

EPA-R5-2014-001593-87

**Margaret Watkins**  
<watkins [REDACTED]>  
08/27/2012 10:48 AM

To Linda Holst, David Pfeifer, Kathleen Mayo, Thomas Poleck,  
Christine Wagener  
cc Nancy Schuldt  
bcc  
Subject Fwd: RE: 401 certification for US Steel Minntac western pit  
expansion

[attachment "2010-04976-JCC - US Steel-Minntac West Pit Expansion.pdf" deleted by  
Thomas Poleck/R5/USEPA/US]

Good morning:

Tribal staff documentation that virtually all of the NPDES permits for the MN mining sector do not require compliance with MN WQS combined with MCEAs de-delegation petition seriously challenge MPCAs ability and capacity for NPDES permitting authority. The attached MPCA 401 certification for the US Steel Minntac Western Mine Pit Progression demonstrates some of our concerns because the company has not been in compliance with MN WQS for decades. The certification, dated April 3, 2012 is conditional. However, the conditions will not bring Minntac into compliance with MN Water Quality Standards (WQS). By Minntacs own admissions in their 2006 EIS requesting a variance from MN WQS they are exceeding standards for sulfates, hardness, conductance and manganese under some flow regimes in the Dark River. The Sandy River violates water quality standards for sulfates, chlorides, hardness and conductance. And, the Minntac NPDES permit application provides that "The discharge to the East Branch of the West Two River is an existing discharge, and is not a new or expanded or significant discharge for any pollutants, except for chlorides and fluorides, within the meanings of those terms under Minn. Rules 7050.0180." Contrary to formal agreements between MPCA and MN Tribes that stipulate tribes will receive advanced notification of mine permits, tribal staff were not given any notification regarding this 401 certification. In fact, it appears that virtually any action MPCA takes in regard to Minntac is not being shared with the Tribes unless staff know what to specifically ask for, or discover from other sources that some permitting activity has occurred. I have received a copy of US EPA's letter to the US Army Corps of Engineers regarding the Western Mine Pit Progression EA. Any additional information from US EPA regarding the review or oversight of the MPCA 401 certification for the Minntac Western Mine Pit Progression would be very helpful.

Sincerely,

Margaret Watkins  
Grand Portage Water Quality Specialist  
[REDACTED]

X-Forefront-Antispam-Report:  
CIP:156.99.125.104;KIP:(null);UIP:(null);IPV:NLI;H:cobedge02.ead.state.mn.us;RD:cob  
edge02.ead.state.mn.us;EFVD:NLI  
X-SpamScore: -3

X-BigFish:

VPS-3(zz9371Ic85fh542Mzz1202hz70kzz2fh793h2a8h668h839hd25hf0ah107ah34h)

From: "Koelfgen, Katie E (MPCA)" <katie.koelfgen[REDACTED]>

To: "Koelfgen, Katie E (MPCA)" <katie.koelfgen[REDACTED]>,

"Margaret

Watkins" <watkins[REDACTED]>,

"Foss, Ann (MPCA)" <ann.foss[REDACTED]>,

"Clark, Richard (MPCA)" <richard.clark[REDACTED]>,

"Blaha, Gerald (MPCA)"

<gerald.blaha[REDACTED]>,

"Handeland, Stephanie (MPCA)"

<stephanie.handeland[REDACTED]>,

"Udd, Jeff (MPCA)" <jeff.udd[REDACTED]>,

"Thomas, John (MPCA)" <john.thomas[REDACTED]>

CC: "Fay, Lisa (DNR)" <lisa.fay[REDACTED]>,

"Richfield, David (MPCA)"

<david.richfield[REDACTED]>,

"Brist, Jim (MPCA)" <jim.brist[REDACTED]>

Subject: RE: 401 certification for US Steel Minntac western pit expansion

Thread-Topic: 401 certification for US Steel Minntac western pit expansion

Thread-Index: AQHNdYDFheyi6vNoK0ufumnryYY3gpdQHJWQgABGKLA=

Date: Wed, 8 Aug 2012 20:52:25 +0000

Accept-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

x-originating-ip: [172.20.222.240]

X-OriginatorOrg: state.mn.us

X-Spam-Boreal-Status: No, score=-2.6, required=6.0, tests=BAYES\_00,

RCVD\_IN\_DNSWL\_LOW, SPF\_PASS, T\_MIME\_NO\_TEXT

X-Spam-Level:

X-Spam-Server: imap.boreal.org

X-Scanned-By: MIMEDefang 2.72 on 216.70.16.14

Margaret,

I want to be sure we are talking about the same project. You referred to the project as the expansion. The EAW I mentioned below is referred to as the extension. Attached is the certification for the West Pit Expansion, in case that's the one to which you were referring.

-----Original Message-----

From: Koelfgen, Katie E (MPCA)

Sent: Wednesday, August 08, 2012 11:39 AM

To: Margaret Watkins; Foss, Ann (MPCA); Clark, Richard (MPCA); Blaha, Gerald (MPCA); Handeland, Stephanie (MPCA); Udd, Jeff (MPCA); Thomas, John (MPCA)

Cc: Fay, Lisa (DNR); Richfield, David (MPCA); Brist, Jim (MPCA)  
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Hi, Margaret.

DNR public noticed Minntac's proposed extension on August 6, 2012. The public notice period ends September 5, 2012. The 401 certification cannot be issued until the EAW process is complete. Lisa Fay is the DNR contact on the EAW. Jim Brist is the contact for the MPCA 401 program. He should be able to provide you with more information on a timeline.

Katie

-----Original Message-----

From: Margaret Watkins [mailto:watkins@minntac.com]  
Sent: Wednesday, August 08, 2012 10:33 AM  
To: Koelfgen, Katie E (MPCA); Foss, Ann (MPCA); Clark, Richard (MPCA); Blaha, Gerald (MPCA); Handeland, Stephanie (MPCA); Udd, Jeff (MPCA); Thomas, John (MPCA)  
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I would like to request a copy of MPCAs 401 certification for the US Steel Minntac western progression. If MPCA has not issued a 401 certification for the planned expansion, please provide me with an approximate timeline for review, or information if MPCA is planning to waive certification.

Sincerely,

Margaret Watkins

EPA-R5-2014-001593-88

**Thomas Poleck/R5/USEPA/US**  
08/27/2012 12:37 PM

To Michael Sedlacek, Krista McKim, Melanie Haveman, Kevin Pierard, Peter Swenson, Barbara Wester  
cc Christine Wagener, David Pfeifer, Kathleen Mayo, Linda Holst  
bcc  
Subject Re: Fwd: RE: 401 certification for US Steel Minntac western pit expansion

Margaret only sent this to those being cc'd in this email but I'm forwarding to you FYI and also because you might have information in response to her last statement below.

Tom



2010-04976-JCC - US Steel-Minntac West Pit Expansion.pdf

.....  
Tom Poleck poleck.thomas [REDACTED]  
U.S. EPA, Region 5 [REDACTED]  
Water Quality Branch (WQ-16J) 312-582-5841 (fax)  
77 W. Jackson Blvd  
Chicago, IL 60604

Margaret Watkins [attachment "2010-04976-JCC - US... 08/27/2012 10:49:29 AM

From: Margaret Watkins <watkins [REDACTED]>  
To: Linda Holst/R5/USEPA/US [REDACTED], David Pfeifer/R5/USEPA/US [REDACTED], Kathleen Mayo/R5/USEPA/US [REDACTED], Thomas Poleck/R5/USEPA/US [REDACTED], Christine Wagener/R5/USEPA/US [REDACTED]  
Cc: Nancy Schuldt <NancySchuldt [REDACTED]>  
Date: 08/27/2012 10:49 AM  
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X-BigFish:

VPS-3(zz9371Ic85fh542Mzz1202hz70kzz2fh793h2a8h668h839hd25hf0ah107ah34h)

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X-OriginatorOrg: state.mn.us  
X-Spam-Boreal-Status: No, score=-2.6, required=6.0, tests=BAYES\_00,  
RCVD\_IN\_DNSWL\_LOW, SPF\_PASS, T\_MIME\_NO\_TEXT  
X-Spam-Level:  
X-Spam-Server: imap.boreal.org  
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