Message

From: Harmon, Darrel [Harmon.Darrel@epa.gov]
Sent: 2/27/2013 7:56:11 PM
To: Cozza, Daniel [cozza.daniel@epa.gov]
Subject: RE: Milwaukee Journal Sentinel: Tribe opposing mine has its own water quality problems

Ex. 5 Deliberative Process (DP)

From: Cozza, Daniel
Sent: Wednesday, February 27, 2013 10:57 AM
To: Mayo, Kathleen; Horak, David; Wester, Barbara; Colletti, John; Harmon, Darrel; Roy, Stephen; Ruppel, James
Subject: FW: Milwaukee Journal Sentinel: Tribe opposing mine has its own water quality problems

FYI

Daniel J. Cozza
Section 1 Chief, State and Tribal Programs Branch
Water Division, U.S. Environmental Protection Agency
77 W. Jackson Blvd. Chicago, IL 60604 WS-15J
312-886-7252
cozza.daniel@epa.gov

From: Rowan, Ann
Sent: Wednesday, February 27, 2013 10:50 AM
To: Hedman, Susan; Hyde, Tinka; Kaplan, Robert; Henry, Timothy; Colletti, John; Cozza, Daniel; Maraldo, Dean
Cc: Speizman, Elissa; Cannon, Phillippa
Subject: Milwaukee Journal Sentinel: Tribe opposing mine has its own water quality problems

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Tribe opposing mine has its own water quality problems

By Lee Bergquist of the Journal Sentinel Feb. 26, 2013

•The Bad River Band of Lake Superior Chippewa has been a sharp critic of the potential threat of pollution from a proposed iron ore mine, but the tribe is also grappling with environmental problems of its own.

•Federal records show numerous violations of water quality standards at the tribe's wastewater treatment system serving residents of Odanah in Bayfield County.

•The violations include excessive levels of E. coli and phosphorus, as well as periods when the tribe failed to report data at all.

E. coli is a type of bacteria and a marker for the presence of fecal contamination. At excessive levels, phosphorus accelerates plant and algae growth and can harm fish and other aquatic animals.

The violations were first reported by Media Trackers, a group that does research on behalf of conservative causes.

The Bad River's plant is currently operating without a permit from the U.S. Environmental Protection Agency. The tribe has not been fined by the EPA.

The tribe and its chairman, Mike Wiggins Jr., have been highly critical of a proposal by Gogebic Taconite to construct an open pit mine that would operate over about four miles in Bayfield and Iron counties for at least 35 years.

The site is about five miles from a tribal boundary, and Wiggins and other tribal members have expressed fears that sulfides in millions of tons of waste rock would mix with water and air to form an acidic drainage that could harm tribal lands upstream on the shore of Lake Superior.

Tribe may set standards

The Bad River Band has recently been given approval by the EPA to set water quality standards for the reservation and upstream users.

The mine would have to abide by the tribe's standards, and thus, tribal opposition to the $1.5 billion mine has received considerable attention.

The Senate is scheduled on Wednesday to vote on a Republican-backed iron mining bill that eases environmental protections that is opposed by Democrats, environmentalists and most conservation groups. Republicans say there are adequate safeguards in place in the bill.

Gogebic has pressed for changes in iron mining laws as a condition for moving ahead with exploration and environmental studies - the next steps before the company would apply for a permit to mine.

EPA records show that among other problems, the Bad River's plant exceeded standards for E. coli 38 times between Oct. 1, 2007, and June 30, 2012.

Agency records show that for phosphorus, the plant exceeded standards 33 times over the same period.

In a 2012 series on water pollution, The New York Times reported on water polluters in all 50 states. In Wisconsin, the Bad River had the highest number of violations between 2004 and 2008 - 241. It was followed by the Red Cliff Band with 159. Five of the top 10 violators were Wisconsin tribes.

Wiggins said that Bad River will have spent $1.6 million from 2009 through the end of the construction year on upgrades to the plant.

A project slated for this year will replace equipment that for years failed to pre-treat raw sewage, according to an attorney for the tribe.

Human error cited

Wiggins attributed much of the problem to human error and poor reporting in the past, and he said that the tribe's water testing downstream from the treatment plant has not shown that water quality would threaten human health.

"It's something that we are working proactively to fix," Wiggins said.

But Wisconsin Reps. Erik Severson (R-Osceola) and John Klenke (R-Green Bay) issued a statement critical of the tribe for criticizing the mine at a time when they were struggling with their own sanitation system.

"I actually found it disturbing that the tribe wants to hold (the mine) to a certain level of environmental standards, but won't hold themselves to that same level," Severson said in an interview.

In a series of emails, EPA spokeswoman Anne Rowan said that the agency prefers in some cases to work with violators, rather than levy fines, if they are working to meet regulations.

In a statement, she said:

"U.S. EPA and the Indian Health Service have been providing technical assistance to the Bad River Tribe to improve the operation of the Tribe's wastewater treatment plant and correct permit noncompliance.

"While still not in full compliance, discharge quality has improved and reporting violations have been resolved."