UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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July xx, 2019

Mark Zacharias
Deputy Minister of Environment and Climate Change Strategy
PO Box 9339 Stn Prov Govt
Victoria, BC V8W 9M1

Dear Mr. Zacharias:

I am writing to offer the U.S. Environmental Protection Agency (EPA) Region 8's input on the publicly available Implementation Plan Adjustment Summary (IPA Summary) dated February 2019submitted to the Ministry of Environment and Climate Change Strategies by Teck Coal Resources, Ltd (Teck). The Plan Adjustment updates the actions and strategies that Teck is proposing to use to meet water quality objectives for mining discharges into the Elk River and transboundary Lake Koocanusa. The EPA's interest in this matter is in protecting downstream waters in the U.S. from adverse impacts of mining discharges.

The EPA appreciates that the Implementation Plan is being adjusted to ensure that water quality will be protected throughout the Elk River Valley and in Lake Koocanusa. Given the previous challenges at the West Line Creek Treatment Plant and delays in building additional treatment plants, however, the EPA remains concerned about the ability of active water treatment to reduce pollutants and meet water quality objectives in Lake Koocanusa. These concerns were previously raised in a January 2018 letter from Jane Nishida of EPA's Office of International and Tribal Affairs. Considering the importance of this issue to U.S. interests, we had hoped that the Ministry would provide an opportunity for U.S. federal agencies, Tribes and other interested stakeholders to offer input on the full draft Implementation Plan Adjustments. Nevertheless, I wanted to take the opportunity to offer our input now given that we understand the IPA is due to be finalized soon.

Notwithstanding the treatment challenges encountered at the West Line Creek plan, the treatment technology has not been demonstrated to be effective at the large scale that is discussed in the IPA Summary. The Summary indicates that the Fording River North Active Water Treatment Plant will be five times larger than the pilot plant at West Line Creek, and that thirteen treatment plants will be needed rather than the six previously proposed. Given past issues and challenges in scaling the technology up, the EPA is concerned that it will be difficult to implement the proposal outlined in the IPA Summary and meet water quality objectives into the future. The EPA notes that selenium water column concentrations continue to increase in the Elk River despite B.C.'s Ministerial Order #M113 (signed in 2014) that has a stated goal to "stabilize and reverse increasing trends in water contaminant concentrations in the short-term".

The IPA Summary does not discuss the U.S. portion of Lake Koocanusa, and only references meeting B.C. water quality objectives at the B.C. Order Station. EPA recommends that the IPA and the IPA Summary consider and address water quality throughout Lake Koocanusa, rather than just in the B.C. portion of the reservoir. Additionally, without reviewing the full IPA, the EPA is unable to more fully assess whether the proposed approach is adequate, reasonable and clearly supported by representative data and analysis.

In communicating EPA Region 8's concerns to you, I also want to acknowledge the positive relationships that have been developed over the past two years between our staffs. I appreciate the Ministry's clear commitment to maintaining active communication with the EPA. Recent discussions and agreements on transboundary monitoring in Lake Koocanusa are a positive outcome from our ongoing dialogue. I hope we can build upon this relationship and communication to provide enhanced opportunities for EPA and other U.S. stakeholder engagement in these critical decisions affecting water quality in the U.S. I look forward to our continued collaboration with the Ministry on transboundary water quality concerns in the Kootenai watershed. Should you have questions, please feel free to contact me at 303-312-6170 or have your staff contact Ayn Schmit at 303-312-6220 or [HYPERLINK "mailto:schmit.ayn@epa.gov"] .

Sincerely

Greg Sopkin
Regional Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10
Chad McIntosh, EPA Assistant Administrator for International and Tribal Affairs
Shaun McGrath, Director, Montana Department of Environmental Quality
Ron Trahan, Chairman, Confederated Salish and Kootenai Tribes
Gary Aitken, Jr, Chairman, Kootenai Tribe of Idaho

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