

STATE OF MINNESOTA 1st SPECIAL SESSION 2015
Chapter 4 -- S.F. No. 5

Third Reading Repassed
Presentment date 06/13/15
Governor's action Approval 06/13/15

EFFECTIVE DATE.

This section is effective the day following final enactment.

Article 4 Sec. 136. WILD RICE WATER QUALITY STANDARDS.

(a) Until the commissioner of the Pollution Control Agency amends rules refining the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider all independent research and publicly funded research and to include criteria for identifying waters and a list of waters subject to the standard, implementation of the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the following, unless the permittee requests additional conditions:

(1) when issuing, modifying, or renewing national pollutant discharge elimination system (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild rice, and in doing so shall be limited by the following conditions:

(i) the agency shall not require permittees to expend money for design or implementation of sulfate treatment technologies or other forms of sulfate mitigation; and

(ii) the agency may require sulfate minimization plans in permits; and

(2) the agency shall not list waters containing natural beds of wild rice as impaired for sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313, until the rulemaking described in this paragraph takes effect.

(b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits issued or reissued after the effective date of this section as needed to include numeric permit limits based on the wild rice water quality standard.

(c) The commissioner shall complete the rulemaking described in paragraph (a) by January 15, 2018.

Sec. 149. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended to read:

Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

(a) Until the commissioner of the Pollution Control Agency amends rules refining the wild rice water

quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider all independent research and publicly funded research and to include criteria for identifying waters and a list of waters subject to the standard, implementation of the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the following, unless the permittee requests additional conditions:

(1) when issuing, modifying, or renewing national pollutant discharge elimination system (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild rice, and in doing so shall be limited by the following conditions:

(i) the agency shall not require permittees to expend money for design or implementation of sulfate treatment technologies or other forms of sulfate mitigation; and

(ii) the agency may require sulfate minimization plans in permits; and

(2) the agency shall not list waters containing natural beds of wild rice as impaired for sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313, until the rulemaking described in this paragraph takes effect.

(b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits issued or reissued after the effective date of this section as needed to include numeric permit limits based on the wild rice water quality standard.

(c) The commissioner shall complete the rulemaking described in paragraph (a) by January 15, 2018 2019.

CHAPTER 165--S.F.No. 3376

An act relating to environment; providing for sulfate effluent permit compliance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **SULFATE EFFLUENT COMPLIANCE.**

(a) This section applies to any permit issued after January 1, 2010, and before May 1, 2016, that contains final sulfate effluent limits resulting from implementation of the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2. If, as of May 1, 2016, the permittee is in substantial compliance with any compliance schedule permit conditions related to those final limits or has executed a schedule of compliance to resolve any noncompliance that existed before May 1, 2016:

(1) the final sulfate limits resulting from implementation of the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, are no longer valid; and

(2) any compliance schedule permit conditions related to those final limits are no longer valid.

(b) Nothing in this section shall relieve the permittee from its obligation to satisfy requirements contained in any schedule of compliance that is in effect as of May 1, 2016.

Presented to the governor May 24, 2016

Signed by the governor May 31, 2016, 10:11 a.m.