UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 19 2014

REPLY TO THE ATTENTION OF:
WN-16J

Ann Foss
Metallic Mining Director
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Re: Pre-Public Notice Draft NPDES/SDS Permit, U.S. Corp. – Minntac Tailings Basin Area
St. Louis Country, MN, Permit No. MN0057207

Dear Ms. Foss:

Thank you for providing the pre-Public Notice draft permit and related documents on December 5, 2014 for the referenced facility. We are pleased that the Minnesota Pollution Control Agency (MPCA) is taking action on this permit, which expired in 1992. Because this is an early draft and has not gone to public notice, the U.S. Environmental Protection Agency is providing only preliminary feedback at this time.

We are concerned that this draft permit as written does not address, under MPCA's approved National Pollutant Discharge Elimination System (NPDES) program and in accordance with the Clean Water Act (CWA), all discharges to surface waters from this tailings basin. MPCA acknowledges in the fact sheet that discharges from this 8,000 acre tailings basin are causing exceedances of surface water quality standards. Based on this and facts supporting this conclusion, the CWA requires an NPDES permit for all such discharges to surface waters from the tailings basin. The original NPDES permit, which was issued in 1987, did not contemplate the full extent of the discharges to surface water from this facility. In the years between expiration of that permit and today the discharges to surface waters have continued and are better understood. As a result, there is a need for an NPDES permit that includes extensive and specific actions, and definitive timeframes for these actions. MPCA's proposed approach would establish a compliance schedule that does not set a date by which compliance with surface water quality standards will be achieved nor does it describe the steps necessary to achieve compliance with these standards. In addition, we are concerned that some of the statements in MPCA's draft fact sheet regarding EPA's interpretation of the scope of the NPDES program are incorrect and should be corrected prior to public notice of this draft permit.

We look forward to working with you as we conduct a formal review of the permit consistent with Section II. of our Memorandum of Agreement. If you have any questions regarding these

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comments, please contact me or Krista McKim of my staff at 312-353-8270 or by e-mail at McKim.Krista@epa.gov.

Sincerely,

for Kevin M. Pierard, Chief
NPDES Programs Branch

cc: Erik Smith, MPCA