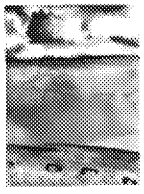

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July 2, 2015

SENT ELECTRONICALLY

Tinka Hyde, Water Division Director (Hyde.Tinka@EPA.gov)
U.S. Environmental Protection Agency Region 5
77 West Jackson Boulevard
Mail Code: W-15
Chicago, IL 60604-3507

Dear Ms. Hyde:

This letter, the attached WaterLegacy Petition for Withdrawal of Program Delegation from the State of Minnesota for NPDES Permits Related to Mining Projects, and the 445 pages of Exhibits supporting this Petition are submitted to the United States Environmental Protection Agency (EPA) on behalf of WaterLegacy, a non-profit organization formed to protect Minnesota's water resources and the communities that rely on them.

The attached Petition is based on criteria established in EPA regulations, summarized as follows:

- Minnesota's NPDES program for mining facilities fails to comply with EPA regulations under the Clean Water Act (CWA) as a result of the Minnesota Pollution Control Agency's (MPCA) failure to exercise control over activities and failure to issue permits, 40 C.F.R. §123.63(a)(2)(i);
- The operation of Minnesota's NPDES program for mining facilities fails to comply with the CWA due to MPCA's repeated issuance of permits that fail to comply with requirements of the CWA and EPA regulations, 40 C.F.R. §123.63(a)(2)(ii);
- Minnesota's NPDES program fails to comply with the CWA and EPA regulations as a result of MPCA failure to act on violations of permits and to require conformity with other NPDES program requirements, 40 C.F.R. §123.63(a)(3)(i).
- Minnesota has failed to develop an adequate regulatory program for developing water quality-based effluent limits in NPDES permits, 40 C.F.R. §123.63(a)(5).

In addition, Minnesota's NPDES authority no longer meets the requirements of EPA regulations implementing the CWA as a result of legislative action limiting MPCA authority to enforce the existing wild rice sulfate standard and list wild rice impaired waters. 40 C.F.R. §123.63(a)(1)(ii).

WaterLegacy requests that EPA initiate withdrawal proceedings to secure corrective action pursuant to 40 C.F.R. §123.64(b)(8)(iii)-(vi), due to the comprehensive nature of Minnesota's failure to control mining pollution in conformity with the CWA, the unavailability of other avenues for review due to the MPCA's failure to issue NPDES and take other affirmative regulatory actions, and due to the ongoing undue influence of mining interests in Minnesota.

WaterLegacy respectfully requests that EPA commence an investigation and proceedings and require the State of Minnesota to timely respond to deficiencies in the regulation of mining pollution giving rise to this Petition.

We look forward to your response on this important issue. Please do not hesitate to call me at 651-646-8890 if you have any questions or would request additional information regarding the matters described in our Petition.

Respectfully submitted,

Paula Goodman Maccabee
Advocacy Director/Counsel for WaterLegacy

Enclosures

cc: Gina McCarthy, USEPA Administrator (McCarthy.Gina@EPA.gov)
Susan Hedman, USEPA Region 5, Regional Administrator (Hedman.Susan@EPA.gov)
Kevin Pierard, USEPA Region 5, NPDES Branch Chief (Pierard.Kevin@EPA.gov)
Linda Holst, USEPA Region 5, Water Quality Branch Chief (Holst.Linda@EPA.gov)
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Krista McKim, USEPA Region 5, NPDES Branch Environmental Engineer (McKim.Krista@EPA.gov)
John Linc Stine, MPCA Commissioner (John.Stine@state.mn.us)