Message

From: Weaver, Kerryann [weaver.kerryann@epa.gov]
Sent: 2/28/2019 2:14:05 PM
To: Burdick, Melanie [Burdick.Melanie@epa.gov]
Subject: FW: Fond du Lac Band site visit summary

FYI

From: Horak, David
Sent: Thursday, February 28, 2019 7:37 AM
To: Harmon, Darrel <Harmon.Darrel@epa.gov>
Cc: Cheng, Janice <Cheng.Janice@epa.gov>; Weaver, Kerryann <weaver.kerryann@epa.gov>; Melgin, Wendy <melgin.wendy@epa.gov>; Pierard, Kevin <pierard.kevin@epa.gov>; Swenson, Peter <swenson.peter@epa.gov>; Cozza, Daniel <cozza.daniel@epa.gov>
Subject: RE: Fond du Lac Band site visit summary

Some follow up items in here. Please let Darrel know the status and please forward if I didn't copy the correct people.

- Tribe is concerned that on 12/20 MPCA issued a 401 permit for Polymet
- Tribe send a 401-certification letter in October about Polymet compliance with WQS requesting a public hearing and has not gotten a response from EPA
    - **Follow-up**: Water Division staff please contact Nancy on this and Polymet in general

David
312-353-4306

From: Harmon, Darrel
Sent: Wednesday, February 27, 2019 3:39 PM
To: waynedupuis.fdlrez.com <waynedupuis@fdlrez.com>
Cc: Walts, Alan <walts.alan@epa.gov>; Cozza, Daniel <cozza.daniel@epa.gov>; Horak, David <horak.david@epa.gov>; Giwojna, Benjamin <giwojna.benjamin@epa.gov>; Mayo, Kathleen <mayo.kathleen@epa.gov>; Davis, Tina <Davis.Tina@epa.gov>
Subject: Fond du Lac Band site visit summary

Hi Wayne: thanks to you and your staff for taking the time to meet with me for the recent semi-annual site visit. Attached below is a summary of our discussions. I am sharing this with staff in EPA's Water Division and Air and Radiation Division because of additional follow-up discussions requested surrounding Polymet raised during our discussions. In general your programs continue to operate successfully and we look forward to ongoing positive relations with the Fond du Lac Band. If you have any questions, comments or clarifications, don't hesitate to contact me at any time. Thanks Darrel

Site Visit Summary – Fond du Lac Band 11/7/2018

Introduction: Grants and GAP are in good shape. Tribe very much enjoys working with Tina on their grants. Looking at food sovereignty and ecosystem service evaluation United Nations certification following an Obama executive order.

- Tribe is concerned about GAP funding levels, looking at cutting 1 day/pay period of salary
    - **Follow-up**: Do we have 2020 GAP amounts? As far as we know, GAP will continue to be $110,000/tribe. EPA contact is Tina Davis (davis.tina@epa.gov or 312-353-8524)

Tribal Environmental Priority #1 – Surface Water, Ground Water and Wetlands Protection

Tribal Contact: Nancy Schuldt

EPA Contacts: Kathleen Mayo, Janette Marsh, David Werbach, David Horak

- Tribe is concerned that on 12/20 MPCA issued a 401 permit for Polymet
- Tribe send a 401-certification letter in October about Polymet compliance with WQS requesting a public hearing and has not gotten a response from EPA
    - **Follow-up**: Water Division staff please contact Nancy on this and Polymet in general
- Triennial review of WQS is complete and available on the Tribe's website
- Nonpoint source management program semi-annual reports are current
- 303(d) TAS development – ongoing effort pending update/action from Tribe
- No other concerns or issues in this area

Tribal Environmental Priority #2 – Ambient Air Quality

Tribal Contacts: Alex Jackson, Joy Wiecks

EPA Contact: Ben Giwojna

- The air quality program is proceeding without major concerns, very much appreciate support from Ben G.
- Concerned that they may need to revisit Polymet modelling annually, plan to discuss during annual review with Ben
- Staff continue to work on comment letters and Emission Inventory, as well as participation with the National Tribal Air Association
- Tribe is operating an NRDC supported weather station
- Involved with issues at the April refinery explosion
- Participated in sustainability festival
- 1MW solar array is installed and operating to support high demand from tribal casino

Tribal Environmental Priority #3 – Assessment of impacts to Tribal resources from expanded mining activities, major industrial development and pipelines within ceded territories

EPA Contact:

Tribal Contacts: Alex Jackson, Nancy Schuldt

- Air and water quality programs continue to review and comment on draft permits, studies and regulations that affect industry on or near the reservation
- Tribal staff expresses many concerns regarding **Polymet**. Permits have been issued without considering the Tribe's comments
    - **Follow-up** appreciated by both air and water programs – please contact the Tribe

Tribal Environmental Priority #4 – Solid Waste and Materials Management

Tribal Contact: Shannon Judd

EPA Contact: Dolly Tong

- Solid Waste management programs are ongoing with no issues or concerns
- Many functions have been moved to the Tribal Public Works department and only a small component remains in the GAP workplan

Tribal Environmental Priority #5 – Environmental Education and Outreach

Tribal Contact: Shannon Judd

EPA Contact: Dolly Tong

- Program elements are ongoing and in good shape. No concerns or issues at this time

Tribal Environmental Priority #6 – Sustainability and Climate Change

Tribal Contact: Andrea Junker

EPA Contact: Peter Jackson

- Program milestones have all been met, no issues or concerns at this time

Tribal Environmental Priority #7 – Brownfields Program

Tribal Contact: David Smith

EPA Contact: Rosita Clarke, Dolly Tong

- Brownfield Program activities are all in good shape with no current issues or concerns

Tribal Environmental Priority #8 – Lake Superior Basin/St. Louis River Restoration

Tribal Contact: Nancy Schuldt

EPA Contact:

- Ongoing participation in AOC coordination, National Estuarine Research Reserve Programs, Lake Superior Binational Program Work Group, Natural Resources Trustees in NRDA settlement for SLR Interlake/Duluth Tar site and remedial planning and restoration at US Steel Superfund site

Implementation of Federal Environmental Programs on the Reservation

- Class I CAA redesignation is in review by the Tribe.