WaterLegacy
Protecting Minnesota's waters and the communities who rely on them

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**PolyMet NorthMet Proposal and MPCA Proposed Antidegradation Rulemaking**
(Paula Maccabee - March 10, 2016)

## INTRODUCTION

The Minnesota Pollution Control Agency (MPCA) antidegradation rulemaking record reflects extensive consultation with industry, including the PolyMet Company and various mining industry representatives. There has been no similar recent consultation with environmental stakeholders. (Attachment 1 to the MPCA SONAR attached)

As currently proposed, the MPCA's rules contain several mechanisms that could facilitate degradation of high quality waters, including headwaters streams in the Lake Superior Basin. The MPCA's proposed rules for compensatory mitigation, loading offsets and accommodation of economic "change" appear to conflict with the Clean Water Act, U.S. Environmental Protection Agency (EPA) rules on antidegradation (40 CFR §131.12), and EPA rules preventing degradation in connection with Section 404 permits. (40 CFR §230.10). The narrow scope of MPCA's proposed antidegradation rule and the proposed limit on public participation in NPDES permitting also conflicts with both federal and state law. WaterLegacy will detail in a separate document our concerns about the MPCA's proposed rule, which we believe must be withdrawn for major revisions. In this memo, we discuss the antidegradation rulemaking context related to the PolyMet NorthMet project.

Although WaterLegacy's Data Practices Act (DPA) Request to the MPCA for rulemaking information made no reference to any potential discharger (Exhibit A attached), the MPCA's DPA response came to us labeled with the Site/Facility name: "Polymet/antidegradation," the Site address/location: "Polymet" and the MPCA Preferred ID: "Polymet." (Exhibit B attached). This labeling by MPCA, along with the record of recent consultation with mining interests, creates the impression that MPCA's antidegradation revisions may have been influenced by a particular industry or a particular potential discharger.

WaterLegacy's analysis confirms that antidegradation rules are highly salient for the PolyMet NorthMet proposal. This sulfide mining project would result in significant degradation of receiving waters in the Lake Superior Basin, even if all of PolyMet's claims for the efficacy of its engineered systems (which we dispute in our comments) were accepted at face value.

### PolyMet Degradation from Methylmercury Production, Export & Bioaccumulation

Brian Branfireun's expert report on the PolyMet NorthMet final environmental impact statement (FEIS) explained the mechanisms of sulfate loading, mercury loading, hydrological impacts to wetlands at the proposed mine site and tailings site, and methylmercury transport and bioaccumulation that would result in enhanced methylmercury production and export.

> [D]evelopment-induced change in hydrology, such as those proposed at both the NorthMet mine site and tailings basin, could amplify those drought-rewetting cycles (in terms of magnitude, frequency, or both). These implications should not be understated.

> Independent of any additional releases of uncaptured sulfate or mercury from the proposed NorthMet development, dewatering of wetlands surrounding the tailings basin through seepage collection and even modest impacts on water table position by underdrainage of mine site peatlands through open pit dewatering could increase total mercury, methylmercury and sulfate in the Partridge, Embarrass, and ultimately the St. Louis River. (Branfireun, 2015, pp. 21-22).

Dr. Branfireun estimated methylmercury export based on sulfate emissions to peatlands adjacent to the mine site:

> The potential near-doubling of methylmercury export from methylating peatlands receiving an additional sulfate load from the proposed PolyMet development would be reflected in methylmercury concentrations in the upper tributaries, and the Embarrass and Partridge Rivers, given the role these wetlands play in supplying water to these streams and rivers. Increased methylmercury would also be expected to impact the upper St Louis River, given the direct hydrological connection and known methods of methylmercury transport. (*Id.*, p. 23)

He concluded that these factors could "create a substantial risk of ecologically significant increases in water column and fish methylmercury concentrations in downstream waters, including the St. Louis River." (*Id.*, p. 27).

Duluth child and adolescent psychiatrist, Margaret Saracino explained the known medical risks of increased methylmercury exposure in a report on the PolyMet FEIS:

> Methylmercury is a strong toxin that influences enzymes, cell membrane function, causes oxidative stress, lipid peroxidation and mitochondria dysfunction, affects amino acid transport and cellular migration in the developing brain. Exposure in utero can cause motor disturbances, impaired vision, dysesthesia, and tremors. Even lower level exposure can result in lower intelligence, poor concentration, poor memory, speech and language disorders, and decrease in visual spatial skills in children exposed to methylmercury in utero. Fetuses, infants, and young children are four to five times more sensitive to the adverse effects of methylmercury exposure than adults. (Saracino, 2015, p. 2).

**PolyMet Degradation of the Partridge River Watershed**

The following discussion is derived from WaterLegacy's December 14, 2015 Comments on the PolyMet NorthMet Application for Clean Water Act Section 404 Permit. (WaterLegacy Section 404 Comments, Section V, pp. 70 *et seq.*) Available data suggests that the PolyMet project would result both in violation of water quality standards and significant degradation of waters.

In addition to demonstrating the likelihood that Minnesota water quality standards for cobalt aluminum and lead are likely to be violated at the PolyMet mine site (*Id.*, pp. 71-72), data in the PolyMet NorthMet FEIS also shows a likelihood of significant degradation of water quality at the mine site. (*Id.*, pp. 72-73). This degradation would result from seepage through surficial flowpaths to surface water and as a result of the conversion of the mine site segment of the Partridge River headwaters to a system dominated by mine site wastewater, rather than a natural system. (FEIS 6-83).

Mine site seepage to the Partridge River would reflect substantial increases in flowpath concentrations of chloride, sulfate, beryllium, cadmium, selenium, and zinc, as well as additional loading of cobalt, aluminum and lead. (FEIS, 5-130, Table 5.2.2-24). At surface water site SW-004a where the impacts of mine site discharge are best represented, levels of several signature mining chemicals that affect aquatic life and wildlife are predicted to markedly increase as compared both to existing levels and to the modeled continuations of existing conditions.[1]

Copper concentrations at Partridge River surface water site SW-004a are predicted to reach 5.79 µg/L for the NorthMet project. Under baseline hardness conditions, this level of copper would violate the chronic water quality standard of 5.2 µg/L.[2] This copper concentration would be an increase to 386 % of existing mean water quality (1.5 µg/L) and 166% of predicted CEC levels.

Nickel concentrations are predicted at 26.7 µg/L for the NorthMet project, a level of nickel (slightly below water quality standard of 29 µg/L) that is 2,225 % of the existing mean nickel concentration of 1.2 µg/L, and 612% of CEC levels. Cadmium is predicted at 0.93 µg/L (water quality standard of 1.4 µg/L), which would be an increase to 1,033% of existing mean cadmium concentrations of 0.09 µg/L and an increase of 547% compared to CEC levels. Zinc is predicted at 48.7 µg/L (water quality standard of 67 µg/L), which would be an increase to 1059 % of existing mean zinc concentrations of 4.6 µg/L and 192% of CEC levels. Cobalt is predicted at 3.11 µg/L (water quality standard of 5 µg/L), which would be an increase to 740 % of existing 0.42 µg/L mean cobalt concentrations and 241% of modeled CEC levels.

Based on FEIS data alone, without addressing any of PolyMet's assumptions challenged in comments of WaterLegacy and other groups and independent experts, changing Partridge River headwaters to a stream dominated by wastewater effluent would significantly degrade water quality. Waters that now have low concentrations of metals would lose assimilative capacity, with concentrations reaching or approaching maximums prohibited by water quality standards. Some metals toxic to aquatic life would increase by more than an order of magnitude.

**PolyMet Degradation of the Embarrass River Watershed**

At the plant site, FEIS data also reflects reduction in water quality at tailings site tributaries and in the Embarrass River due to the fact that *treated* wastewater from the NorthMet WWTP would have higher concentrations of solutes than tributary water containing *untreated* LTVSMC tailings basin seepage. (WaterLegacy Section 404 Comments, pp. 73-75). Treated NorthMet wastewater would result in higher concentrations of various metals, including antimony, cobalt, lead, nickel, selenium and zinc in tributary streams and in the Embarrass River. (FEIS, 5-205, Table 5.2.2-42).

At Trimble Creek-1, a tailings site tributary surface sampling site, zinc concentrations for the NorthMet project are predicted at 100 µg/L (water quality standard of 120 µg/L in 100 mg/L hardness), which is 1,124% of the existing maximum detected of 8.9 µg/L and 2,222% of the

[1] For this section, mean existing concentrations of solutes at SW-004a are obtained from FEIS 4-88 to 4-89, Table 4.2.2-14. Proposed action and CEC scenario information is from FEIS 5-151, Table 5.2.2-31.
[2] Minn. R. 7052.0100, subp. 6 provides chronic water quality standards for baseline hardness of 50 mg/L.

existing mean of 4.5 µg/L.[3] Predicted zinc also represents an increase to 719% of the modeled CEC conditions. Cobalt would be elevated to 5.0 µg/L (equal to the water quality standard of 5.0 µg/L), which is 357% of the existing maximum concentration of 1.4 µg/L and 806% of the existing mean of 0.62 µg/L, as well as an increase to 175% of CEC conditions.

For each of the other four solutes we reviewed, data for existing conditions is reported incorrectly. For nickel, the existing mean concentration is reported above the highest range detected and for antimony, selenium, and lead, current levels fell below detection limits. Though the FEIS said it had adopted the Barr practice of reporting non-detects at half the detection limit, each of these important metals were reported *at* the detection limit, rather than at *half* the detection limit, although no metals had been detected.

Under the proposed NorthMet project at P90 antimony at Trimble Creek-1 would be elevated to 20.3 µg/L (water quality standard of 31µg/L). If antimony non-detect sampling were reported as half the detection limit (0.13 µg/L), antimony would 15,615% of the existing antimony level and an increase to 4,060% of CEC conditions. Nickel is predicted to reach 50 µg/L (water quality standard of 52 µg/L in 100 mg/L hardness) under the proposed project. If existing nickel concentration is calculated at the top of the range detected (0.25 µg/L), predicted P90 nickel at Trimble Creek TC-1 would be 20,000% of the existing maximum concentration as well as 849% of modeled CEC conditions.

Lead concentrations are predicted at 3.0 µg/L (water quality standard of 3.2 in 100 mg/L hardness) under the Proposed Action. If lead non-detect sampling were reported as half the detection limit (0.13 µg/L), predicted lead levels would be at least 2,308 % of the existing maximum and an increase to 265% of CEC modeled conditions. Selenium is predicted reach 5.0 µg/L, which is also equal to the water quality standard of 5.0 µg/L. Existing sampling found no detection of selenium despite four samples with a detection level of 0.50 µg/L. If selenium levels were reported at half its detection limit (0.25 µg/L), predicted NorthMet concentrations would increase to 2,000% of existing levels and 633% of CEC conditions.

Similar increases in predicted solute concentrations and ratios are predicted at PM-19 (Trimble Creek) and PM-11 (Unnamed Creek) tributary sites. Elevations persist, with some dilution, in the Embarrass River at PM-13, further downstream of NorthMet wastewater treatment discharge. (FEIS, 5-207, Table 5.2.2-43).

Even if the appropriate water quality based effluent limits were set for solutes in an NPDES permit and PolyMet complied with these limits (contingencies which neither the FEIS record nor the history of mining permit enforcement in Minnesota allow one to assume) predicted changes to NorthMet tailings site receiving waters would significantly degrade waters that were previously substantially less impacted by mining metals. For several metals, current high quality waters would lose all or nearly all assimilative capacity and be degraded by metals at or approaching the water quality standard adopted to protect aquatic life. The differences between water quality in the existing Trimble Creek and conditions after the Creek is inundated with sulfide mining wastewater are over two orders of magnitude in some cases.

[3] For this section, data on existing concentrations of solutes at Trimble Creek are obtained from FEIS 4-155, Table 4.2.2-37. Data for the proposed action and CEC scenario are obtained from FEIS, 5-205, Table 5.2.2-42.

Minnesota Pollution Control Agency

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Attachment to the Statement of Need and Reasonableness: In the Matter of Proposed Revisions of Minnesota Rules ch. 7050, Relating to Nondegradation and minor supporting changes to Minnesota Rules ch. 7001; Repeal of Minnesota Rules 7050.0180 (Nondegradation for Outstanding Resource Value Waters) and Minnesota Rules 7050.0185 (Nondegradation for All Waters); Proposed Addition of New Rules, Minnesota Rules 7050.0250 through 7050.0335 (Antidegradation), Minnesota Pollution Control Agency (MPCA)

# Attachment 1. List of meetings with external parties

| Date | Interested Party/Parties or Stakeholder Meeting | Location | Major Topic(s) |
|---|---|---|---|
| 1/29/07 | Stakeholders in general | *State Register* | Notice of rulemaking |
| 5/29/07 | Stakeholders in general | *State Register* | Notice of rulemaking |
| 5/28/08 | Bonestroo, Inc. | Bonestroo Offices, St. Paul | General overview of federal antidegradation requirements, rulemaking update |
| 6/5/08 (AM) | Opening Stakeholder Meeting | Dakota Lodge, West St. Paul | Issue Paper 1. Introduction to Nondegradation<br>Issue Paper 2. To which activities does nondegradation apply?<br>Issue Paper 3. What is tier 2 protection of high quality waters? |
| 6/5/08 (PM) | Opening Stakeholder Meeting | Minnesota Pollution Control Agency (MPCA) Offices, St. Paul | Same as above |
| 6/9/08 | Opening stakeholder Meeting | MPCA Offices, Rochester | Same as above |
| 6/11/08 | Opening Stakeholder Meeting | MPCA Offices, Duluth | Same as above |
| 6/25/08 | Minnesota Center for Environmental Advocacy | MPCA Offices, St. Paul | Rulemaking update |
| 6/25/08 | Minnesota Cities Stormwater Coalition (MCSC) | MPCA Offices, St. Paul | Challenges of applying antidegradation provisions to NPDES-permitted stormwater discharges, Minimal Impact Design Standards (MIDS) |
| 7/29/08 | Second Stakeholder Meeting | MPCA Offices, Rochester | Issue Paper 4. What triggers a nondegradation review of potential impacts to high quality waters?<br>Issue Paper 5. Nondegradation Review: alternatives analysis, economic and social justification, intergovernmental cooperation and public participation. |
| 7/30/08 | Second Stakeholder Meeting | Dakota Lodge, West St. Paul | Same as above |

| Date | Interested Party/Parties or Stakeholder Meeting | Location | Major Topic(s) |
|---|---|---|---|
| 8/1/08 | Second Stakeholder Meeting | MPCA Offices, Brainerd | Same as above |
| 9/5/08 | MCSC | MPCA Offices, St. Paul | Minimal Impact Design Standards |
| 9/25/08 | Third Stakeholder Meeting | MPCA Offices, Duluth | Issue Paper 6. What are the best ways to describe impacts on receiving waters?<br>Issue Paper 7. How are baseline conditions used in the assessment of impacts on receiving waters? |
| 9/29/08 | Third Stakeholder Meeting | MPCA Offices, Rochester | Same as above |
| 9/30/08 | Third Stakeholder Meeting | Dakota Lodge, West St. Paul | Same as above |
| 10/30/08 | Minnesota Environmental Science and Economic Review Board (MESERB) | Holiday Inn, St. Cloud | Rules update |
| 1/26/09 | Fourth Stakeholder Meeting | MPCA Offices, Duluth | Issue Paper 8. How should nondegradation be applied to NPDES-permitted stormwater activities? |
| 1/30/09 | Fourth Stakeholder Meeting | Dakota Lodge, West St. Paul | Same as above |
| 2/11/09 | Surface Water Monitoring and Standards (SWiMS) meeting | Chicago, IL | Rulemaking update |
| 3/10/09 | Stormwater stakeholders | MPCA Offices, St. Paul | "Options to Address Important Antidegradation Issues Related to NPDES-Permitted Stormwater Activities", presented at:<br>Stakeholder Meeting for Revisions to Rules Governing Antidegradation, Issues Related to Regulated Stormwater Activities |
| 3/25/09 | Wastewater Operations Conference | Brooklyn Park, MN | Rulemaking update |
| 6/8/09 | Minnesota Department of Natural Resources (MDNR) | MPCA Offices, St. Paul | Check the status of the MN DNR Shoreland Rules revision and update the MN DNR on MPCA's Nondegradation Rule revision. |
| 6/9/09 | Fifth Stakeholder Meeting | MPCA Offices, Rochester | Issue Paper 9. How should cumulative impacts be addressed?<br>Issue Paper 10. How should Outstanding Resource Value Waters be protected? |
| 6/10/09 | Fifth Stakeholder Meeting | MPCA Offices, Duluth | Same as above |
| 6/12/09 | Fifth Stakeholder Meeting | Dakota Lodge, West St. Paul | Same as above |
| 9/10/09 | Environmental Protection Agency (EPA) Webcast: Water Quality Standards | Webcast from Washington, D.C. and MPCA Offices, St. Paul | Presented "Revising Minnesota's Antidegradation Provisions" |
| 11/12/09 | Conference on the Environment | Brooklyn Park, MN | Presented "Antidegradation Rulemaking Update" |
| 12/1/09- | Antidegradation | Anchorage, AK | Presented "Antidegradation: Minnesota Perspectives". Discussion regarding states' |

| Date | Interested Party/Parties or Stakeholder Meeting | Location | Major Topic(s) |
|---|---|---|---|
| 12/5/09 | Implementation Conference | | implementation of antidegradation. |
| 2/10/10 | Water and Watersheds Meeting | MPCA Offices, St. Paul | Presented "Antidegradation Rulemaking Update" |
| 4/28/10–4/29/10 | EPA Region 5 Water Directors Meeting | Chicago, IL | Presented "MPCA Nondegradation Rule Revision" |
| 5/3/10 | MDNR | MPCA Offices, St. Paul | Discussed how the MDNR's Public Waters relates to antidegradation protection |
| 6/3/10 | Minnesota Center for Environmental Advocacy (MCEA) | MPCA Offices, St. Paul | Discussed options for making the determination of social and economic importance in antidegradation decisions to lower high water quality. Provided an update on the rule revision. |
| 6/18/10 | Minimal Impact Design Standards (MIDS) Work Group | MPCA Offices, St. Paul | Presented "Antidegradation and Minimal Impact Design Standards" which explained MPCA's perspective on how antidegradation may or may not be applied through MIDS. |
| 7/15/10 | Minnesota Stormwater Steering Committee | Bonestroo Offices, St. Paul | Presented "Antidegradation and Minimal Impact Design Standards" which explained MPCA's perspective on how antidegradation may or may not be applied through MIDS. |
| 7/16/10 | MCSC | MPCA Offices, St. Paul | Provided update on rule revision, with particular emphasis on applying antidegradation to regulated stormwater discharges. |
| 7/16/10 | MIDS Work Group | MPCA Offices, St. Paul | Follow up presentation to the 7/18/10 meeting. |
| 7/27/10 | Nondegradation Rulemaking Stakeholders | Nondegradation rulemaking Web page | Solicited comments on three documents posted on the nondegradation rulemaking Web page. The documents outlined proposed changes to the current nondegradation rules and implementation methods. |
| 9/8/10 | Nondegradation Rulemaking Stakeholders | Nondegradation rulemaking Web page | Follow-up request for the three documents post on the nondegradation rulemaking Web page. The documents outlined proposed changes to the current nondegradation rules and implementation methods. |
| 9/23/10 | MCEA | MPCA Offices, St. Paul | Provided update on rule revisions. |
| 10/20/10 | Minnesota Water Resources Conference | River Center, St. Paul | Provided update on rule revisions. |
| 11/15/10 | Coon Creek Watershed District | Coon Creek Watershed District Offices, Blaine | Provided update on rule revisions. |
| 12/7/10 | Minnesota Interagency Wetland Group | MPCA Offices, St. Paul | Provided update on rule revisions. |
| 3/10/11 | Barr Engineering | Barr Engineering Offices, Minneapolis | Provided update on rule revisions. |

| Date | Interested Party/Parties or Stakeholder Meeting | Location | Major Topic(s) |
|---|---|---|---|
| 5/25/11 | Nondegradation Rulemaking Stakeholders | Nondegradation rulemaking Web page | Solicited comments on draft rules posted on the nondegradation rulemaking Web page. |
| 9/12/11 | Minnesota Department of Agriculture (MDA) | MPCA Offices, St. Paul | Provided update on rule revisions. |
| 12/16/11 | MIDS Work Group | MPCA Offices, St. Paul | Provided MPCA's thoughts on the linkage between MIDS and antidegradation |
| 1/10/12 | MDNR | MPCA Offices, St. Paul | Discuss linkage between MDNR's listing of scientific and natural areas and fens with MPCA's listing of ORVWs |
| 9/10/12 | General stakeholder meeting | MPCA Offices, St. Paul | Overview of most-recent draft rules and opportunity for discussion |
| 10/1/12 | MN Chamber of Commerce | MN Chamber of Commerce, St. Paul | Provided overview of most-recent draft rule and opportunity for discussion |
| 10/22/12 | Army Corps of Engineers (ACE) | MPCA Offices, St. Paul | Discussion regarding the implementation of antidegradation through section 401 certifications of section 404 permits |
| 10/23/12 | Interagency workgroup (Metropolitan Council, Board of Soil and Water Resources, Minnesota Department of Transportation, MDNR, MPCA) | MPCA Offices, St. Paul | Provided rulemaking update |
| 11/13/12 | Conference on the Environment | University of Minnesota, St. Paul | Provided rulemaking update |
| 11/14/12 | MDNR | MPCA Offices, St. Paul | Discuss linkage between MDNR's listing of scientific and natural areas and fens with MPCA's listing of ORVWs |
| 1/28/13 | ACE | MPCA Offices, St. Paul | Discussion regarding the implementation of antidegradation through section 401 certifications of section 404 permits |
| 1/7/14 | MCSC | MPCA Offices, St. Paul | Rulemaking update and antidegradation implementation for regulated stormwater discharges |
| 7/11/14 | MN Chamber of Commerce | MN Chamber of Commerce, St. Paul | Provided overview of most-recent draft rules and opportunity for discussion |
| 9/2/14 | Barr Engineering | Barr Engineering Offices, Minneapolis | Provided update on rule revisions. Discussed potential revisions to rule language and implementation of rules |
| 1/27/15 | MPCA Citizens Board | MPCA, St. Paul Offices | Provided rulemaking update |
| 2/12/15 | Mining Companies (Quarterly meeting among mining companies and MPCA) | MPCA, St. Paul Offices | Provided rulemaking update. Addressed questions related to mining activities. |
| 5/14/15 | Red Lake DNR and 1854 Treaty Authority | MPCA, St. Paul Offices | Provided rulemaking update |
| 11/23/15 | PolyMet Mining (pre-permitting planning meeting) | MPCA, St. Paul Offices | Reviewed antidegradation requirements under current and proposed rules |

| Date | Interested Party/Parties or Stakeholder Meeting | Location | Major Topic(s) |
|---|---|---|---|
| 12/9/15 | Minnesota Environmental Science and Economic Review Board | MPCA, St. Paul Offices | Provided rulemaking update |

**Subject:** Data Practices Request - Form does not allow input to obtain imminently needed documents
**Date:** Tuesday, February 23, 2016 at 3:15:14 PM Central Standard Time
**From:** Paula Maccabee
**To:** Nankivel, Carol (MPCA)
**CC:** Timothy.Duren@State.MN.US
**Priority:** High

Unfortunately, the MPCA form does not allow input of our Data Practices Act request. It is resubmitted below:

Below, please find WaterLegacy's request for documents related to the MPCA's proposed antidegradation rules pursuant to the Minnesota Data Practices Act (DPA). We would request that documents be posted in electronic format or provided in electronic format on a CD.

Expedited provision of these documents is requested in order to allow WaterLegacy and other stakeholders to comment meaningfully in writing and in the hearing on this matter scheduled for March 31, 2016.

Although the MPCA's attachments to the SONAR reflect many meetings with dischargers during the past several years to provide an opportunity for discussion of the proposed antidegradation rules, the last meeting with other stakeholders appears to have been in September of 2012. The lack of a balanced approach in the informal rulemaking process makes it difficult for members of the community to comment meaningfully now that they have a formal rule proposal before them. The asymmetry in opportunities for discussion is exacerbated by the fact that the MPCA has not included any recent comments on the proposed antidegradation rules in the thousands of pages of attachments and exhibits supplied with the proposed rules.

1. Please provide copies of all drafts of any portions of Minnesota antidegradation proposed rules that are more recent than the June 26, 2012 proposed antidegradation rules draft circulated to stakeholders in 2012. Please include all draft language proposed by MPCA and/or by other persons or organizations, identifying the date of the proposed draft and the person and entity proposing the draft language.

2. Please provide copies of all documents pertaining to review and comments on antidegradation rules since January 1, 2010, including memoranda, comments, letters, emails, meeting and phone conference notes, and agendas of meetings and phone conferences pertaining to the proposed rules.

3. Please provide copies of all documents not previously provided in your response paragraph 2, including invitations and requests for meetings, scheduling documents, and agendas pertaining to every meeting regarding the antidegradation proposed rules since September 10, 2012, including but not limited to the meetings identified in Attachment 1 to the SONAR, a copy of which is attached for your convenience.

4. Please provide copies of all documents since September 10, 2012 reflecting invitations by MPCA to any person or organization for an opportunity to discuss the proposed antidegradation rules and/or requests by any person or organization for an opportunity to discuss the proposed antidegradation rules that did not result in a meeting with MPCA.

Please do not hesitate to call me at 651-646-8890 if you have any questions regarding our Data Practices Act request.

Paula Maccabee, Esq.
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Advocacy Director/Counsel for WaterLegacy

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**From:** "Nankivel, Carol (MPCA)" <carol.nankivel@state.mn.us>
**Date:** Tuesday, February 23, 2016 at 2:45 PM
**To:** Paula Maccabee <pmaccabee@justchangelaw.com>
**Subject:** Your Data Practices Requests

Paula, I got your information request but I need to ask you to send it through an e-form so it can be logged and distributed appropriately. This is the link that will get you to the Request form.
https://www.pca.state.mn.us/about-mpca/information-requests

Sorry, but this is the system we have to use. Hopefully, it will get you what you need faster and better.

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**From:** Duren, Timothy (MPCA)
**Sent:** Tuesday, February 23, 2016 1:16 PM
**To:** Malec, Chris (MPCA)
**Subject:** instructions

Records Management has implemented new procedures to enhance your experience when requesting records from the MPCA. Your request will be automated for greater efficiency. We will no longer provide you with a list of phone numbers to contact file managers when requesting information. Instead, our website will provide you with a link to an e-form that should be completed and submitted online. The request will instantly be added to our workflow then assigned by our Records Management intake triage to the appropriate file manager. You will receive an email acknowledgement containing the name of your file manager. The file manager will contact you once the information is ready for your review. If you have questions please contact 651-757-2728 or 1-844-828-0942.

Customers who are unable to access the e-form to submit information requests should call one of the phone numbers listed above. Through this number customers will be guided to the e-form or assisted in

completing the e-form. Please be certain to be using Internet Explorer and NOT google chrome or Firefox. Also please make sure you submit a separate form for each Site ID.

# Tim Duren

Tim Duren
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# Information Request Form

**Records Management**

*Doc Type: Information Request Form*

**Instructions:** Use this form to request information from the Minnesota Pollution Control Agency (MPCA) Records Management Unit via email. Please use Internet Explorer for your Web browser. If you have any questions, please contact the MPCA Records Management Intake/Triage staff at recordsmanagementintaketriage.pca@state.mn.us or call 651-757-2728 or 1-844-828-0942. *All fields marked with an asterisk(*) are required to be filled in before the form will submit.*

1. Complete the form and click on the "Submit" button at bottom of form to place the form into email.
2. You will receive an email response once your request is assigned and then again when it is complete.
3. Please fill out one form for each Information Request.

## Requester information

Date (mm/dd/yyyy): 02/23/2016

*Requester name: Paula Maccabee *Phone number: (651) 775-7128

*Requester email address: pmaccabee@justchangelaw.com

Company name: Just Change Law Offices

Company billing address: 1961Selby Avenue St Pual, MN 55104
*(Address, Street, City, State, Zip)*

## Site/Facility information

*Site/Facility name: Polymet/Antidegredation Previous site/ facility name:

*Site address/location: Polymet

*City: Polymet Zip code: 55 *County: Polymet

*Program(s)*: Polymet MPCA Preferred ID: Polymet

Is this site part of another request? ☐ Yes ☒ No

## *Information requested

**Describe the information that you need (be as specific as you can):**

Anti Degredation

**Note:** If a requester chooses not to give any identifying information, the MPCA will provide him/her with contact information so that he/she will be able to check on the status of his/her request. However, if the agency file manager handling the request has questions about it but is unable to contact the requester for clarification, this may result in a delay in processing the request.

Submit Reset