From: "Ott, Toney" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ABF059EAF2AB4028BB606697CEE38A84-OTT, TONEY>

To: Hamilton
Karen;Kwok
Rose;Christensen
Damaris;Downing
Donna;Flannery-Keith
"Erin; Perkins"
Erin

CC: "Bunch, William" <Bunch.William@epa.gov>

Date: 8/28/2014 9:01:20 AM

Subject: Confirmation: climax JD and waste water exclusion quick callEPA next step

Attachments: Climax Mine 1974 NPDES Permit.pdf

(b) (5) (DP), (b) (5) (ACP)

Background request from Climax for call:

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond_Lazuk@FMI.com]

Sent: Wednesday, August 20, 2014 11:01 AM

To: McWhirter, Lesley A SPK

Cc: Nall, Susan SPK; Finan, Michael C SPK; Holmes, Joshua R SPK; Deely, Sheila H.; Decker, D. Lee; 'Robert M. Andersen' (randersen@ClarkHill.com)

Subject: [EXTERNAL] EPA Contact for Climax Mine Section 404 Permitting

Lesley,

Thank you for the recent opportunity to discuss your preliminary conclusions and recommendations regarding the jurisdictional determination (JD) of the McNulty Gulch study area prior to submittal to EPA.

As you are aware, our position regarding the extent of the waste treatment system exemption as applied to the McNulty Gulch drainage area at the Climax Mine turns on language from the original NPDES permit that EPA Region 8 issued to Climax in 1974. That permit (p. 6 of 17 (Section (B)(1)) directly required construction , operation, and maintenance of the east and west interceptors at the mine to convey clean water around the mine site, allow impacted water within the mine site to be treated, and to ensure compliance with effluent limitations.

Because the 1974 NPDES permit issued by EPA establishes the scope and configuration of the waste treatment system for the Climax Mine, along with the fact that the application of the waste treatment exemption is largely defined by Section 402 of the Clean Water Act, we believe it is important that Climax discuss the appropriate application of the waste treatment system directly with EPA, as it has with the Corps. We would very much appreciate your advising us as to who you are specifically conferring with at EPA, and we would be grateful if you would pass along this message to them.

- Ray

Raymond Lazuk

Environmental Manager

Climax Molybdenum Company - Climax Mine

Highway 91 - Fremont Pass

Climax, CO 80429

Office: 719-486-7584

Cell: 719-201-1282

raymond_lazuk@fmi.com