Minnesota Pollution Control Agency

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July 13, 2016

Mr. Kevin M. Pierard, Chief
NPDES Programs Branch
U.S. Environmental Protection Agency – Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Metallic Mining NPDES Permit Reissuances in Minnesota

Mr. Pierard:

I am writing in response to your June 22, 2016 letter regarding the status of reissuance of expired National Pollutant Discharge Elimination System (NPDES) permits for metallic mining operations in Minnesota.

First, I want to clarify that Minnesota Pollution Control Agency (MPCA) staff very specifically and directly told the U.S. Environmental Protection Agency (EPA) our plans related to these reissuances on more than one occasion. I am disappointed that your letter implies anything but very clear communication with EPA on this issue.

Following is a summary of our previous discussions:

> We are currently working on the Northshore Mining – Silver Bay permit reissuance. A draft permit is currently under pre-notice review by EPA and the tribes.
>
> The MPCA has shared its interpretation of the wild rice related legislation passed in 2015 and 2016. The EPA has since requested a legal opinion from the Minnesota Attorney General's office regarding the impacts of this legislation. We are confident, that opinion will support the Agency's position.
>
> The MPCA is obligated by legislation to complete the revision of the wild rice standard by January 2018
>
> The MPCA is also pursuing options to reissue delayed metallic mining NPDES permits quickly once there is a revised wild rice standard. As previously discussed, we have sent letters asking for additional water monitoring to supplement applications for reissuance to the following facilities: USS Minntac Mine area, Northshore Peter Mitchell mine, United Taconite Thunderbird Mine, Cliffs Erie Dunka mine area, Cliffs Erie Hoyt Lakes mine area and tailings basin/plant site, and Arcelor Mittal mine. We provided copies of these letters to EPA.

In addition, during this interim period, the MPCA has a goal of collecting the information necessary to apply the revised standard, where applicable, for these priority permits so we can move expeditiously on these reissuances once there is a revised wild rice standard.

We have received an NPDES/SDS application for the proposed Poly Met Mining, Inc. (PolyMet) NorthMet project. As previously discussed, a permit decision on this proposed project does not depend upon completion of the revised wild rice standard.

Please feel free to call Jeff Stollenwerk at 218-302-6612 or me at 651-757-2366 if you have questions regarding this letter. Also, please note what my correct title is.

Sincerely,

Ann Foss

This document has been electronically signed.

Ann M. Foss
Director
Metallic Mining Sector
Industrial Division