

File Number: H.F. 3280
Version: First engrossment

Date: March 12, 2018

Authors: Lueck

Subject: Wild Rice Sulfate Standard

Analyst: Janelle Taylor

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill would nullify the existing wild rice water quality sulfate standard and require the Minnesota Pollution Control Agency (MPCA) to begin a new rulemaking process if the agency moved forward with adoption of a new standard.

The MPCA recently went through a rulemaking process at the direction of the legislature to adopt a new wild rice water quality sulfate standard. The current standard is 10 mg/L and was adopted in 1973. The agency proposed an equation-based standard as part of the new rulemaking process, however, the rule was recently rejected by the chief administrative law judge.

Section

- 1 Wild rice water quality standards.** Removes a requirement that the MPCA adopt revisions to the wild rice sulfate water quality standard by January 15, 2019. This requirement was originally established in 2015, and extended by one year last session.
- 2 Wild rice; legislative findings.** Establishes legislative findings regarding wild rice, the sulfate standard, wild-rice waters, and the rulemaking process.
- 3 Water quality standard for sulfate; rulemaking.** Prohibits the MPCA from adopting, modifying, or proceeding with rules pertaining to the wild rice water quality sulfate standard without going through a new rulemaking process. The section is effective retroactively from the day the chief administrative law judge disapproved the proposed rule.

Section

- 4 Identification and listing of wild-rice waters.** Allows the MPCA to evaluate the state's waters to identify and list wild-rice waters. Before doing so the MPCA is required to, in a separate rulemaking process, establish the criteria to be used. Requires the history of wild rice, minimum acreage, and minimum density criteria to all be met before a water can be identified and listed as a wild-rice water.
- 5 Application of water quality standard for sulfate for wild-rice waters.** Prohibits the MPCA from applying the wild rice water quality sulfate standard (nullified in section 8) to permits and to take all necessary steps to conform the agency's rules and practices to the provisions in the bill (effective the day following final enactment).
- 6 Application of equation-based water quality standard for wild-rice waters.** Prohibits the MPCA from applying the proposed equation-based sulfate standard rejected by the chief administrative law judge when issuing, modifying, or renewing permits (effective the day following final enactment).
- 7 Application of water quality standards; irrigation.** Prohibits the MPCA from applying a water quality standard established to protect water quality for purposes of irrigation unless the water is appropriated for irrigation use.
- 8 Nullification of water quality standard for sulfate in wild-rice waters.** States that there is no numeric, nonnarrative, water quality standard for sulfates in class 4A waters until a new one is adopted and nullifies the portion of the rule that conflicts with this (effective the day following final enactment).
- 9 Appropriation; wild rice work group; report.** Appropriates \$50,000 in fiscal year 2018 from the heritage enhancement account to the Department of Natural Resources to convene a work group and prepare and submit a report to the legislature, by January 15, 2019, with recommendations related to the management wild rice.