

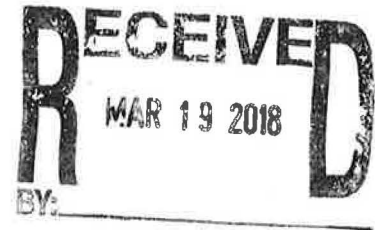


Save Our Sky  
Blue Waters



MPCA Draft NPDES/SDS Permit (MN0071013)  
MPCA Draft Air Permit (MN13700345-101)  
MPCA Draft Section 401 Certification  
Petition for Contested Case Hearings

Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194



March 15, 2018

In the Matter of the PolyMet NorthMet Copper-Nickel Mine Project

Dear Commissioner Stine,

Re: 401 Certification, draft Air and Water Quality Permits for the PolyMet - NorthMet Mine

These comments are being submitted on behalf of the following conservation organizations: Save Our Sky Blue Waters, Save Lake Superior Association, and Wetlands Action Group (hereinafter, "Organizations"). The Organizations submit these comments and Petition and Request for a Contested Case Hearing on the Minnesota Pollution Control Agency (MPCA) proposed Clean Water Act Section 401 Water Quality Certification for the Section 404 (Wetlands) Permit for PolyMet Mining, Inc.'s proposed NorthMet Project. The Conservation Organizations believe that the NorthMet Project may result in water quality standard violations on several bases. Some of these are covered by the Petition for Contested Case Hearing on the NPDES/SDS Permit that will be submitted by Minnesota Center for Environmental Advocacy, et al. We are also requesting a contested case hearing on the Water Quality Permit for the proposed PolyMet - NorthMet Mine.

Save Our Sky Blue Waters (SOSBW) is a Duluth based grassroots non-profit organization dedicated to protecting the waters, forests, wildlife and local communities of Minnesota's Arrowhead Region. The Arrowhead Region has been known as one of the most magnificent areas of the state, for its majestic forests, wetlands, and waters and because it contains the headwaters of three great watersheds: north to Rainy River, east to Lake Superior, and south to the Mississippi. The protection of these valuable resources is SOSBW's core mission. SOSBW

developed in response to proposed copper-nickel sulfide mining and exploration in northeastern Minnesota and has consistently participated at all levels in the ongoing environmental review and approval process involving the proposed PolyMet NorthMet Mine proposal. Protecting the health of the St. Louis River watershed and Lake Superior is a key component of the mission of SOSBW. Save Our Sky Blue Waters' members live, depend upon, enjoy, recreate, fish, eat and gather locally from the lands and waters, and own property in the area that would be adversely impacted by PolyMet's proposed mine.

Save Lake Superior Association (SLSA) is headquartered in Two Harbors, MN with members residing in the three states and a province on Lake Superior's shoreline and watershed. SLSA has about 250 members, many of whom fish and recreate along the North Shore of Lake Superior, in its watershed, and in the St. Louis River estuary. The mission of SLSA is to prevent further degradation of Lake Superior and to promote its rehabilitation. SLSA was formed in 1969 to stop the discharge of taconite tailings into Lake Superior by Reserve Mining Company. This waste material contains many of the same toxins such as mercury and asbestos fibers that would be generated by the mining and processing of sulfide ore by PolyMet. As stakeholders SLSA is concerned about the potential destruction of natural habitat and the pollution of both air and water in the watershed of Lake Superior, and ultimately the Lake itself, should PolyMet be permitted. Lake Superior and its watershed are downwind and downstream from current taconite and proposed sulfide mining, both of which emit these toxic substances. Even now SLSA's members, friends, and families, especially children, must limit their fish consumption due to the continuing pollution. Many are unaware of the danger and continue to consume fish as part of their daily diet. SLSA's members, and others who visit the local parks, streams, trails, shoreline, and the lake itself, are unknowingly exposed to these toxins. The release of more toxins by new mining operations would exponentially increase the pollution of the air we breathe and the water we drink.

Wetlands Action Group (WAG) represents citizens of Northeast Minnesota seeking to protect the region's waters, wetlands and watersheds. WAG became active following an improper decision by St. Louis County commissioners in 2006 to enter into an agreement for a wetlands mitigation plan for the PolyMet mine. Legal action by WAG and local citizens nullified this agreement. WAG has continued to follow, make comments, and attend meetings and hearings on the PolyMet proposal along with simultaneous wetland actions set in place to facilitate mining. Its members and supporters depend upon the water, wetlands, forests, and ecological resources of our area, and its mission is to preserve these resources for present and future generations. WAG's members who recreate, fish, eat wild rice, live in this area, or otherwise enjoy the Arrowhead region would be harmed by PolyMet's mine if it were approved. Our groups believe the permits for PolyMet's proposed sulfide mine must be denied. The proposed permits cannot and do not protect future generations from the long-term impacts of sulfide mining.

PolyMet's permits are written to allow contamination up to the site's boundary line, which encompasses many square miles. In Minnesota, groundwater belongs to the public even when it

is located within private property, just as surface water does. The permits need to address how polluted water from the PolyMet site will impact ground water.

The Environmental Impact Statement (EIS) promised that an underground wall built to contain and collect groundwater in the most polluted areas will be at least 90 percent effective. The permits deem the system acceptable if it works under "average annual conditions," effectively disregarding the potential for snowmelt and heavy rainfall to flush pollution through cracks in the wall. The permits provide no standards and no fines if the system fails -- even if surface streams become polluted as a result.

The most disturbing aspect of this plan is that there is no end point. Modeling suggests that the underground barriers will need to stay intact -- along with a continuously operating pump-and-treat system -- for centuries.

Also continuing for a thousand years or more are the dangers presented by the tailings basin dam. It is unconscionable to allow more liquid tailings to be stored on an outdated and contaminated existing tailings basin. We object to the State of Minnesota sanctioning this threat to future generations living downstream.

- Air emissions have not been adequately addressed. These include arsenic, mercury, sulfur, blasting compounds, and metals and dust from the blasting, hauling, crushing, and hydrometallurgical process.
- Synergistic effects upon human and environmental health have not been addressed.
- Cumulative impacts are missing, resulting in weak and/ or faulty environmental conclusions (errors).
- Air emissions will exacerbate water quality violations, but have not been figured in.
- Rail spillage is not adequately considered, although this would have broad ramifications for toxicity to the environment and water resources.
- It is contradictory to consider wetlands as mitigation for toxic metals without considering the over-all impacts to the ecological health of the wetlands themselves, and the biosystems that are dependent upon them.
- Baseline monitoring/modeling must be done on wetlands that would be impacted by PolyMet's mining.
- Mercury is a concern for the entire Great Lakes basin. No new or increased loads or discharges of mercury should be allowed. The conclusion that this project will not contribute additional mercury to the Lake Superior basin is in error.
- Nickel modeling must be redone, especially due to the fact that nickel will be the hardest to extract from the ores, so there will likely be high amounts left in plant residues.
- Seasonal and other fluctuations in water cycles must be considered in wetlands' ability to sequester toxic metals.
- Aluminum must be accurately addressed in spillage models.
- It is not sufficient to address water quality problems after they develop.

We also ask that MPCA and MDNR consolidate all of the permits and issues into one hearing. There is a great deal of overlap between the permits, including the 401 Certification.

Conclusion: The PolyMet EIS, and subsequent draft permits and proposed 401 Certification, evade the seriousness of pollution impacts to the air, surface, and waters of the NorthMet site and surrounding wetlands, forests, and waters--and the co-existent aquatic, plant, and wildlife species--as well as impacts to human health.

This environmental process, as it now stands, will only lead to the continued degradation of the environment and water of northeast Minnesota--for all future generations. Please protect the future of the people, wildlife and waters of northeastern Minnesota by saying "no" to this mine plan.

#### Incorporate by Reference

The Conservation Organizations incorporate by reference our comments on the PolyMet NorthMet Mine and Land Exchange EIS; the Comments of MCEA *et al.* on the NorthMet Dam Safety Permits submitted to the DNR on October 16, 2017; the Joint Petition of MCEA *et al.* for a Contested Case Hearing on the NorthMet Permit to Mine Application submitted to DNR on February 28, 2018; the Comments and Objections of MCEA *et al.* to the DNR on the NorthMet Mine Project Permit to Mine Application submitted to the DNR on March 6, 2018; Friends of the Boundary Waters *et al.* Petition for Contested Case Hearing on Section 401 Certification for the NorthMet Mine. The Conservation Organizations request that these documents be considered as part of our comments. We are submitting the *Friends of BWCAW\_CBD Petition for CCH (2).pdf* as part of our comments and petition.

Thank you for the opportunity to comment on this proposed project, which has enormous implications for the Superior National Forest, the Arrowhead region, the state of Minnesota, and the Lake Superior watershed.

We believe that a contested case hearing(s) is necessary to correct errors for the draft Water Quality Permit and 401 Certification.

Respectfully submitted,

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