Agenda – Mining Truth/EPA Region 5 Meeting
June 7, 2016

NPDES Permit

1 Does EPA have a position on these scenarios for the NPDES Permit:

a. Instead of issuing a new permit, transfer Cliffs Erie's existing permit for the tailings basin to PolyMet
b. Variance for PolyMet
c. Schedule of Compliance for PolyMet
d. State Discharge Permit only, no NPDES Permit for tailings basin because it only discharges to groundwater, not surface water

2. EPA commented that further assessment and monitoring was necessary on the potential northward flow before permitting. What does that look like? Is that work being done now?

3. EPA commented on the possibility of issues under the Great Lakes Compact. Is it EPA's position that water flowing into the Rainy River watershed from PolyMet would be a violation?

4. EPA recommended that a special expert be engaged for additional work on monitoring. Did EPA have any particular entity in mind? What does that look like?

5. Does EPA have mercury concerns related to PolyMet? Will it ask for additional work on mercury impacts (also related to wetlands)?

6. Has EPA looked at which waters are wild rice waters around PolyMet?

Wetlands Permit

1. Indirect impacts – does EPA find it acceptable for PolyMet not to mitigate any indirect impacts up front, but only monitor and mitigate later?
2. How can PolyMet mitigate for several thousand acres (at least) of indirect impacts?
3. Access to site – PolyMet has restricted access by outside scientists to its site.
4. Has EPA evaluated Barr/PolyMet's wetlands impacts monitoring plan?

Mining Generally

1. Has EPA seen statements from PCA that they will "pause" permitting on sulfate until after the new sulfate rule is written? Or the recent Minnesota legislature action to suspend enforcement of sulfate standard for Keewatin Taconite permit?
2. Does EPA have a position on the new proposed sulfate rule?
3. What implications do the new proposed changes to the NPDES Rules have for PolyMet and mining operations in general? Especially interested in

the provision that gives EPA the authority to assume oversight of expired permits.