Message

From: Pfeifer, David [pfeifer.david@epa.gov]
Sent: 3/11/2016 2:42:34 PM
To: Johnson, Aaron [Johnson.AaronK@epa.gov]; Hemken, Meghan [Hemken.Meghan@epa.gov]; Edly, Kay [Edly.Kay@epa.gov]; Marko, Katharine [Marko.Katharine@epa.gov]; Poleck, Thomas [poleck.thomas@epa.gov]
Subject: FW: MPCA Proposed Antidegradation Rules and PolyMet NorthMet Project
Attachments: PolyMet NorthMet Degradation of Water Quality(Mar.10, 2016).pdf; MPCAProposedAntidegradationRule.pdf; MPCA_SONAR_Attachment1.pdf; Ex.A WaterLegacyAntidegradationDPA(2-23-16).pdf; Ex.B MPCA_RequestForm(PolymetAntideg).pdf

FYI

David Pfeifer
Chief, Standards Section
USEPA, Region 5

312-353-9024

From: Paula Maccabee [mailto:pmaccabee@justchangelaw.com]
Sent: Thursday, March 10, 2016 6:06 PM
To: Holst, Linda <holst.linda@epa.gov>; Pfeifer, David <pfeifer.david@epa.gov>
Cc: Wester, Barbara <wester.barbara@epa.gov>; McKim, Krista <mckim.krista@epa.gov>
Subject: MPCA Proposed Antidegradation Rules and PolyMet NorthMet Project

Hi Linda, Dave:

I spoke briefly on the phone with Dave Pfeifer and Barbara Wester on February 23, 2016 regarding Minnesota's proposed antidegradation rule revisions. The proposed rules are long and complicated and it is taking some time to identify all of the federal and state statutes and regulations pertinent to the various provisions. I plan to prepare detailed comments analyzing the text and conflicts with applicable law prior to the March 31, 2016 hearing on these proposed rules.

In reviewing the proposed antidegradation rules, a copy of which are attached, WaterLegacy was troubled by the MPCA's several recent meetings with mining industry interests, as shown in Attachment 1 to the MPCA's SONAR for the proposed rule. When we asked in general terms for Data Practices Act information about the MPCA's antidegradation proposal and comments, the CD sent by MPCA with antidegradation records bore a cover sheet classifying our request as a request for "Polymet" information.

As described in detail in WaterLegacy's December 14, 2015 Comments on the PolyMet NorthMet Application for Clean Water Act Section 404 Permit, the PolyMet final environmental impact statement contains data showing that the project would cause significant degradation of water quality at both the mine site and the tailings site. To respond to questions from some of our allies, we prepared the attached memorandum summarizing our concerns that loopholes in Minnesota antidegradation rules would affect the ability to control pollution from the PolyMet NorthMet sulfide mine project.

With this email, I have attached the following documents:

WaterLegacy's Memorandum on PolyMet NorthMet Proposal and MPCA Proposed Antidegradation Rulemaking
MPCA's Proposed Antidegradation Rules
MPCA's Attachment 1 to the SONAR for the Proposed Rules
WaterLegacy's Data Practices Act request for Antidegradation Documents
MPCA's Response Characterizing the Information as "Polymet" Antidegradation information

Please let me know when you have received this email, and please contact me if you have any questions regarding this information or if there are any additional documents you would request that we provide.

Sincerely yours,

Paula Maccabee, Esq.
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Advocacy Director/Counsel for WaterLegacy

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