Message

From: Wester, Barbara [wester.barbara@epa.gov]
Sent: 3/22/2018 9:42:57 PM
To: Bauer, Candice [bauer.candice@epa.gov]; Ackerman, Mark [ackerman.mark@epa.gov]; Pierard, Kevin [pierard.kevin@epa.gov]; McKim, Krista [mckim.krista@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]; Compton, Mark [compton.mark@epa.gov]
Subject: FW: EPA-MPCA agreement regarding review of the draft polymet permit

Attorney Client / Ex. 5

From: Wester, Barbara
Sent: Thursday, March 22, 2018 4:39 PM
To: nancyschuldt@fdlrez.com; 'Margaret Watkins' <mwatkins@grandportage.com>
Subject: FW: EPA-MPCA agreement regarding review of the draft polymet permit

nancy and margaret – i'm following up on our conversation yesterday regarding the polymet permit and the agreement i described regarding EPA's review. i am forwarding the two messages below that constitute the agreement.

please let me know if you have any questions, barbara

Barbara L. Wester
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From: Lotthammer, Shannon (MPCA) [mailto:shannon.lotthammer@state.mn.us]
Sent: Friday, March 16, 2018 2:00 PM
To: Thiede, Kurt <thiede.kurt@epa.gov>
Cc: Korleski, Christopher <korleski.christopher@epa.gov>; Pierard, Kevin <pierard.kevin@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Holst, Linda <holst.linda@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Stine, John (MPCA) <john.stine@state.mn.us>; Smith, Jeff J (MPCA) <jeff.j.smith@state.mn.us>; Udd, Jeff (MPCA) <jeff.udd@state.mn.us>; Schmidt, Michael R (MPCA) <michael.r.schmidt@state.mn.us>
Subject: RE: Polymet Draft Permit Discussion

Hi Kurt –

Thank you for your message. We concur with your characterization below of what we have agreed to for the Polymet draft permit next steps.

Thank you also for your demonstrated commitment to continued dialogue and cooperation, which we share. I have made a note of the suggestion for a face-to-face meeting, and will work with our team to determine when we've reached a good point to get that set up. In the meantime, if you have any questions, please let me know.

Kind regards,
Shannon

Shannon Lotthammer
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From: Thiede, Kurt [mailto:thiede.kurt@epa.gov]
Sent: Friday, March 16, 2018 12:44 PM
To: Lotthammer, Shannon (MPCA) <shannon.lotthammer@state.mn.us>
Cc: Korleski, Christopher <korleski.christopher@epa.gov>; Pierard, Kevin <pierard.kevin@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Holst, Linda <holst.linda@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>
Subject: Polymet Draft Permit Discussion

Shannon,

Thanks once again for working with us to find a solution to this matter. Here is our understanding of what EPA and MPCA have agreed to.

Once MPCA completes their response to public comments, it will develop a pre-proposed permit (PPP) and provide the PPP to EPA Region 5. Region 5 EPA will have up to 45 days to review the PPP and MPCA's responses to public comments and provide written comments on the PPP to MPCA. This would occur prior to MPCA submitting a proposed permit to EPA, which, according to the current MOA, would continue to give EPA 15 days to comment upon, generally object to, or make recommendations with respect to the proposed permit. In accordance with the current MOA and as specified in CWA Section 402(d)(2)(B) and 40 C.F.R. 123.44(b)(2), EPA still may raise specific objections within the 90 day period from receipt of the "final" proposed permit, but we are hopeful our discussions and the additional review will allow us to come to an agreement and avoid objections.

Again, it is our hope and intent to continue a dialog between MPCA staff and R5 EPA WD staff prior to receipt of the PPP and during EPA's review of the PPP as we work toward a NPDES permit that both parties can support. In fact, I would like to suggest setting up a face-to-face meeting when appropriate to discuss the draft permit and EPA observations. It is also our intent to turn around our review and comments on the PPP as soon as possible.

Please let me know if you have any questions.

Sincerely,

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