United States Department of Agriculture
Forest Service
Superior National Forest Supervisor's Office
8901 Grand Avenue Place
Duluth, MN 55808
218-626-4300

File Code: 2500; 2800
Date: December 23, 2016

Mr. Erik Smith
Hydrologist - Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, MN 55155

Dear Mr. Smith

The Minntac tailings basin is the headwaters of the Dark River and Sand River. Both of these rivers flow through land managed by the Superior National Forest (SNF) as shown below in Figure 1.

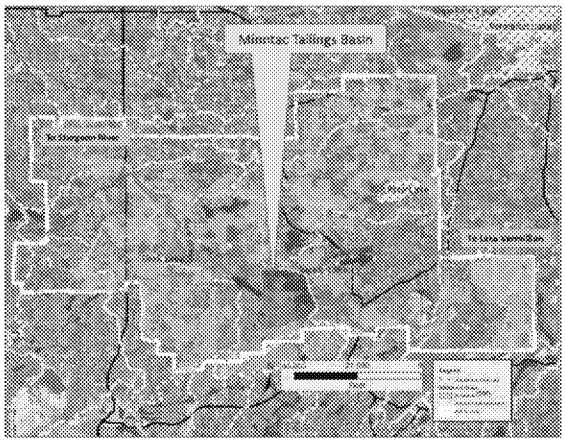

Figure 1. Location of Mintac Tailings Basin Related to SNF Lands

The SNF is the adjacent landowner on a portion of the west, north, and east boundaries of Minntac as shown below in Figure 2.

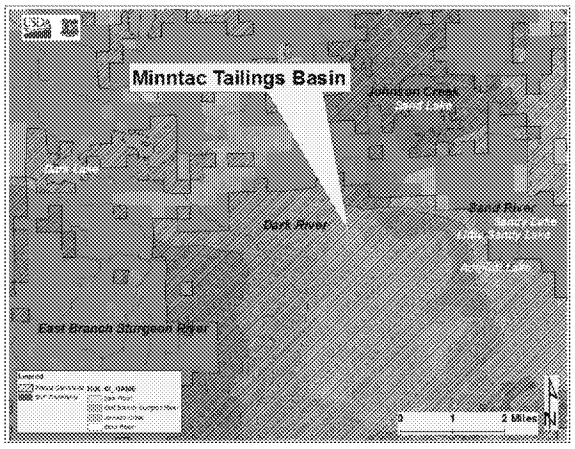

Figure 2. Minntac Tailings Basin / SNF Ownership Interface and Watershed Boundaries

Unfortunately, the SNF was not directly notified about the proposed action by the Minnesota Pollution Control Agency (MPCA) regarding Permit National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit MN0057207. We found out about the proposed action on December 19th, 2016 (after the original expiration date to make comments and only 4 working days prior to the extension deadline to December 23, 2016). Hence, there was not time for an in-depth review of the proposed action. However, we offer the following comments for consideration:

1. The proposed action by the MPCA can impact the management of SNF lands. The SNF would appreciate being notified by the MPCA when considering permit actions for this facility. Ideally, this would occur prior to the draft permit process to ensure we have the opportunity to provide cogent comments. Information and solicitation of input should be directed to the SNF Forest Supervisor.

2. There are numerous reports, studies, and proposed action plans (*Investigation Work Plan, Basin Treatment Methods Study Plan, Plan of Action, Final Compliance Plan, Dam Seepage Survey Report, Dark River Seepage Collection and Return System, and Mercury Pollutant Minimization Plan (MMP), etc*). The SNF would like to be sent copies of these plans and reports by the MPCA when they become available. The design and implementation of these actions may directly or indirectly impact SNF lands. Hence, the SNF would like the opportunity to review these documents and offer comments prior to their formal approval by the MPCA.

3. It is unclear how actions derived from the permit(s) will impact the flow magnitude and timing of discharge to the Dark River and Sand River. How will the actions integrate the Minnesota Department of Natural Resources Appropriations Permit and as noted above, how will downstream property owners be notified and informed about the proposed changes to flow and loading to downstream resources established in forthcoming plans and implementation with opportunities to offer comment?

4. It is unclear *when* the attainment of water quality standards will be met and the language used (such as in the shortest reasonable time) may be considered unenforceable as the definition of 'reasonable' is open for markedly different interpretation.

5. Well GW-0014 appears to be the only installation to consider groundwater flow to the north (through SNF lands and eventually to Sand Lake) as shown in Figure 3 below (adapted from the MPCA draft permit application) and Figure 2 above. The construct of this well to evaluate flow to the north is unknown and consideration should be given to additional monitoring of potential northerly flow.

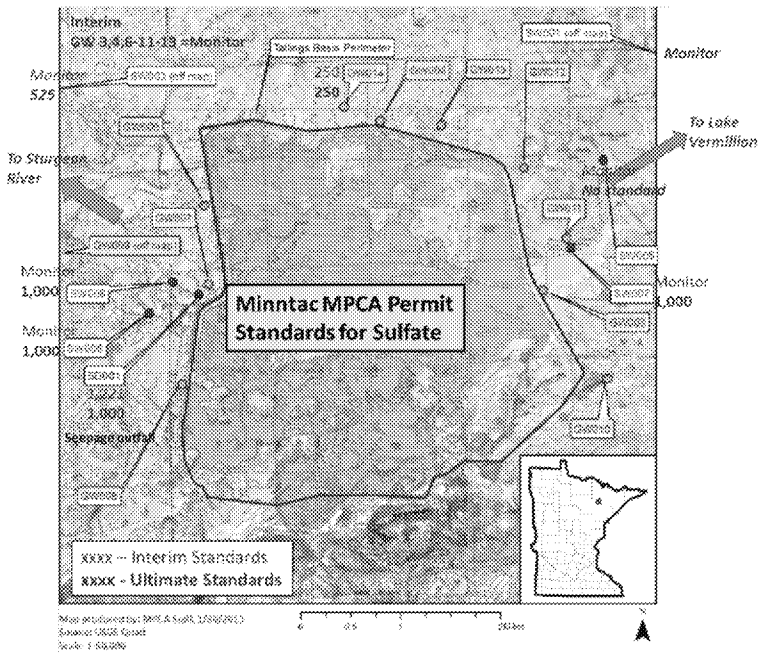

Figure 3. Proposed MPCA Sulfate Standards

6. It is noted in the draft permit that "*1.3 The MPCA recognizes that basin-impacted groundwater is currently reaching surface waters and having an impact on those surface waters*." However, it is unclear if this recognized contribution to surface waters will be regulated by the MPCA. The effect of elevated sulfate concentrations within the groundwater may extend beyond the property limits as they become mixed with surficial systems and the standards applied may deserve more scrutiny. Has the MPCA performed an evaluation of the potential impacts of elevated groundwater sulfate concentrations on downstream surficial resources beyond the property boundaries to justify the proposed standards at the property limits?

Thank you for the opportunity to provide comments. If you have any questions regarding the comments provided herein, please contact SNF Forest Hydrologist Marty Rye at (218) 626-4390 or mrye@fs.fed.us

Sincerely,

Stephen C Popkowski
for CONSTANCE CUMMINS
Forest Supervisor