R5-19-000-6462

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

AUG 0 6 2019

Chairman Kevin Dupuis
Fond du Lac Band of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, Minnesota 55720

Dear Chairman Dupuis:

Thank you for your June 18, 2019 letter, which requested the additional information that the U.S. Environmental Protection Agency released to WaterLegacy on June 12, 2019 in response to a Freedom of Information Act (FOIA) inquiry. The additional information you requested is attached and available online at https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-R5-2019-001800&type=request.

In your letter, you also requested a copy of an internal EPA memorandum dated December 18, 2018. The information in this memorandum was intended only for internal communication and EPA has not shared it outside the Agency. This document is subject to Deliberative Process Privilege and is exempt from disclosure under Exemption 5 of the FOIA. However, Region 5 has decided to provide the document to you today as a discretionary release and has attached a copy to this letter. By making a discretionary release of this document to you, EPA does not waive any confidentiality interests in the future or for similar documents in other circumstances.

EPA takes seriously its responsibility to work with states to ensure that permits meet applicable federal requirements. During an April 5, 2018 telephone conference call, EPA and the Minnesota Pollution Control Agency (MPCA) discussed EPA's concerns about the draft National Pollutant Discharge Elimination System permit for the NorthMet Mine. This exchange was part of an ongoing federal-state dialogue. EPA provided MPCA with opportunities to address federal concerns and provide additional information. When MPCA made improvements and ultimately issued its permit with modifications, EPA did not object. EPA's actions regarding the review of the permit are consistent with the requirements of the Clean Water Act.

EPA is committed to our core mission of protecting the environment and public health, in a transparent and fair manner, with respect to states, federally recognized tribes, the regulated community and the public. I appreciate the opportunity to provide this information and I look

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (100% Post-Consumer)

forward to continuing to improve our communications and strengthen our partnership. If you have further questions, you may contact me at (312) 886-3000, or your staff may contact Alan Walts, Director of our Multi-media Programs Office, at walts.alan@epa.gov or (312) 353-8894.

Sincerely,

Cathy Stepp
Regional Administrator

Enclosures