



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 22 2016

REPLY TO THE ATTENTION OF

WN-16J

Ann Foss
Director, Strategic Projects Sector
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Re: MPCA's Intent to Update NPDES Permits for Mining Operations

Dear Ms. Foss:

The U.S. Environmental Protection Agency has received several reports that the Minnesota Pollution Control Agency (MPCA) does not intend to reissue expired National Pollutant Discharge Elimination System (NPDES) permits for metallic mining operations so that it can concentrate staff resources on developing a new water quality criterion for the protection of wild rice. We received these reports from news media,¹ stakeholders,² and in statements made by representatives of the MPCA in meetings with EPA.³

In July 2015, WaterLegacy submitted to EPA a petition for withdrawal of the NPDES program from the State of Minnesota. The petition alleges, among other things, that MPCA has failed to timely reissue NPDES permits for mining operations. EPA has also expressed this concern numerous times in the past, including in the 2013 MPCA-EPA Joint Priority to address this issue. Since then, MPCA has not reissued any permits nor has MPCA public noticed a draft mining permit for reissuance.

Please respond to this letter by providing by July 22, 2016, an updated schedule of NPDES permits for metallic mining operations that will be opened for reissuance, including when MPCA plans to public notice drafts of each permit, as well as a statement indicating whether or not MPCA is actively working on the reissuance of NPDES permits for mining operations and if so, state which permits are actively being worked on. The list of permits being tracked through our Joint Priority is attached for your reference.

¹ <https://www.minnpost.com/environment/2016/05/minnesota-pollution-control-agency-commissioner-permitting-process-taconite-mine>

² Meeting notes – January 21, 2016 State and Tribal Quarterly Mining Meeting discussion with MPCA regarding US Steel Minntac

³ April 26 meeting with MPCA, EPA, Grand Portage and Fond du Lac

If you have any questions, please contact me, or Krista McKim, Environmental Engineer, of my staff, at mckim.krista@epa.gov or 312.353.8270. Legal questions should be directed to Barbara L. Wester, Associate Regional Counsel, at wester.barbara@epa.gov or 312.353.8514.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin M. Pierard".

Kevin M. Pierard, Chief
NPDES Programs Branch

Enclosure

Cc: Jeff Stollenwerk, MPCA – Duluth

Metallic Mining Permit Priority List (Preliminary)⁴

NPDES ID	Permit Name	Current Major Minor Status	Issue Date	Expiration Date
NEW	POLYMET	TBD		
MN0054089	CLIFFS ERIE, LLC-HOYT LAKES (combining 2 permits)	Minor	5/4/2001	11/30/2005
MN0042579	CLIFFS ERIE LLC-DUNKA	Minor	8/3/2000	6/30/2005
MN0055301	NORTHSHORE MINING/SILVER BAY P	Major	1/26/2004	9/30/2008
MN0057207	US STEEL/MINNTAC TAILINGS BASI	Major	9/30/1987	7/31/1992
MN0050504	US STEEL CORP-MINNTAC WWTF	Minor	12/31/1984	12/31/1989
MN0069078	MESABI MINING/STEEL DYNAMICS	Minor	11/30/2007	6/30/2010
NEW	ESSAR EXPANSION	TBD		
NEW	TWIN METALS	TBD		
NEW	TECK	TBD		
NEW	DIRECT REDUCED IRON	TBD		
MN0070378	Magnetation LLC - Plant 4			NEW
MN0044946	EVELETH MINES LLC DBA EVTAC	Minor	6/30/1999	5/31/2004
MN0055964	ISPAT INLAND MINING CO-MINORCA	Minor	9/29/2000	7/31/2005
MN0042536	CLEVELAND CLIFFS LLC	Minor	5/4/2001	11/30/2005
MN0052116	UNITED TACONITE, LLC	Minor	8/25/2005	7/31/2010
MN0052493	US STEEL CORP-RESERVOIR	Minor	1/7/2004	11/30/2008
MN0049760	Hibbing Taconite Co - Tails Basin Area			4/30/2000
MN0044946	United Taconite LLC - Thunderbird Mine			5/31/2004
MN0060151	MDNR Soudan State Park			9/30/2008
MN0059633	ArcelorMittal Minorca Mine Inc. - Laurentian			12/31/2011

⁴ This is the same list that was initially provided by MPCA which is included in the EPA-MPCA Joint Priority

NPDES ID	Permit Name	Current Major Minor Status	Issue Date	Expiration Date
MN0001465	Hibbing Taconite Co - Mining Area			5/31/2013
MN0069221	Magnetation Plant 1 & Mesabi Chief Tailings Basins			6/30/2013
MN0069400	Northshore Mining Co - Silver Bay Dredge Disposal			2/28/2014
MN0046981	Northshore Mining Co - Peter Mitchell			7/31/2014
MN0069868	Magnetation Plant 2			9/30/2015
MN0020249	Midland Research Center			7/31/2016
MN0055948	Keewatin Taconite Operations - Tailings			10/31/2016
MN0031879	US Steel Corp - Keetac			10/31/2016
MN0070050	Mining Resources LLC			10/31/2016
MN0068241	Essar Steel Minnesota LLC			9/30/2017