STATE OF MINNESOTA COUNTY OF RAMSEY DISTRICT COURT SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

In the Matter of the Denial of Contested Case Hearing Requests and Issuance of National Pollutant Discharge Elimination System/State Disposal System Permit No. MN0071013 for the Proposed NorthMet Project, St. Louis County, Hoyt Lakes and Babbitt, Minnesota Court File No. 62-CV-19-4626 Judge John H. Guthmann

DECLARATION OF MATTHEW L. MURDOCK

City of Washington ) ss.
District of Columbia )

I, Matthew L. Murdock, hereby declare as follows:

- 1. I am an attorney licensed in the District of Columbia, New Mexico, and North Dakota. In the above-captioned matters, I represent the Fond du Lac Band of Lake Superior Chippewa ("Band"). As a result of that representation, I am familiar with the matters contained in this declaration.
- 2. The Band would be severely prejudiced if Kevin Pierard is unable to testify in these proceedings. Mr. Pierard is a critical witness in these proceedings. Mr. Pierard was the Region 5 NPDES branch chief responsible for review of the PolyMet NPDES permit. Mr. Pierard has direct knowledge of critical facts supporting Relators' claims of procedural irregularities. Mr. Pierard was actively engaged in the calls and meetings between the Minnesota Pollution Control Agency ("MPCA") and the U.S. Environmental Protection Agency ("EPA") throughout the PolyMet permitting process. Mr. Pierard read EPA's written comments aloud to MPCA staff on April 5, 2018; participated in meetings with MPCA and PolyMet in September 2018; and signed a memorandum dated December 18, 2018 that describes EPA Region 5's review of PolyMet's

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proposed NPDES permit. I expect Mr. Pierard to testify as to matters regarding Relators' claims

of procedural irregularities that are critical to a full and fair determination of procedural

irregularities.

I declare under penalty of perjury that everything I have stated in this document is true and

correct.

Dated: December 4, 2019

s/Matthew L. Murdock

MATTHEW L. MURDOCK