

April 15, 2013

Bob Perciasepe, Acting Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

AK-13-000-4629

RECEIVED  
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OFFICE OF THE  
EXECUTIVE SECRETARIAT

Dr. Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard (R-19)  
Chicago, Illinois 60604-3507

**Re: Sixty-Day Notice of Intent to Sue for Violations of the Clean Water Act - Failure to Require NPDES Permit for the Interim Response System at the Buck Mine Discharge Site.**

This letter serves as a sixty-day notice by Richard Sloat of my intent to sue the United States Environmental Protection Agency ("EPA") for violations of the Clean Water Act 33 U.S.C. §1251 et seq. (1972) as a direct result of EPA's failure to require a National Pollutant Discharge Elimination System (NPDES) permit for industrial discharges (waste mine water) from for the Interim Response System for the Buck Mine Discharge Site. This site is located in the NE 1/4 – SE ¼ and the SE ¼ - SE ¼ of Section 1, T42N – R35W, City of Caspian, Iron County, Michigan.

This notice is pursuant to Section 505(a)(2) of the Clean Water Act (CWA) to notify EPA that unless it corrects this violation prior to such time as these industrial discharges reach the Iron River but no sooner than 60-days from receipt of this notice, I will seek redress in federal court. 33 U.S.C. § 1365(a)(2); 40 C.F.R. § 135.

Though administration of the Clean Water Act has been delegated to the state of Michigan, the EPA remains ultimately responsible for compliance with federal laws it is charged with enforcing, including the Clean Water Act. EPA has a duty to consult with states which have delegated authority and to require states to enforce the laws. EPA does not have the authority to allow states to do anything less. That is, however, exactly what has happened in this instance.

**I. IDENTIFICATION OF THE PARTIES**

Richard Sloat is a resident of Iron County, Michigan. Richard Sloat has repeatedly raised questions and referenced the Buck Mine Interim Response System at several public hearings that the Michigan Department of Environment Quality (DEQ) has been in attendance. Richard Sloat has also requested under the Freedom of Information Act if the DEQ has a National Pollutant Discharge Elimination System (NPDES) permit and received this response:

No records were found in the WRD per the description of documents on your attached FOIA request.

## II. NAME AND ADDRESS OF NOTICING PARTY

Please direct correspondence regarding this notice letter to:

Richard Sloat

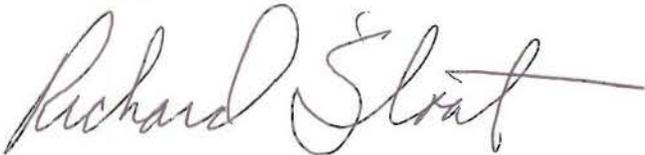
Redacted

## III. CONCLUSION

This notice letter is provided so EPA may correct the violation described above.

If EPA does not take corrective action by mandating a NPDES permit for the discharges from the Buck Mine Interim Response System to waters of the United States, Richard Sloat intends to file suit seeking injunctive relief, attorney's fees and litigation expenses, and other appropriate relief. If you wish to discuss this matter further, please contact us at the addresses provided.

Sincerely,

A handwritten signature in cursive script that reads "Richard Sloat". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Richard Sloat