Message

**From**: Wester, Barbara [wester.barbara@epa.gov]
**Sent**: 6/2/2016 4:40:06 PM
**To**: Paula Maccabee [pmaccabee@justchangelaw.com]
**Subject**: Re: conference calls requested by waterlegacy

hi paula - i've begun reaching out to the relevant program folks to schedule these calls. can you clarify what issues you intend to cover when you note "matters uniquely within EPA jurisdiction"? that will help me figure out who to include. thanks so much, barbara

Barbara L. Wester
Associate Regional Counsel
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region V
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ph: 312. 353.8514
wester.barbara@epa.gov

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**From:** Paula Maccabee <pmaccabee@justchangelaw.com>
**Sent:** Thursday, June 2, 2016 7:24 AM
**To:** Wester, Barbara
**Subject:** Re: conference calls requested by waterlegacy

Hello Barbara,

Thank you for your email.

Withdrawal Petition:
I've seen the recent documents posted to the EPA website and provided an update to EPA on the Keetac bill legislative process. I will follow up with HQ staff regarding the NPDES process. I would suggest that we set up the conference call on petition issues for the second week in July, after we've had a chance to review the Minnesota Attorney General's statement. Tuesday, July 12, Thursday July 14 and Friday July 15 all have many openings in my schedule at this time.

PolyMet
I understand the limits on what EPA would state at this time regarding PolyMet. WaterLegacy is in direct communication with state and federal lead agencies. I would be interested in sharing some updates and concerns and in gaining a better understanding of the EPA's process to develop information for matters uniquely within EPA jurisdiction. During the week of June 27, I am available for a conference call every day except June 30. Early afternoon is usually a good time for me.

Best regards,
Paula

Paula Maccabee, Esq.
JUST CHANGE LAW OFFICES
1961 Selby Ave.
St. Paul MN 55104
phone: 651-646-8890
fax: 651-646-5754
Cell: 651-775-7128
e-mail: pmaccabee@justchangelaw.com
http://www.justchangelaw.com

Advocacy Director/Counsel for WaterLegacy

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**From:** Barbara Wester <wester.barbara@epa.gov>
**Date:** Tuesday, May 31, 2016 at 4:32 PM
**To:** Paula Maccabee <pmaccabee@justchangelaw.com>
**Subject:** RE: conference calls requested by waterlegacy

hello paula – these conference calls involve different groups of folks here and myself. can you suggest some potential dates in the 2d half of june and i will try to coordinate with everyone.

regarding the topics you propose to discuss, our final protocol for responding to the allegations raised in the petition is posted to our website, located at https://www.epa.gov/mn/npdes-petition-program-withdrawal-minnesota. our investigation of the allegations raised in the petition is currently ongoing.

at this point in the decisionmaking involved in the northmet project, including the ways in which the lead agencies for the EIS address EPA's comments, other federal or state agencies are in the process of making their decisions, none of which are yet final. thus there currently are no actions for EPA to review. EPA is not in a position to engage in any substantive discussion of speculative issues or to discuss our deliberative process.

with regard to the proposed NPDES rule changes, we suggest you directly engage our national office regarding background of the proposal. more information can be found here:

https://www.federalregister.gov/articles/2016/05/18/2016-11265/national-pollutant-discharge-elimination-system-npdes-applications-and-program-updates

during the conference calls you requested we would be available to listen to any concerns you may have and we will do our best to convey your concerns to those who have the lead responsibilites for decisionmaking on the issues you raise. we also strongly recommend that you directly engage the other decisionmaking agencies on your issues and concerns.

Barbara L. Wester
Associate Regional Counsel
Office of the Regional Counsel
U.S. Environmental Protection Agency, Region V
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ph: 312. 353.8514
fax: 312.582.5132
wester.barbara@epa.gov

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**From:** Paula Maccabee [mailto:pmaccabee@justchangelaw.com]
**Sent:** Friday, May 27, 2016 2:37 PM
**To:** Wester, Barbara <wester.barbara@epa.gov>
**Subject:** Re: conference calls requested by waterlegacy

Hi Barbara,

Any suggestions on dates regarding conferences on 1) NPDES petition and 2) PolyMet methylmercury and CWA permitting issues?

When we talk about the NPDES petition, I'd also appreciate some background on the newly proposed (Federal Register May 18, 2016) NPDES updates pertaining to administratively continued permits.

I look forward to hearing from you.

Best regards,

Paula

Paula Maccabee, Esq.

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1961 Selby Ave.

St. Paul MN 55104

phone: 651-646-8890

fax: 651-646-5754

Cell: 651-775-7128

e-mail: pmaccabee@justchangelaw.com

http://www.justchangelaw.com

Advocacy Director/Counsel for WaterLegacy

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**From:** Paula Maccabee <pmaccabee@justchangelaw.com>
**Date:** Thursday, May 19, 2016 at 4:08 PM
**To:** Barbara Wester <wester.barbara@epa.gov>
**Subject:** Re: conference calls requested by waterlegacy

Thank you, Barbara.

For the Minnesota NPDES petition issues, let's look at the week of May 31st. Other than awaiting a grandchild's birth, which we can't predict with any degree of precision, much of that week is at my desk writing. Early afternoons tend to be best for me.

This is probably a separate call, but I would also like to know what is happening with respect to PolyMet methyl mercury issues and who is working on the procedural implementation of recognizing downstream tribal CWA Section 401(a)(2) authority.

Best regards,

Paula

Paula Maccabee, Esq.

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1961 Selby Ave.

St. Paul MN 55104

phone: 651-646-8890

fax: 651-646-5754

Cell: 651-775-7128

e-mail: pmaccabee@justchangelaw.com

http://www.justchangelaw.com

Advocacy Director/Counsel for WaterLegacy

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**From:** Barbara Wester <wester.barbara@epa.gov>
**Date:** Thursday, May 19, 2016 at 3:57 PM
**To:** Paula Maccabee <pmaccabee@justchangelaw.com>
**Subject:** conference calls requested by waterlegacy

hi paula – i'm working on scheduling the anti-deg call you requested with our standards folks. i hope to confirm the wednesday 5/25 timeslot by monday (i apologise – i'm out of the office tomorrow, friday).

regarding your request for a call regarding the minnesota petition/npdes issues, i will schedule that call as soon as i'm back in the office on monday. in the meantime if you could provide a few potential dates that would be helpful.

i apologise in the delay in confirming these calls. barbara

Barbara L. Wester
Associate Regional Counsel
Office of the Regional Counsel

U.S. Environmental Protection Agency, Region V
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Chicago, IL 60604
ph: 312. 353.8514
fax: 312.582.5132
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