UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

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The Honorable George Heyman
Minister of Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

The Honorable Bruce Ralston
Minister of Energy, Mines and Petroleum Resources
Room 137 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Heyman and Minister Ralston:

We are writing to follow up on our letter of July 22, 2019, which conveyed the U.S. Government's concerns regarding the lack of opportunity for the Environmental Protection Agency (EPA) and other U.S. Kootenai watershed stakeholders to be involved and offer input during the development of Teck Resources' Implementation Plan Adjustment (IPA). Teck released the final Elk Valley Water Quality Plan 2019 IPA on November 14, 2019.

New information that has recently become available has further heightened the EPA's ongoing concerns regarding water quality in Lake Koocanusa and the Kootenai watershed. First, the results of a recent study sponsored by the primary U.S. federal water quality science agencies (U.S. Geological Survey and EPA) indicate that the Kootenai River downstream of Libby Dam is being affected by pollutants from Elk Valley mines. The study provides validated information that is concerning to U.S. agencies and our state and tribal partners, and additional study may confirm and expand these troubling findings.

We are also very concerned that the November 2019 IPA indicates that prior to the commissioning of both the Fording River South and Elkview Operations Active Water Treatment Facilities (AWTFs) scheduled for 2023, "selenium and nitrate concentrations are predicted to be seasonally above Site Performance Objectives" at multiple stations including in Lake Koocanusa. The EPA is concerned about this projection and finds it unacceptable that the province has accepted an IPA that will allow continued seasonal exceedances of water quality objectives into the future, particularly given that it is already seven years since Ministerial Order M113 set a goal to "stabilize and reverse increasing trends in water contaminant concentrations" in the Elk River Valley. To enable the EPA to better understand the basis for these increased projected exceedances, we respectfully request that your ministries share technical reports and modeling results for predicted pollutant loading in the

Elk River and Lake Koocanusa, as well as appropriate ministerial review and approval documents for the updated water quality model and IPA.

Adding to our concerns, the EPA understands that Teck no longer intends to implement the recently released IPA. Presentations from the B.C. Ministry of Environment and Climate Change Strategy and Teck Resources during the November Lake Koocanusa Monitoring and Research Working Group meetings indicated that Teck intends to move away from advanced water treatment and will instead rely on in-situ Saturated Rock Fill (SRF) treatment technology in the future.

Given that modeling results show U.S. and Canadian waters will continue to be adversely impacted by pollutants from Elk Valley mines, this proposed change has significant implications and raises serious concerns for the U.S. Government including federal agencies responsible for monitoring and protecting water quality. We believe it is critical that U.S. federal agencies could have the opportunity to evaluate the effectiveness of this new proposed mitigation approach by reviewing the available evaluation and documentation of the results of SRF deployment conducted to date by Teck Resources and their consultants. As such, we respectfully request that the ministries provide the following information to the EPA to enable review by U.S. experts:

- Reports on performance evaluation of SRF by Teck consultants;
- Reports from any independent expert reviews of SRF performance that have been conducted;
- Reports that summarize SRF operational details and results;
- Copies of permit applications associated with implementation of SRF pilot or full-scale construction;
- Water quality data on influent and effluent from existing SRF activities; and
- Modeling reports and results for SRF operations.

An evaluation of the available information and data on SRF technology by U.S. experts will help ensure that questions and concerns from downstream agencies and officials are considered and addressed as Teck prepares to advance SRF implementation. We conveyed our interest in doing an independent review during a meeting with Teck representatives on January 30. We believe sharing this information is consistent with the consultation process required for Plan implementation in Ministerial Order M113, Schedule C, Section C. An independent review could help facilitate U.S. stakeholder confidence in the effectiveness of this new approach and build upon the collaboration established between our agencies. We very much value our ongoing collaboration with your teams, and we look forward to working with you and your staff to receive access to the requested information as we collectively seek to ensure the waters and fisheries in our shared jurisdictions remain healthy for current and future generations. Our points of contact for this request are Ayn Schmit, 303-312-6220 or schmit.ayn@epa.gov and Patty McGrath, 206-553-6113 or mcgrath.patricia@epa.gov . Please feel free to contact Greg Sopkin with any questions or concerns regarding our request and

thank you again for your Ministries' continued commitment to transparency and engagement on matters affecting U.S. waters.

Sincerely,

W.C. McIntosh
Assistant Administrator
Office of International and Tribal Affairs

Gregory Sopkin
Regional Administrator
EPA Region 8

Chris Hladick
Regional Administrator
EPA Region 10

cc: Shaun McGrath, Director, Montana Department of Environmental Quality
Ron Trahan, Chairman, Confederated Salish and Kootenai Tribes
Gary Aitken, Jr., Chairman, Kootenai Tribe of Idaho
Catherine Stewart, Acting Assistant Deputy Minister, Environment and Climate Change Canada, International Affairs Branch
Sylvain Fabi, Executive Director, U.S. Transboundary Affairs Division, Global Affairs Canada
Laura Lochman, Director, Office of Canadian Affairs, U.S. Department of State
Bobbi Plecas, Deputy Minister, Intergovernmental Relations Secretariat, Office of B.C. Premier John Horgan