



DEDICATED TO A STRONG GREATER MINNESOTA

June 15, 2020

Scott Kyser
Environmental Analysis and Outcomes Division
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, MN 55155
scott.kyser@state.mn.us

VIA EMAIL ONLY

RE: Public Comments on Draft Rock River Specific Conductance and Sodium Site-Specific Standards

Dear Mr. Kyser:

Thank you for the opportunity to comment on the proposed site-specific standards for specific conductance and sodium for the Rock River. The following comments are offered on behalf of the Coalition of Greater Minnesota Cities (CGMC), an organization of more than 100 cities across the state. One of our members, the City of Luverne, is directly impacted by the proposed site-specific standards. We support the MPCA's effort to develop the proposed standards and encourage the MPCA to continue to use site-specific regulatory approaches that ensure protection of clean water while facilitating responsible community and economic development in Greater Minnesota.

As you know, the City of Luverne currently has an effluent limit for specific conductance in its wastewater permit that was placed there in a previous permit cycle based on MPCA's outdated class 3 & 4 water quality standards. As demonstrated in the supporting technical document for the proposed site-specific standards¹, as well as the technical support document² for MPCA's planned amendments to the class 3 & 4 standards, the science used by MPCA to originally develop those standards is woefully outdated and has led to the imposition of effluent limits for Luverne—and similarly situated cities—that are more restrictive than necessary to protect the environment.

Unfortunately for Luverne, the specific conductance limit at issue has served as a significant and costly regulatory obstacle for economic development in the community. It was cited by TrūShrimp as the principle reason the company decided not to locate its harbor facility in the city—resulting in the loss of hundreds of potential jobs. This is an unfortunate result, as no one wants to see outdated regulatory burdens unnecessarily interfere with community economic development.

¹ See Technical Justification for the Rock River Specification Conductance and Sodium Site-Specific Standards, Minnesota Pollution Control Agency, 14, 43, 47-48(Mar. 2020), available at <https://www.pca.state.mn.us/sites/default/files/wq-s6-59-10.pdf>.

² See Class 3 & 4 Water Quality Standards Revision: Technical Support Document, Minnesota Pollution Control Agency 29-30, 131 (Jan. 2019), available at <https://www.pca.state.mn.us/sites/default/files/wq-rule4-17d.pdf>.

CGMC Rock River SSS Comments

June 18, 2020

Page 2

As a result, MPCA's effort to use more recent scientific data to develop site-specific standards for specific conductance and sodium in the Rock River immediately downstream of Luverne is reasonable and necessary to ensure rigorous protection of water quality in the river without needlessly interfering with future economic development in the region. We also agree with MPCA's analysis that the proposed site-specific standards, when implemented in concert with MPCA class 2B 230 mg/L water quality standard for chloride, will ensure protection of downstream aquatic life and other applicable beneficial uses in the Rock River in Minnesota and in Iowa.

We are also aware that there are a few additional CGMC members, including my city, Willmar, that currently have unnecessarily restrictive effluent limits in their wastewater permits. These additional limits are also based on the outdated class 3 & 4 water quality standards. Moreover, there are roughly 40 CGMC member cities that could receive such limits if the MPCA does not quickly complete the class 3 & 4 rulemaking process that was commenced in 2010 and re-initiated in 2018. We urge the MPCA to work quickly to complete that rulemaking process and work with the communities that have existing limits to remove or modify those limits in a manner consistent with the most recent science to avoid additional unreasonable regulatory outcomes in the future.

Thank you again for the opportunity to comment. If you have any questions about the CGMC or our comments on this matter, please contact me at anelson@willmarmn.gov or 320-979-4927. You can also contact CGMC's attorney for this matter, Elizabeth Wefel, at ewefel@flaherty-hood.com or 651-259-1924.

Sincerely,



Audrey Nelsen, Willmar City Councilor
President, Coalition of Greater Minnesota Cities



MESERB

Minnesota Environmental Science
and Economic Review Board

Using science and economics to improve environmental regulations

June 18, 2020

VIA EMAIL

Scott Kyser
Environmental Analysis and Outcomes Division
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, MN 55155
scott.kyser@state.mn.us

RE: Public Comments on Draft Rock River Specific Conductance and Sodium Site-Specific Standards

Dear Mr. Kyser:

Thank you for the opportunity to comment on the proposed site-specific standards for specific conductance and sodium for the Rock River. The Minnesota Environmental Science and Economic Review Board (“MESERB”) is a municipal joint powers organization with more than 50 member cities, sanitary districts, and public utilities commissions in Greater Minnesota that own and operate wastewater treatment facilities and hold National Pollutant Discharge Elimination System (“NPDES”) permits. MESERB’s mission is to work to protect our state’s water resources by ensuring that water quality regulations that impact our communities are scientifically based, have reasonable and cost-effective implementation strategies, and produce meaningful benefits to water quality. The City of Luverne is a member of MESERB and is directly impacted by the proposed site-specific standards.

MESERB has long advocated for updates to the class 3 and 4 water quality standards based on new scientific information and generally supports the proposed site-specific standards at issue. Based on our review of the *Technical justification for the Rock River specific conductance and sodium site-specific standards* (MPCA, March, 2020), the proposed site-specific standards are scientifically defensible, reasonable, and will protect downstream designated uses in both Minnesota and Iowa as required by state and federal law. Further, we support MPCA analysis that implementation of the states’ class 2B water quality standard for chloride, in addition to the proposed site-specific standards, will ensure the protection of downstream aquatic life uses in a manner consistent with state and federal law.

MESERB requests that MPCA adopt the proposed site-specific standards at issue because they are reflective of the most recent science¹ and will ensure that Luverne can grow its economy while

¹We do note that there appear to be some differences between the proposed site-specific standards and the planned amendments to state-wide class 3 & 4 standards as reflected in the *Class 3 & 4 Water Quality Standards Revision Technical Support Document*, Minnesota Pollution Control Agency (Jan. 2019) (“TSD”). For example, the TSD

appropriately protecting downstream waters. We also urge MPCA to prioritize the larger rulemaking effort to amend the class 3 & 4 standards on a state-wide basis to ensure that our other members receive permit limits that are based on the most recent scientific information.

Thank you for your attention to this matter, please direct and response to comments to me at andy.bradshaw@ci.moorhead.mn.us or (218) 299-5386 and MESERB's legal and regulatory consultant, Daniel Marx, at (651) 259-1907 or dmmarx@flaherty-hood.com.

Very truly yours,



Andy Bradshaw
Operations Manager
City of Moorhead Wastewater Services Division
MESERB President

associated with the larger rulemaking package proposes to adopt the 122-day 10-year low flow” or “122Q₁₀” as the applicable protective flow. MESERB supports this planned change because it is consistent with the duration and exceedance frequency for the proposed criteria and reflective of the update scientific information. It is concerning that MPCA did not propose to update the applicable protective flow for the proposed site-specific standards at issue because doing so would likely provide Luverne additional flexibility. We hope to see that change in the proposed rule amendments that surface later this year.

Technical justification for the Rock River specific conductance and sodium site-specific standards

MPCA Request for Comments
The tru® Shrimp Company Comments
6/18/2020

The tru Shrimp Company (tru Shrimp) appreciates the MPCA's effort to develop Class 4A water Site-Specific Standard for Specific Conductance (SC) and Sodium for the 16-mile section of the Rock River starting in Luverne and ending at the Iowa border. Following is tru Shrimp's response to the Request for Comments.

Context/Interest

tru Shrimp is a start-up company headquartered in Balaton, Minnesota which has developed a state-of-the-art technology to grow shrimp indoors in shallow water. Luverne, Minnesota was selected as the site for tru Shrimp's first commercial facility called a Harbor. In July 2018, the City of Luverne's Wastewater Treatment Plan NPDES/SDS permit was amended to move SC from a "monitor only" to a specific limit. That change, which was not conveyed to tru Shrimp until a draft Significant Industrial User (SIU) permit was being developed in September 2018, would have caused tru Shrimp significant hardship. This set off a series of events and meetings that culminated with tru Shrimp moving its commercialization plans to Madison, South Dakota. tru Shrimp's ability to build a future Harbor in Luverne, or anywhere in Minnesota for that matter, is dependent upon the reassessment by the MPCA of Class 4A and 4B water standards particularly as they pertain to Specific Conductance use and limits. tru Shrimp is, therefore, deeply impacted by any changes in water quality standards that could be imposed at locations where their Harbors may be constructed.

Comments

- As residents of Minnesota, tru Shrimp understands the importance of maintaining high water quality standards to maintain the lifestyle we are blessed with in southwest Minnesota.
- The availability of high-water quality is paramount to our company's success. It is in our best self-interest to protect our water sources and to ensure resources are used wisely.
- tru Shrimp supports the use of targeted scientific studies, area specific data, and current technology as a superior method to establish water quality standards rather than a one-size fits all standard.
- When up-to-date and accurate data, current science and technology, and logic is properly applied, tru Shrimp can and will maintain water quality needed for households, municipalities, farmers, water recreation, and industry.
- tru Shrimp believes it is essential for the state of Minnesota to protect the quality of water used by Minnesota farmers and downstream farmers for irrigation. We endorse MPCA's focus on crop type, soil type, soil drainage, annual precipitation, irrigation practices, soil chemistry, growing seasons, and crop tolerances as appropriate for establishing water quality standards.
- We fully support MPCA's proposed site-specific standards for the 16-mile segment of the Rock River starting in Luverne and ending at the Iowa border.

Specific Conductance and Sodium Absorption Ratio

trū Shrimp reviewed the available documentation related to this potential rulemaking and have the following comments.

- Specific Conductance
 - In past comments on water quality standard proposals and the City of Luverne's WWTP NPDES Renewal, trū Shrimp has expressed concern about the use of Specific Conductance. Specific Conductance is an outdated (1967) descriptive measurement that does not identify explicit water constituents of concern (i.e. nitrate, sulfites, chlorides, etc.), nor does its direct industry in managing these constituents. It is a surrogate measure commonly used to indicate relative levels of chlorides or total dissolved solids relative to water quality and is only used in an industry as such. Specific Conductance is proven an inconsistent empirical correlation.
 - The natural hardness of well water in southwest Minnesota dramatically effects Specific Conductance.
 - Our preference is to have specific water/wastewater discharge limits for specific water constituents and relegate Specific Conductance as a monitor of general quality measure.
 - We recognize that Specific Conductance is a dated, legacy measure imbedded in many federal, state, and local regulations. If Specific Conductance is to be used, we support any proposed limits be determined based on science, area data, and area water use.
- Sodium Absorption Ratio
 - We support the replacement of the Class 4A sodium value with a numeric standard for sodium absorption ratio.
 - We believe a site-specific Sodium Absorption Ratio standard will ensure soil and crop health for area farmers by protecting soil and crops from excess sodium.
 - We have compared the specific conductance and SAR standards proposed in the 4A SSS proposal to Class 2Bg (aquatic life and recreation), 3C (industrial consumption), 4B (livestock and wildlife) , 5 (aesthetic enjoyment and navigation) or 6 (other uses) standards. Per the proposed SSS, the maximum sodium concentration in the Rock River is bounded by the 230 mg/L Class 2B chloride standard. To the best of our understanding, we have not found any conflict with the proposed 4A SSS and the 2Bg, 3C, 4B, 5 or 6 standards.

- Iowa Water Quality Impact
 - We appreciate the MPCA's efforts to insure the proposed SSS continues to protect downstream water quality in the State of Iowa.

Regulatory Certainty and Consistency:

- In past comments, we have emphasized that industry requires consistency and certainty in the regulatory environment. While we understand and agree that all wastewater discharge requirements must benefit humans, the environment, and area farmers, we were concerned that priority appeared to have been given to a relatively few inactive irrigators with surface water appropriations and their crop choices. We believe this site-specific standard uses appropriate and current data, science and technology, and sound common sense to addresses all concerns.
- We request the standard address how changes in upstream water quality, downstream irrigation appropriators, and change in crops planted downstream can affect NPDES permit renewals. We are concerned that site-specific standards could unduly invite more frequent modification of the standards and by a wider range than the current case. This must be avoided to reduce investment risks to trū Shrimp, to existing industries operating in the area, and to companies considering investment in the area.

Thank you for the opportunity to comment and your consideration.

Sincerely,



Michael B. Ziebell,
President & Chief Executive Officer
The trū Shrimp Company
330 3rd Street
Balaton, MN 56115
michael.ziebell@trushrimpcompany.com
Direct Dial: 507-337-6908



June 18, 2020

Scott Kyser
Minnesota Pollution Control Agency
Environmental Analysis and Outcomes Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Re: Request for Comments on Proposed Site-Specific Standards for Specific Conductance and Sodium Adsorption Ratio for the Rock River.

Dear Mr. Kyser:

The Minnesota Chamber of Commerce (Chamber) is a statewide business organization representing businesses (utilities, mining, manufacturing, services providers, etc.). The Chamber appreciates the opportunity to provide comments on the Minnesota Pollution Control Agency's (MPCA) proposed site-specific standards (SSS's) for specific conductance and sodium adsorption ratio (SAR) for the Rock River reach from the Luverne Wastewater Treatment Plant to the confluence with Elk Creek.

On April 27, 2020, the MPCA issued a request for comments on proposed SSS's for specific conductance (3,000 $\mu\text{S}/\text{cm}$) and SAR (10) for the Rock River reach; including a portion of AUID 10170204-509 and all of AUID 10170204-501; approximately 16 miles long. The beneficial use classifications for this reach include 2Bg, 3C, 4A, 4B, 5, and 6. The Chamber supports the proposed rule changes for the following reasons:

- Minnesota rule (Minn. R. 7050.0220, subp. 7) allows for development and adoption of site-specific modification to statewide or ecoregion water quality standards.
- MPCA is only proposing SSS's for specific conductance and SAR – all other existing Class 4A water quality standards (bicarbonates, boron, pH, total dissolved solids, sulfate, and radioactive materials) will remain unchanged.
- The use of specific conductance to evaluate salinity levels in irrigation water quality is widely accepted, commonly used, and a convenient and reliable measure of salinity in water and soils.
- A specific conductance value of 3,000 $\mu\text{S}/\text{cm}$ takes into account critical factors including average precipitation, background soil salinity, soil drainage, and predominant irrigation practices; resulting in no anticipated reduction in agricultural yield for all crops historically grown in the region.
- Current literature indicates that protecting soil health from excess SAR provides the necessary protection to plants from direct sodium toxicity, which supports replacement of the current Class 4A sodium water quality standard with a numeric SAR standard.

- A SAR *value* of 10 is considered protective of all crops grown in non-sensitive soils from excess sodium in irrigation water.
- While crops vary in their sensitivity to specific conductance, there is no evidence that sodium toxicity is a major concern to Minnesota crops.
- Local soil conditions (i.e., gravelly soils), in combination with engineered soil drainage (e.g., drain tile), promote water drainage/movement which help decrease adverse impacts related to saline irrigation water.
- Background soil salinity in the specified SSS buffer area is low (<2,000 $\mu\text{S}/\text{cm}$), thereby reducing any potential impacts from elevated salinity levels in irrigation water.
- The average annual precipitation for Rock County is at least three times the average precipitation associated with arid climates – greater volumes of rainfall allow for higher salinity in irrigation water.
- As illustrated in the MPCA’s technical support document (TSD),¹ the proposed SSS’s will still result in attainment of Class 4A designated beneficial uses (i.e., irrigation), as well as all other existing designated beneficial uses (Class 2Bg, 3C, 4B, 5, and 6).
- The proposed SSS’s will provide the needed flexibility to accommodate important economic development.

Thank you for the opportunity to provide comments on the planned amendments to rules governing water quality standards for Class 3 and Class 4 use classifications. Please do not hesitate to contact me for clarification or discussion at 651-292-4668 or tkwilas@mnchamber.com.

Respectfully submitted,



Tony Kwilas
Director, Environmental Policy
Minnesota Chamber of Commerce

¹ wq-s6-59-10

From: jeff schroeder <jeffreyschroeder@live.com>
Sent: Tuesday, April 28, 2020 7:42 PM
To: scott.kyser@state.mn.us <IMCEAMAILTO-scott+2Ekysr+40state+2Emn+2Eus@namprd20.prod.outlook.com>
Subject: Rock River Specific Conductance and Sodium Site-Specific Standards YOUR E-MAIL LINK IS BROKEN.

Is the city of Luverne the primary source of the sodium? **I assume that using salt to deal with ice in the winter is a major factor?** Has the city done everything it possibly can to reduce or eliminate that source?

I would hate to think that the state's "solution" to excess sodium is too relax the regulations. Why do such regulations seem to allow the continued pollution our waters right up to the point of causing obvious damage instead of trying to keep the waters of the state as free of any troublesome contaminants as possible (\$\$\$\$)?

The extensive use of salt for ice melting, water softening is going to have to be addressed some day. Irrigation too? Sooner would probably be better than later. I have seen how the accumulation of salts can ruin fields for agricultural production.....for a very long time. **Does the MPCA have a certain time frame they use to determine if an approved practice is sustainable?** Can we continue adding this level of sodium to the river (and fields) or pumping water for irrigation from our aquifers at current levels for another hundred years? Or are we only considering the next election cycle?

What will happen if this new standard is not approved? Will this new standard provide a better or worse environment for the fish and other inhabitants of the river? I am guessing that sodium levels in the water affect more than just those using the water for irrigation? **Does a 4A designation mean that the river is more or less a ditch providing irrigation water for agricultural interests?** I am grateful for the inclusion of wild rice production as a factor but otherwise my reading of the statute leaves me wondering if we aren't describing a drainage ditch rather than a river?

I realize that I have asked more questions than is reasonable to expect answers. If you could address those in **bold**, I would be very appreciative. The fate of the

waters available for my children and their children are in the hands of the MPCA, please explain to me why I shouldn't be worried. Thank you Mr. Kyser.