Message

From: Holst, Linda [holst.linda@epa.gov]
Sent: 11/27/2018 11:58:44 PM
To: Stepp, Cathy [stepp.cathy@epa.gov]; Thiede, Kurt [thiede.kurt@epa.gov]
CC: Pierard, Kevin [pierard.kevin@epa.gov]
Subject: Fwd: NPDES/SDS permit for the Minntac Mine

Ex. 5 Deliberative Process (DP)

Linda

Acting Director | Water Division | EPA Region 5
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Begin forwarded message:

From: Nancy Schuldt <NancySchuldt@FDLREZ.COM>
Date: November 27, 2018 at 5:27:42 PM CST
To: Kevin Pierard -Chief NPDES Programs <Pierard.Kevin@epamail.epa.gov>, "Holst, Linda" <holst.linda@epa.gov>, "Wester, Barbara" <wester.barbara@epa.gov>, "Cozza, Daniel" <cozza.daniel@epa.gov>, "moody.jonathan@epa.gov" <moody.jonathan@epa.gov>, "mckim.krista@epa.gov" <mckim.krista@epa.gov>
Cc: "John Coleman (jcoleman@glifwc.org)" <jcoleman@glifwc.org>, "Esteban Chiriboga" <esteban@glifwc.org>, Ann McCammon_Soltis <amsoltis@glifwc.org>, Margaret Watkins <mwatkins@grandportage.com>, "Darren Vogt (dvogt@1854treatyauthority.org)" <dvogt@1854treatyauthority.org>, "tkaspar@1854treatyauthority.org" <tkaspar@1854treatyauthority.org>, "Sean Copeland" <SeanCopeland@FDLREZ.COM>, Wayne Dupuis <WayneDupuis@FDLREZ.COM>
Subject: RE: NPDES/SDS permit for the Minntac Mine

Kevin and all:

I appreciated seeing the comments and concerns that John Coleman submitted earlier today on MPCA's revised NPDES permit for the US Steel Minntac tailings basin. This 'updated' permit has certainly been a long time in coming, but MPCA still does not, from my perspective, adequately address the basic Clean Water Act deficiencies that we have extensively commented on – and requested consultation on – since about 2006 if I recall correctly. Additionally, Fond du Lac and Grand Portage requested an enforcement intervention on this facility back in 2011, I believe, and the Bands still have not received a response from Region 5 on how that was addressed or resolved.

We would like to request, if not formal consultation, an opportunity to discuss this proposed permit with EPA Region 5 staff and learn about the agency's perspectives on the permit conditions and the apparently institutionalized lack of compliance with state water quality standards for downstream waters. Could we schedule a teleconference for Thursday, November 29? I believe MPCA was offering the agency a 15 day review period, which ends this week. But I would still appreciate the chance to have dialog with EPA staff about the facility that represents "Ground Zero" for Minnesota tribes' effort to improve CWA regulation and enforcement on an industry that has adversely affected and degraded significant treaty protected resources.

Thank you for your consideration,

Nancy Schuldt
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