioner shall establish criteria for the waters after consultation with the Department of Natural Resources, Minnesota Indian tribes, and other interested parties, and after public notice and comment. The criteria shall include, but not be limited to, documented history of wild rice harvests, minimum acreage,

and wild rice density. Waters where individual wild rice plants or isolated, sparse stands of wild rice exist shall not be designated as subject to the standard.

(c) Within 30 days of the effective date of this section, the commissioner of the Pollution Control Agency must create an advisory group to provide input to the commissioner on a protocol for scientific research to assess the impacts of sulfates and other substances on the growth of wild rice, review research results, and provide other advice on the development of future rule amendments to protect wild rice. The group must include representatives of tribal governments, municipal wastewater treatment facilities, industrial dischargers, wild rice harvesters, and wild rice research experts.

(d) After receiving the advice of the advisory group under paragraph (c), consultation with the commissioner of natural resources, and review of all available scientific research on water quality and other environmental impacts on the growth of wild rice, the commissioner shall adopt and implement a wild rice research plan using the money appropriated to contract with appropriate scientific experts. The commissioner shall periodically review the results of the research with the commissioner of natural resources and the advisory group.

(e) Upon completion of the research referenced in paragraph (d), the commissioner shall initiate a process to amend agency rules to revise water quality standards related to the protection of wild rice to be consistent with the results of the research.

(f) Until the rule amendment described in paragraph (e) is complete, in any permit issued for the discharge of wastewater, the Pollution Control Agency may require only that the permittee monitor sulfate concentrations in discharges, and, if appropriate, based on site-specific conditions, implement a sulfate minimization plan to avoid or minimize sulfate concentrations during periods when wild rice may be susceptible to damage, but shall not require expenditures for design and implementation of sulfate treatment technologies. Upon completion of the rule amendment processes described in paragraph (e), the Pollution Control Agency shall provide permittees a reasonable period of time to comply with the amended standards.

(g) By December 15, 2011, the commissioner shall submit a report to the chairs and ranking minority members of the environment and natural resources committees of the house of representatives and senate on the status of implementation of this section. The report must include an estimated timeline for completion of the wild rice research plan and initiation and completion of the formal rulemaking process under Minnesota Statutes, chapter 14.

(h) Until the rule amendment described in paragraph (e) is finally adopted, the agency shall suspend the standard for sulfates for Class 4 waters.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.2 Sec. 2. **RULE AMENDMENT; EXPEDITED RULEMAKING.**

3.3 The Pollution Control Agency shall amend Minnesota Rules, part 7050.0224,
3.4 subpart 2, to delete the standard for sulfates for Class 4A waters. The Pollution Control
3.5 Agency may use the good cause exemption under Minnesota Statutes, section 14.388,
3.6 subdivision 1, clause (3), to adopt rules and Minnesota Statutes, section 14.386, does not
3.7 apply, except as provided in Minnesota Statutes, section 14.388.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.9 Sec. 3. **APPROPRIATION; POLLUTION CONTROL AGENCY.**

3.10 \$1,500,000 in fiscal year 2012 is appropriated to the Pollution Control Agency for
3.11 scientific research on the impacts of sulfates and other substances on the growth of wild
3.12 rice. Of this amount, \$..... is from the fund and \$..... is from the fund. This is
3.13 a onetime appropriation and is available until spent.