Minnesota Pollution Control Agency

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November 15, 2016

The Honorable Tom Anzelc
Chair, Iron Range Delegation
317 State Office Building
100 Rev. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1206

The Honorable Jason Metsa
313 State Office Building
100 Rev. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1206

The Honorable Carly Melin
315 State Office Building
100 Rev. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1206

The Honorable Dale Lueck
37489 – 295th Street
Aitkin, MN 56431

The Honorable Tom Bakk
3113 Minnesota Senate Building
95 University Ave. W.
St. Paul, MN 55155

The Honorable Tom Saxhaug
2111 Minnesota Senate Building
95 University Ave. W.
St. Paul, MM 55155

The Honorable David Tomassoni
3401 Minnesota Senate Building
95 University Ave. W.
St. Paul, MN 55155

Dear Iron Range Delegation Members:

I am writing to inform you that the Minnesota Pollution Control Agency (MPCA) is placing a draft water quality permit reissuance on public notice for the Minntac Tailings Basin. By issuing the public notice, MPCA is beginning a process to hear and resolve the technical and legal issues surrounding this permit, which has not been updated in 24 years. It will take the Agency a period of time to address comments and resolve concerns that are raised before the draft permit can be finally issued. Interested parties have the opportunity to request a contested case hearing prior to the issuance of a final permit. The Environmental Protection Agency (EPA) can object to a permit prior to its issuance. Any party opposed to the issued permit can also bring suit.

Recall that the Agency provided a pre-notice draft permit in December 2014 to US Steel, EPA and tribal governments. We have considered all feedback received regarding that pre-notice draft and have made some adjustments to the draft permit. The following further explains my decision to move forward.

The Agency has been working with US Steel since 2000 to improve water quality in the tailings basin. The basin is the source of pollutants in surface and groundwater.

Since the early 2000's, the MPCA and US Steel have developed various mitigation efforts. These were agreed to by US Steel, pursued and then changed or dropped by US Steel. Most recently, after proposing a membrane-based water treatment system to treat tailings basin water, US Steel

approached the Agency with a proposal to make reductions in both air and water pollutants by replacing the current wet air emissions controls with dry air emissions controls. This proposal was predicted to improve water quality in the tailings basin at a slower pace than the membrane treatment system, but due to the added air quality benefits, the Agency agreed to this path in a 2011 Schedule of Compliance (which US Steel signed).

US Steel officially notified me of their decision to ignore their signed commitment to add the dry controls. The Agency requested, on more than one occasion, that US Steel propose an alternative that would result in equivalent environmental benefits within the same timeframe. The company's suggestions have been unresponsive and have not met those criteria.

In addition, US Steel's commitment to install a seepage control system on the Dark River side of the basin has faced significant delays. There has been inadequate progress on improving water quality in the tailings basin and in surface and groundwater. In fact, water quality in the tailings basin has not improved at all since signing of the 2011 Schedule of Compliance.

US Steel's decision to not fulfill its signed commitment to improve water quality in the tailings basin has left me no choice but to deal with this issue proactively to protect present and future water quality. As noted above, public notice begins a process to hear and resolve the technical and legal issues surrounding this permit and work toward pollution abatement in the tailings basin and surrounding surface and ground water.

Sincerely,

John Linc Stine
Commissioner